

BILL ANALYSIS

SENATE RULES COMMITTEE Office of Senate Floor Analyses 1020 N Street, Suite 524 (916) 445-6614 Fax: (916) 327-4478	SB 25
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 UNFINISHED BUSINESS

Bill No: SB 25
 Author: Escutia (D), et al
 Amended: 9/2/99
 Vote: 21

SENATE ENV. QUALITY COMMITTEE : 8-1, 4/12/99
 AYES: Sher, Alpert, Alarcon, Chesbro, Hayden, McPherson,
 O'Connell, Solis
 NOES: Wright
 NOT VOTING: Rainey

SENATE APPROPRIATIONS COMMITTEE : 8-0, 5/27/99
 AYES: Johnston, Alpert, Bowen, Burton, Escutia, Karnette,
 Perata, Vasconcellos
 NOT VOTING: Johnson, Kelley, Leslie, McPherson, Mountjoy

SENATE FLOOR : 25-14, 6/2/99
 AYES: Alarcon, Alpert, Baca, Bowen, Burton, Chesbro,
 Costa, Dunn, Escutia, Figueroa, Hayden, Hughes, Johnston,
 Karnette, McPherson, Murray, O'Connell, Peace, Perata,
 Polanco, Schiff, Sher, Solis, Speier, Vasconcellos
 NOES: Brulte, Haynes, Johannessen, Johnson, Kelley,
 Knight, Leslie, Lewis, Monteith, Morrow, Mountjoy,
 Poochigian, Rainey, Wright
 NOT VOTING: Ortiz

ASSEMBLY FLOOR : 52-25, 9/7/99 - See last page for vote

SUBJECT : Environmental health protection: children

SOURCE : American Lung Association
 California League of Conservation Voters

CONTINUED

SB 25
Page

2

Sierra Club

DIGEST : This bill requires the State Air Resources Board to carry out an ongoing review of ambient air quality and toxic air contaminants.

This bill also creates a Children's Environmental Health Center within CAL EPA to, among other things, serve as the chief advisor to the Secretary of CAL EPA on matters within the agency relating to environmental health and environmental protection as it relates to children.

Assembly Amendments :

1. Clarify that pesticides are not covered in this bill.
2. Specify that safety factors for criteria air pollutants would adhere to existing federal law, which requires an "adequate" margin of safety.
3. Include references to existing law that ensure the inclusion of a peer review process.
4. Make minor technical changes.
5. Add a provision to match SB 1195 (Hayden) to conform conflicting sections if both measures are signed into law.

ANALYSIS : Existing law:

1. Requires the State Air Resources Board (ARB) to adopt state ambient air standards based upon consideration of the public health, safety, and welfare, and further requires that such standards be based upon the recommendations of the State Department of Health

Services (DHS).

- 2.Requires the ARB to monitor air pollutants in cooperation with local air districts and, among other things, by July 1, 1996, to develop a uniform methodology for assessing and reducing population exposure to subpopulations such as children, the elderly, and other sensitive

SB 25
Page

3

subpopulations, to ambient air pollutants which exceed state standards.

- 3.At the request of the ARB, requires the Office of Environmental Health Hazard Assessment (OEHHA) to prepare an evaluation of substances which may be determined to be toxic air contaminants and specifies procedures for the preparation and submittal of the evaluation.
- 4.Requires the South Coast Air Quality Management District (SCAQMD) to provide specified notifications to the public and to schools within the district whenever a federal ambient air standard is exceeded.
- 5.Under Governor's Reorganization Plan #1 of 1991, establishes the California Environmental Protection Agency which consists of the Office of the Secretary for Environmental Protection, the ARB, the OEHHA, the California Integrated Waste Management Board (CIWMB), the State Water Resources Control Board (SWRCB), the State Department of Toxic Substances Control (DTSC), and the State Department of Pesticide Regulation (DPR).

This bill:

1. Make findings and declarations relative to the particularly acute adverse environmental effects of air pollution on children and relative to the intent of the Legislature to ensure that state air standards take such effects into account.
2. Creates a Children's Environmental Health Center within the Office of the Secretary for Environmental Protection to advise the Secretary, to assist the boards, departments, and offices within the agency, to coordinate within the agency issues affecting children's environmental health and to, in consultation with the ARB and the OEHHA, report to the Legislature by December 31, 2001 on progress toward implementation and make recommendations for any changes necessary to protect the public health, including infants and children, from air pollutants and toxic air contaminants.
3. Requires OEHHA, as part of its recommendations to the

SB 25
Page

4

ARB upon which the latter agency's ambient air pollution standards are based, to expressly assess specific impacts of such pollutants on children and infants.

4. Establishes a series of deadlines under which the ARB would review health-based ambient air standards for their effects on the public, including children and infants, revise the highest priority ambient air quality standard determined to be inadequate to protect infants and children, and thereafter revise additional standards determined inadequate, establish standards at levels that adequately protect the public, including infants and children, and provides that the ARB is not otherwise limited in the health effects information it may consider.
5. On or before January 1, 2003, requires the ARB to evaluate the adequacy of its existing monitoring network to ensure that it collects data necessary to determine exposures to children and infants, to identify areas where such exposures are not adequately monitored, to recommend changes to improve monitoring for children and infants, and to expand its existing network in six communities which meet specified criteria.
6. As part of its evaluation of substances which may be determined to be toxic air contaminants, requires OEHHA

to use the most current scientific principles and practices, and, to the extent such information is available, to consider exposure patterns, susceptibility, and effects of toxic air contaminants on infants and children.

