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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406]** ( Division 104 added by Stats. 1995, Ch. 415, Sec. 6. )

**PART 12. DRINKING WATER [116270 - 117130]** ( Part 12 added by Stats. 1995, Ch. 415, Sec. 6. )

**CHAPTER 4. California Safe Drinking Water Act [116270 - 116755]** ( Chapter 4 added by Stats. 1995, Ch. 415, Sec. 6. )

**ARTICLE 3.6. Constituents of Emerging Concern Action Fund [116416 - 116424]** ( Article 3.6 added by Stats. 2022, Ch. 676, Sec. 2. )

**116416.** For purposes of this article, the following definitions apply:

- (a) "CEC" means a constituent of emerging concern.
  - (b) "Panel" means the Science Advisory Panel for CECs in drinking water specified in Section 116418.
  - (c) "Program" means the Constituents of Emerging Concern in Drinking Water Program specified in Section 116417.
- (Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)

**116417.** (a) The state board shall build upon its existing work dealing with, and work to improve its knowledge of, CECs in waters of the state and drinking water. As part of the state board's work on CECs, the deputy director shall work to improve the knowledge of CECs in drinking water by assessing the state of information, and may recommend areas for further studies, such as the following:

- (1) The occurrence of CECs in drinking water.
- (2) Fate, transport, and biodegradation of CECs.
- (3) Water treatment and laboratory analyses.
- (4) The potential effects on public health of CECs in drinking water.

(b) The state board may establish, maintain, and direct a dedicated program called the Constituents of Emerging Concern in Drinking Water Program.

- (c) Nothing in this article limits the state board's existing authority to act on CECs.
- (d) Nothing in this article changes or interferes with the state board's ongoing activities on CECs.

(Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)

**116418.** (a) The deputy director may convene a Science Advisory Panel for CECs in drinking water.

(b) (1) The panel may include at least nine members comprised of the following:

(A) Seven experts appointed by the deputy director from the following fields:

- (i) Public health sciences.
- (ii) Water and wastewater, including water treatment, engineering.
- (iii) Toxicology.
- (iv) Epidemiology.

(v) Chemical sciences.

(vi) Biological sciences, including pathogens.

(vii) Human health risk assessment.

(B) One expert in public health who has expertise in water contamination, appointed by the Speaker of the Assembly within 60 days of the deputy director calling for the formation of the panel.

(C) One expert in public health who has expertise in water contamination, appointed by the President pro Tempore of the Senate within 60 days of the deputy director calling for the formation of the panel.

(2) Panel members shall not have financial conflicts of interest.

(c) The deputy director may adjust panel membership numbers and composition, as necessary.

(d) Any science advisory panel convened pursuant to this section shall hold at least one open public session to take public comment before releasing any final reports or findings.

*(Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)*

**116419.** (a) The panel shall serve at the direction of the deputy director. At the deputy director's request, the panel's duties may include, but are not limited to, any of the following activities in consultation with the Office of Environmental Health Hazard Assessment and, as needed, the Department of Toxic Substances Control:

(1) Review existing data, including, but not limited to, occurrence and toxicity data, for CECs collected by the state board and nationwide by the United States Environmental Protection Agency's Unregulated Contaminant Monitoring Rule program and recommend to the deputy director further actions based on state-specific conditions and the state's CEC initiatives.

(2) Identify CEC candidates based on potential public health effects.

(3) Incorporate recommendations from other ongoing efforts evaluating CECs both within California and throughout the United States, as applicable.

(4) Review the existing CEC risk-based framework in aquatic and recycled water systems to see if the framework is applicable to drinking water.

(5) Recommend a framework for a risk-based screening program for CECs and appropriate indicators and surrogates that consider their occurrence in drinking water, contribution and fate in the environment, and potential for human exposure.

(6) Review the results of any screening program, which may include screening programs within California and throughout the United States, and provide recommendations to assist the deputy director in prioritizing, monitoring, evaluating health impacts, and informing regulatory determinations for CECs.

