

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 8, 2021

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations
Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No: 21-0002-S43
Assignment No: 21-03-0241

SUBJECT: AB 480 (Carrillo)

CLA RECOMMENDATION: Adopt the attached Resolution (O'Farrell – Koretz) to include in the City's 2021 - 2022 State Legislative Program SUPPORT for AB 480 (Carrillo), which would authorize a Certified Unified Program Agency (CUPA) in consultation with the local health officer to take specified actions to protect the health and safety of the public against hazardous waste, including the ability to issue an order to an emitter of hazardous waste to suspend or discontinue activity that is threatening public health.

SUMMARY

On February 10, 2021 a Resolution (O'Farrell – Koretz) was introduced in Council to support AB 480 (Carrillo), which would amend Section 25510 of the Health and Safety Code, relating to hazardous substances. The Resolution states AB 480 would authorize a CUPA, without a declaration of a local health emergency, to take specified actions to protect the health and safety of the public. It also states the bill would require that a release or threatened release of a hazardous material be reported to a CUPA and the Office of Emergency Services. AB 480 would require a handler, employee, authorized representative, agent, or their designee to provide state, city, county fire, public health, or safety personnel and emergency response personnel with access to the handler's facility if there is a release or threat of a hazardous material release at the facility. The Resolution, therefore, seeks an official position of the City of Los Angeles to support AB 480 to protect the public against hazardous waste.

BACKGROUND

On February 8, 2021 AB 480 was introduced by Assembly Member Carrillo to amend Section 25510 of the Health and Safety Code, relating to hazardous substances. Under existing law, the Department of Toxic Substances Control (DTSC) regulates the handling and management of hazardous substances, materials, and waste. Under existing law, the DTSC is required to issue hazardous waste facilities permits to facilities handling hazardous waste and to enforce the requirements of hazardous waste control laws. AB 480 would create the Board of Environmental Safety in the California Environmental Protection Agency, which would review policies, processes, and programs within the hazardous waste control laws, as well as propose statutory, regulatory, and policy changes. AB 480 would require the DTSC to prepare a report containing an analysis of available data related to hazardous waste and hazardous waste management facilities by March 1, 2023 and every three years thereafter; and require the state hazardous waste management plan to be based on the information contained in that report.

Under existing law, the Secretary for Environmental Protection is required to implement a unified hazardous waste and hazardous materials management regulatory program. This bill would require businesses to report the release or threatened release of any hazardous waste to a Certified Unified Program Agency (CUPA) and the Office of Emergency Services immediately upon discovery. The bill would require a handler, employee, authorized representative, agent, or their designee to provide the state, city, county fire, public health, or safety personnel and emergency response personnel with access to the facility if there is a release or threatened release at their facility.

Under existing law, whenever a release, spill, escape, or entry of waste occurs, the Director of Public Health or the local health officer is authorized to declare a health emergency in any area thereof affected by the threat. In the event of a hazardous waste spill or release, this bill would authorize a CUPA to reasonably determine if the hazardous waste poses an imminent and substantial endangerment to the public health and to take actions to protect the health and safety of the public without the need of a declaration of a local health emergency.

In the event of a hazardous waste spill, escape, or entry of the hazardous waste or hazardous substance, this bill would authorize a CUPA to issue an order to the responsible party to immediately suspend or discontinue the activity causing or contributing to the issue. The bill would require the order to remain in effect until the CUPA determines that the imminent and substantial endangerment to public health has been abated. AB 480 (Carrillo) would give a CUPA the authorization to coordinate with other appropriate regulatory agencies that may take any other action necessary to protect the public health, including environmental investigations and temporary relief to or relocation of any affected individuals.

BILL STATUS

AB 480

04/05/21	Re-referred to Committee on Environmental Safety & Toxic Materials (E.S. & T.M.)
03/30/21	From committee chair, with author's amendments: Amend, and re-refer to Committee on E.S & T.M. Read second time and amended.
02/18/21	Referred to Committee on E.S. & T.M.
02/09/21	From printer. May be heard in committee March 11.
02/08/21	Read first time. To print.



Kimberly A. Tejada
Analyst

SMT:kat

Attachments: Resolution (O'Farrell – Koretz)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under state law multiple regulatory authorities have jurisdiction over businesses that handle or generate hazardous waste and materials that pose a risk to public health and safety; and

WHEREAS, at the local level, the Certified Unified Program Agency (CUPA) is responsible for implementing and enforcing hazardous materials and waste laws; and

WHEREAS, in the City of Los Angeles, the Fire Department serves as the CUPA, and is responsible for the oversight of numerous hazardous materials facilities across the City; and

WHEREAS, a CUPA can cite violators of hazardous materials laws, but does not have the authority to direct businesses that pose an imminent threat to public health and safety to cease operations; and

WHEREAS, AB 480 (Carrillo) would authorize the CUPA, without a declaration of a local health emergency, to take specified actions to protect the health and safety of the public, including, among others, issuing an order to the responsible party to immediately suspend or discontinue the activity causing or contributing to the release, spill, escape, or entry of the hazardous waste or hazardous substance; and

WHEREAS, AB 480 would also require a business, reporting the release or threatened release of hazardous materials to the CUPA and the State Office of Emergency Services, to provide state, city, or county fire or public health or safety personnel and emergency response personnel with access to the facility where there is a release or threatened release of hazardous materials; and

WHEREAS, this legislation is needed to ensure that the public is adequately protected from hazardous materials and that local authorities are empowered to protect the public;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021 - 2022 State Legislative Program SUPPORT for AB 480 (Carrillo), which would authorize the local Certified Unified Program Agency (CUPA), in consultation with the local health officer to take specified actions to protect the health and safety of the public against hazardous waste, including the ability to issue an order to an emitter of hazardous waste to suspend or discontinue activity that is threatening public health.

PRESENTED BY:

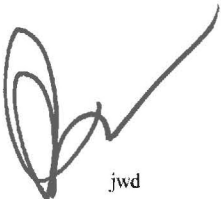

MITCH O'FARRELL

Councilmember, 13th District

SECONDED BY: _



FEB 10 2021


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