7. Directs OEHHA, in consultation with ARB and the Scientific Review Panel, to develop a list of up to five toxic air contaminants by July 1, 2001, that may cause infants and children to be especially susceptible to illness. This list shall be reviewed by the Scientific Review Panel.
8. Requires ARB to review and revise control measures for the Toxic Air Contaminants (TACs) in order to reduce exposure to those TACs, within two years of creation of the list. Within three years of the creation of the

SB 25
Page

5

list, ARB shall prepare a report on the need for further regulations and adopt control measures to reduce children's exposure.

9. Requires OEHHA, beginning on July 1, 2004, to annually evaluate at least 15 TACs selected by ARB. OEHHA shall update that list annually thereafter based on the review.
10. Requires the SCAQMD, to the extent feasible and upon request, to notify day care centers whenever federal ambient air pollutant standards are exceeded.

Comments

Concerns over the health effects of environmental pollution on children have become a matter of increasing interest in the past several years. In 1997, the President issued an Executive Order directing federal agencies to take into account risks posed to children and establishing a federal task force to study such risks. Since that time, the US EPA has established an Office of Children's Health Protection, which performs many of the same functions as the state office established under this bill.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: Yes

SUPPORT : (Verified 9/7/99)

American Lung Association (co-source)
Sierra Club (co-source)
California League of Conservation Voters (co-source)
California Coalition of United Cerebral Palsy Associations
California Nurses Association
California Teachers Association
Children's Advocacy Institute
Los Angeles County District Attorney's Office
National Council of Jewish Women of Los Angeles
Planning and Conservation League
Gray Panthers of Sacramento
League of Women Voters of California
American Academy of Pediatrics

SB 25
Page

6

California Air Pollution Control Officer's Association (in concept)
California Association of Environmental Health Administrators
California Congress of Parents, Teachers, and Students, Inc. (PTA)
City of Commerce
Coalition for Clean Air
County of Santa Barbara Kids Network
Professor Terry A. Trumbull, San Jose State University, Department of Environmental Studies
Residents for a Better Alhambra
South Coast Air Quality Management District
Association of Bay Area Governments
Desert Citizens Against Pollution
Los Angeles City Attorney
Maternal and Child Health Access

Natural Resources Defense Council

OPPOSITION : (Verified 9/7/99)

The following groups opposed the prior version of the bill:

Roofing Contractors Association of California
 Western Crop Protection Association
 Agricultural Council of California
 American Forest and Paper Association
 American Plastics Council
 California Agricultural Aircraft Association
 California Citrus Mutual
 California Cotton Ginners Association
 California Cotton Growers Association
 California Fertilizer Association
 California Grain and Feed Association
 California Independent Oil Marketers Association
 California League of Food Processors
 California Mining Association
 California Seed Association
 California Warehouse Association
 Chemical Industry Council of California
 Metal Finishing Association of Southern California
 Western Growers Association
 Department of Finance

SB 25
Page

7

ARGUMENTS IN SUPPORT : According to the author's office, this measure is intended to ensure that state ambient and toxic air contaminant standards expressly take into account, and protect, infants and children. The author, and supporters of the bill, note that children face an array of complex health threats from environmental exposures, and that they are often more susceptible to such threats than adults. Supporters further point out that children in disadvantaged and minority communities often suffer disproportionately high environmental exposures to hazardous air pollutants from multiple sources such as automobiles, manufacturing facilities and the like. This measure is intended to ensure that California's air standards take into account, and protect, infants and children.

ARGUMENTS IN OPPOSITION : On the prior version of the bill industry groups stated that the bill "does not incorporate sufficient opportunity for scientific peer review and public input." They also questioned the need for an Office of Children's Health in CAL-EPA and the scope and nature of that office's role in the agency. Finally, opponents stated that the monitoring provisions of the bill appear to be disassociated from the standard-setting provisions. _

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ASSEMBLY FLOOR :

AYES: Alquist, Aroner, Bock, Calderon, Cardenas, Cedillo, Corbett, Correa, Cunneen, Davis, Ducheny, Dutra, Firebaugh, Floyd, Frusetta, Gallegos, Havice, Hertzberg, Honda, Jackson, Keeley, Knox, Kuehl, Leach, Lempert, Longville, Lowenthal, Machado, Maldonado, Mazzoni, Migden, Nakano, Robert Pacheco, Rod Pacheco, Papan, Pescetti, Romero, Scott, Shelley, Soto, Steinberg, Strom-Martin, Thomson, Torlakson, Vincent, Washington, Wayne, Wiggins, Wildman, Wright, Zettel, Villaraigosa
 NOES: Aanestad, Ackerman, Ashburn, Baldwin, Bates, Baugh, Brewer, Briggs, Campbell, Cardoza, Cox, Dickerson, Florez, Granlund, House, Leonard, Maddox, Margett, McClintock, Olberg, Oller, Reyes, Runner, Strickland, Thompson
 NOT VOTING: Battin, Kaloogian, Wesson

SB 25
Page

8

CP:sl 9/8/99 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****