(7) Address the United States Environmental Protection Agency's Contaminant Candidate List and not create any impediments to complying with federal law or duplicative monitoring.

(b) Nothing in this section or Section 116418 shall duplicate, change, or interfere with the state board's or the deputy director's ongoing efforts on perfluoroalkyl and polyfluoroalkyl substances and CECs.

*(Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)*

**116420.** (a) If the state board imposes CEC monitoring requirements pursuant to Section 116375, the state board may provide financial assistance, upon appropriation by the Legislature for this purpose, to eligible recipients. Eligible recipients of these funds shall be community water systems serving fewer than 10,000 individuals and located in disadvantaged communities. The state board may also provide funding to technical assistance providers that assist eligible recipients in complying with CEC monitoring imposed by the state board.

(b) For purposes of this section,

"technical assistance provider" has the same meaning as defined in Section 116767.

*(Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)*

**116421.** The Legislature finds and declares that the program is intended to help inform the deputy director in recommending regulatory determinations for CECs and is not intended to supersede any requirements related to setting drinking water standards or

a public health goal as prescribed in Section 116365 or a notification level or a response level as prescribed in Section 116455.

*(Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)*

**116422.** (a) The CEC Action Fund is hereby established in the State Treasury. The state board shall administer the CEC Action Fund.

(b) All moneys deposited in the CEC Action Fund may be used, upon appropriation by the Legislature, in support of, but not limited to, all of the following:

(1) Costs associated with developing, maintaining, implementing, and administering the state board's CEC efforts.

(2) Costs associated with establishing and maintaining the panel, developing a risk-based screening program, collecting occurrence data, and reporting on those activities.

(3) Costs associated with developing standardized analytical methods internally by the state board or through external contracts, direct expenditures, or grants.

(4) Costs associated with contracts, direct expenditures, or grants to public or private external research organizations to fill research gaps.

(5) Public participation and outreach efforts pursuant to Section 116423.

(6) Other state board costs associated with implementing and administering the program, including monitoring pursuant to Section 116375 and administrative costs.

(7) Costs associated with financial assistance provided to community water systems for monitoring CECs pursuant to Section 116420.

(8) Costs associated with the state board's research and scientific investigations related to perfluoroalkyl and polyfluoroalkyl substances.

(c) (1) The state board may provide for the deposit into the CEC Action Fund of federal contributions, voluntary contributions, gifts, grants, bequests, transfers by the Legislature from the General Fund, and funding from authorized general obligation bond acts. All moneys remitted to the state board pursuant to this section shall be deposited in the CEC Action Fund.

(2) Any federal contributions shall be subject to federal requirements and shall be used only for the permissible purposes allowed by the federal law or a federal grant deposited in the fund, to the extent authorized and funded by that grant.

(d) Contracts entered into pursuant to this section are exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and Section 4526 of the Government Code, and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section.

(e) Actions taken to implement, interpret, or make specific this section, including, but not limited to, the adoption of any plan, handbook, or map, are not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(f) The state board may, upon appropriation by the Legislature, expend moneys from the CEC Action Fund for reasonable costs associated with the administration of this article.

*(Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)*

**116423.** (a) The program shall provide opportunities for public participation. Public participation may include, but is not limited to, conducting periodic stakeholder meetings and workshops to solicit relevant information, data, suggestions, and feedback for the development and implementation of the program.

(b) The state board may maintain a program internet website and make relevant research, reports, and data available to the public.

(c) The state board may provide an annual program update, as an informational item, at a regularly noticed meeting of the state board.

(d) (1) If the deputy director convenes a panel pursuant to this article, the deputy director shall, three years after the panel is convened, post a report to the state board's internet website on the work conducted by the panel.

(2) The requirement for posting a report imposed under paragraph (1) is inoperative on June 1, 2030.

*(Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)*

**116424.** Implementation of this article is contingent upon an appropriation by the Legislature for purposes of this article in the annual Budget Act or another statute.

*(Added by Stats. 2022, Ch. 676, Sec. 2. (SB 230) Effective January 1, 2023.)*