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SB-1263 Ocean Protection Council: Statewide Microplastics Strategy. (2017-2018)

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Senate Bill No. 1263

CHAPTER 609

An act to add Chapter 3.2 (commencing with Section 35635) to Division 26.5 of the Public Resources Code, relating to pollution.

[Approved by Governor September 20, 2018. Filed with Secretary of State September 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, Portantino. Ocean Protection Council: Statewide Microplastics Strategy.

The California Ocean Protection Act establishes the Ocean Protection Council in state government and prescribes the functions and duties of the council with regard to the protection and conservation of coastal waters and ocean ecosystems.

This bill would require the council, to the extent funds are available from bonds or other sources, to adopt and implement a Statewide Microplastics Strategy, related to microplastic materials that pose an emerging concern for ocean health, that includes specified components, as provided. The bill would authorize the council, in collaboration with the State Water Resources Control Board, the Office of Environmental Health Hazard Assessment, and other interested entities, to enter into one or more contracts with marine research institutes in the state for the provision of research services that would contribute directly to the development of the Statewide Microplastics Strategy. The bill would require the council, subject to the availability of funding, to submit the Statewide Microplastics Strategy to the Legislature on or before December 31, 2021, and to report to the Legislature on the implementation and findings of the Statewide Microplastics Strategy, and on recommendations for policy changes or additional research, on or before December 31, 2025.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 3.2 (commencing with Section 35635) is added to Division 26.5 of the Public Resources Code, to read:

CHAPTER 3.2. Microplastic Materials

35635. (a) The Legislature finds and declares all of the following:

- (1) Through the adoption of the California Ocean Litter Prevention Strategy, the council has led the development of long-term policies to address marine debris.
- (2) Although substantial scientific research on microplastics exists, further research will complement and support continuing efforts to reduce microplastic pollution.

(3) In addition to the development of a long-term Statewide Microplastics Strategy, early actions to prevent and reduce known impacts of microplastics to the marine environment should be pursued.

(4) This chapter is not intended to preclude the Legislature from enacting legislation to reduce microplastic pollution either before or after the Statewide Microplastics Strategy is adopted and implemented.

(b) To the extent that funds are available from bonds or other sources, including from federal, state, academic, or other public or private entities, on or before December 31, 2024, the council shall adopt and implement a Statewide Microplastics Strategy related to microplastic materials that pose an emerging concern for ocean health. The council shall work with the State Water Resources Control Board, the Office of Environmental Health Hazard Assessment, and other interested entities in the development of the Statewide Microplastics Strategy. The goal of the Statewide Microplastics Strategy shall be to increase the understanding of the scale and risks of microplastic materials on the marine environment and identify proposed solutions to address the impacts of microplastic materials, to the extent feasible.

(c) The council, in collaboration with the State Water Resources Control Board, the Office of Environmental Health Hazard Assessment, and other interested entities, may enter into one or more contracts with marine research institutes in the state, including those associated with the University of California, the California State University, Stanford University, the California Ocean Science Trust, and other academic and research institutions that have demonstrated expertise relating to the effects of microplastic materials on ocean health, for the provision of research services that would contribute directly to the development of the Statewide Microplastics Strategy.

(d) The Statewide Microplastics Strategy shall include, but is not limited to, all of the following components:

(1) The development of a comprehensive prioritized research plan that includes research that will support the development of risk assessments for microplastics in the marine environment habitat types of California.

(2) The development of standardized methods for sampling, detecting, and characterizing microplastics.

(3) The characterization of ambient concentrations of microplastics in the marine environment and an assessment of the associated environmental impacts, by microplastic particle age, size, shape, type, and location.

(4) An investigation of the sources and relative importance of pathways associated with the environmental impacts of microplastics determined to be significant pursuant to paragraph (3).

(5) The development of a risk assessment framework for microplastics, based on the best available information on exposure of microplastics to organisms, including humans, through pathways that impact the marine environment.

(6) Research on approaches for reducing the introduction of microplastics into the marine environment from significant pathways of exposure, with an emphasis on the sizes, shapes, and types of microplastics that are associated with significant environmental impacts.

(7) Use of the risk assessment framework developed pursuant to paragraph (5) to evaluate options, including source reduction and product stewardship techniques, barriers, costs, and benefits.

(8) Recommendations for policy changes, including statutory changes, or additional research that may be needed.

(e) The council may include the Statewide Microplastics Strategy within the council's California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea.

(f) In developing and implementing the Statewide Microplastics Strategy, the council may utilize existing information and leverage ongoing efforts, where possible.

(g) (1) On or before December 31, 2021, subject to the availability of funding, the council shall submit the Statewide Microplastics Strategy to the Legislature, in compliance with Section 9795 of the Government Code. The council may at that time also submit recommended policy changes, including statutory changes, that may be needed to implement the Statewide Microplastics Strategy.

(2) On or before December 31, 2025, subject to the availability of funding, the council shall report to the Legislature, in compliance with Section 9795 of the Government Code, on the implementation of the Statewide Microplastics Strategy and the council's findings pursuant to paragraphs (1) to (7), inclusive, of subdivision (d) and shall make recommendations to the Legislature pursuant to paragraph (8) of subdivision (d).

(3) The reports required pursuant to paragraphs (1) and (2) shall be complementary to, and not preclude appropriate implementation of, the individual components of the council's California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea.

(4) Pursuant to Section 10231.5 of the Government Code, the requirement for submitting the Statewide Microplastics Strategy and any recommended policy changes imposed by paragraph (1) is inoperative on December 31, 2025, and the requirement for submitting a report imposed by paragraph (2) is inoperative on December 31, 2029.