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AB-661 Wildfire Smoke Air Pollution Emergency Plan: Sacramento Metropolitan Air Quality Management District. (2019-2020)

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Date Published: 10/02/2019 09:00 PM

Assembly Bill No. 661

CHAPTER 392

An act to add Article 8 (commencing with Section 41090) to Chapter 11 of Part 3 of Division 26 of, and to repeal Section 41094 of, the Health and Safety Code, relating to nonvehicular air pollution.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 661, McCarty. Wildfire Smoke Air Pollution Emergency Plan: Sacramento Metropolitan Air Quality Management District.

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would require the Sacramento Metropolitan Air Quality Management District to prepare a wildfire smoke air pollution emergency plan as an informational source for local agencies and the public during a wildfire smoke air pollution emergency, as specified. The bill would authorize the Sacramento Metropolitan Air Quality Management District to conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects with respect to wildfire smoke impact control measures. The bill would require the Sacramento Metropolitan Air Quality Management District, by January 1, 2022, to submit to the Legislature a report regarding the development of the plan. By imposing additional duties on the Sacramento Metropolitan Air Quality Management District, the bill would impose a state-mandated local program. The bill would require the State Air Resources Board, in coordination with air districts, to submit to the Legislature a report on information regarding wildfire smoke air pollution emergency response programs, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Sacramento Metropolitan Air Quality Management District.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Article 8 (commencing with Section 41090) is added to Chapter 11 of Part 3 of Division 26 of the Health and Safety Code, to read:

Article 8. Wildfire Smoke Air Pollution Emergency Plan

41090. (a) (1) The Sacramento district shall prepare a wildfire smoke air pollution emergency plan as an informational source for local agencies and the public during a wildfire smoke air pollution emergency.

(2) The Sacramento district shall develop the wildfire smoke air pollution emergency plan in coordination with its county health officer and in consultation with all of the following:

- (A) Local offices of emergency management or emergency services.
- (B) School districts.
- (C) Regional planning agencies.
- (D) The state board.

(b) The plan prepared pursuant to this section shall include, but need not be limited to, all of the following:

(1) Recommendations and guidelines that will be health protective during wildfire smoke air pollution emergencies that include all of the following:

- (A) Specific recommendations based on different tiers of air quality during a wildfire smoke event.
- (B) Strategies, protocols, and guidelines for the monitoring at schools of air quality using low-cost sensors and other air quality monitoring information.
- (C) A short-term air quality metric that is advisory and provides details of the health effects of the wildfire smoke that occur on a time scale of less than 24 hours, subject to the approval of the state board.

(2) An identification of the local agency statutorily responsible to take action at different thresholds.

(3) Recommendations and best practices for private businesses and public agencies to reduce or modify certain activities that contribute to the worsening of air pollution during a wildfire smoke air pollution emergency.

(4) Specific strategies to address vulnerable populations, including, but not limited to, all of the following:

- (A) Schoolage children.
- (B) The elderly.
- (C) People experiencing homelessness.
- (D) People who work outdoors.
- (E) People with health issues that are exacerbated by a wildfire smoke air pollution emergency.

41092. (a) The Sacramento district board shall adopt the plan prepared pursuant to Section 41090 to be eligible for any available funding to implement the plan.

(b) The Sacramento district may work with local agencies to implement recommendations in the plan prepared pursuant to Section 41090.

41093. The Sacramento district may conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects with respect to wildfire smoke impact control measures.

41094. (a) (1) On or before January 1, 2022, the Sacramento district shall submit to the Legislature a report providing an update, lessons learned, challenges, and any other information that the Sacramento district determines to be instructive from the district's experience with developing the plan prepared pursuant to Section 41090.

(2) On or before January 1, 2022, the state board, in coordination with districts, shall submit to the Legislature a report that includes, but is not limited to, both of the following information:

- (A) A summary of existing wildfire smoke air pollution emergency response programs in the state, including identification of best practices.
- (B) Identification of districts that are expected to be regularly and significantly impacted by wildfire smoke and could better serve the needs of their local communities related to wildfire smoke air pollution response, including, where applicable,

implementation of best practices identified pursuant to subparagraph (A), with additional state funding.

(b) The reports submitted pursuant to subdivision (a) shall be submitted in accordance with Section 9795 of the Government Code.

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2026.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances faced by the Sacramento Metropolitan Air Quality Management District.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.