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AB-3220 Hazardous materials: underground storage tanks: pesticides. (2019-2020)

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Assembly Bill No. 3220

CHAPTER 296

An act to amend Sections 25299.51, 25299.100, 25299.101, 25299.102, 25299.103, 25299.104, 25299.105, 25299.106, 25299.107, 25299.117, and 105206 of, and to add Sections 25299.112, 25299.113, 25299.113.1, and 25299.113.2 to, the Health and Safety Code, relating to hazardous materials.

[Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3220, Committee on Environmental Safety and Toxic Materials. Hazardous materials: underground storage tanks: pesticides.

(1) Existing law provides for the regulation of underground storage tanks by the State Water Resources Control Board. Existing law, until January 1, 2022, requires the board to conduct a loan and grant program to assist small businesses in upgrading, replacing, or removing tanks meeting applicable local, state, or federal standards. Existing law imposes requirements for, among other things, eligibility for a loan or grant and elements of a loan or grant application, and authorizes uses of loan or grant funds.

This bill would revise and recast the provisions relating to that loan and grant program, as provided. The bill would extend the operation of the loan and grant program to January 1, 2026, and would make a conforming change. The bill would authorize an authorized representative of a local agency, as defined, or the board to inspect any place where project tanks are or have been located and any real property within 2,000 feet of any place where project tanks are or have been located, as provided.

The bill would require a person to furnish, under penalty of perjury, any information on grants or loans issued, or applied for, under the program or requested for disbursement of funds pursuant to a grant or loan issued under the program that the local agency or board may require. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would impose a civil penalty on a person who fails or refuses to furnish that information, who furnishes false information, or who makes a misrepresentation in a document relating to a grant or loan issued under the program, to be collected by the Attorney General in a civil action upon request of the board or by the executive director of the board, as provided. The bill would provide that knowingly making or causing to be made any false statement, material misrepresentation, or false certification in support of any grant or loan is punishable by a fine or imprisonment. By creating a new crime, the bill would impose a state-mandated local program. The bill would require a penalty or fine collected pursuant to these provisions to be deposited in the Petroleum Underground Storage Tank Financing Account. The bill would make an action by the executive director of the board to impose civil liability under these provisions subject to board review, as provided.

(2) Existing law, until January 1, 2021, requires an employer to contract with a medical supervisor registered with the Office of Environmental Health Hazard Assessment to satisfy the employer's responsibilities for medical supervision of employees who regularly handle pesticides, as provided. Until January 1, 2021, existing law requires a laboratory that performs tests ordered by a medical supervisor to report specified information to the Department of Pesticide Regulation.

This bill would extend these requirements to January 1, 2023.

(3) 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 no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 25299.51 of the Health and Safety Code is amended to read:

25299.51. The board may expend the moneys in the Underground Storage Tank Cleanup Fund, created under subdivision (a) of Section 25299.50, for all of the following purposes:

(a) In addition to the purposes specified in subdivisions (c), (d), and (e), for the costs of implementing this chapter and for implementing Section 25296.10 for a tank that is subject to this chapter.

(b) To pay for the administrative costs of the California Department of Tax and Fee Administration in collecting the fee imposed by Article 5 (commencing with Section 25299.40).

(c) To pay for the reasonable and necessary costs of corrective action pursuant to Section 25299.36, up to one million dollars (\$1,000,000) per occurrence. The Legislature may appropriate the money in the fund for expenditure by the board, without regard to fiscal year, for prompt action in response to any unauthorized release.

(d) To pay for the costs of an agreement for the abatement of, and oversight of the abatement of, an unauthorized release of hazardous substances from underground storage tanks, by a local agency, as authorized by Section 25297.1 or by any other law, except that, for the purpose of expenditure of these funds, only underground storage tanks shall be the subject of the agreement.

(e) To pay for the costs of cleanup and oversight of unauthorized releases at abandoned tank sites. The board shall not expend more than 25 percent of the total amount of money collected and deposited in the fund annually for purposes of this subdivision and subdivision (h).

(f) To pay claims pursuant to Section 25299.57.

(g) To pay, upon order of the Controller, for refunds pursuant to Part 26 (commencing with Section 50101) of Division 2 of the Revenue and Taxation Code.

(h) To pay for the reasonable and necessary costs of corrective action pursuant to subdivision (f) of Section 25296.10, in response to an unauthorized release from an underground storage tank subject to this chapter.

(i) To pay claims pursuant to Section 25299.58.

(j) To pay for expenditures by the board associated with discovering violations of, and enforcing, or assisting in the enforcement of, the requirements of Chapter 6.7 (commencing with Section 25280) with regard to petroleum underground storage tanks.

(k) For transfer to the Petroleum Underground Storage Tank Financing Account, for purposes of Chapter 6.76 (commencing with Section 25299.100).

(l) Upon repeal of Chapter 6.76 (commencing with Section 25299.100), to pay for expenditures authorized by subdivision (b) of Section 25299.117 as that section reads as of December 31, 2025, immediately preceding its repeal.

(m) For transfer to the Site Cleanup Subaccount to pay for expenditures by the board pursuant to Section 25299.50.6, including costs for regulatory oversight of sites funded pursuant to that section.

(n) To pay for reasonable and necessary expenditures by the board associated with discovering violations of and enforcing, or assisting in the enforcement of, the requirements of this chapter, including actions relating to the submission of false information to the fund.

(o) (1) For transfer to the School District Account to pay for expenditures by the board pursuant to Section 25299.50.3 or for transfer pursuant to subdivision (k) or (m).

(2) This subdivision shall apply only to the moneys collected pursuant to paragraph (2) of subdivision (g) of Section 25299.43.

SEC. 2. Section 25299.100 of the Health and Safety Code is amended to read:

25299.100. For purposes of this chapter, the following definitions apply:

(a) "Board" means the State Water Resources Control Board.

(b) "Loan applicant" means a small business that applies to the board for a loan pursuant to this chapter.

(c) "Grant applicant" means a small business that applies to the board for a grant pursuant to this chapter.

(d) "Tank" means an underground storage tank, as defined in Section 25281, used for the purpose of storing petroleum, as defined in Section 25299.22. "Tank" also includes under-dispenser containment systems, spill containment systems, enhanced monitoring and control systems, and vapor recovery systems and dispensers connected to the underground piping and the underground storage tank.

(e) "Project tanks" means tanks that would be upgraded, replaced, or removed with loan or grant funds. "Project tanks" also includes tanks that are upgraded to comply with the Enhanced Vapor Recovery Phase II regulations.

(f) Terms defined in Section 25281 and used in this chapter, if not defined in this section, including, but not limited to, "facility," "local agency," "owner," and "operator," have the same meanings as specified in Section 25281.

SEC. 3. Section 25299.101 of the Health and Safety Code is amended to read:

25299.101. (a) The board shall conduct a loan program pursuant to this chapter, to assist small businesses in upgrading, replacing, or removing project tanks to comply with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(b) The board shall also conduct a grant program, pursuant to this chapter, to assist small businesses to upgrade, remove, or replace project tanks to comply with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

SEC. 4. Section 25299.102 of the Health and Safety Code is amended to read:

25299.102. The board shall make loan funds available only to loan applicants that meet all of the following eligibility requirements:

(a) The loan applicant is a small business, either as defined in Section 632 of Title 15 of the United States Code, and in the federal regulations adopted to implement that section, as specified in Part 121 (commencing with Section 121.101) of Chapter I of Title 13 of the Code of Federal Regulations, or employs fewer than 500 full-time and part-time employees, is independently owned and operated, and is not dominant in its field of operation. In either case, the principal office of the small business shall be domiciled in the state, and the officers of the small business shall be domiciled in the state. The board shall give priority to awarding loans to small businesses that meet the definition of small business specified in subdivision (d) of Section 14837 of the Government Code.

(b) The loan applicant owns or operates project tanks.

(c) The loan applicant demonstrates the ability to repay the loan, and the availability of adequate collateral to secure the loan.

(d) All tanks, except for project tanks, owned or operated by the loan applicant are in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(e) The project tanks are in compliance, or will be in compliance after the completion of the project, with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(f) The loan applicant is in compliance with the financial responsibility requirements specified in Sections 25292.2 and 25299.31 and with Subchapter IX (commencing with Section 6991) of Chapter 82 of Title 42 of the United States Code, as it may be amended or supplemented, and the regulations adopted pursuant to that subchapter.

SEC. 5. Section 25299.103 of the Health and Safety Code is amended to read:

25299.103. A complete loan application shall include all of the following:

(a) Evidence that the applicant is a small business, as described in subdivision (a) of Section 25299.102.

(b) Evidence that the applicant owns or operates the project tanks.

(c) An environmental audit, environmental site assessment, or other documentation acceptable to the board that assesses environmental compliance and risks at the facility.

(d) Financial and legal documents necessary to demonstrate the applicant's ability to repay and provide collateral for the loan. The board shall develop a standard list of documents required of all applicants, and may also request from individual applicants additional financial and legal documents not provided on this list.

(e) Evidence that all tanks, except for project tanks, owned or operated by the loan applicant are in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(f) Evidence that the project tanks are in compliance, or will be in compliance after the completion of the project, with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(g) An explanation of the reasons why the work is necessary in order for the project tanks to be in compliance with, or remain in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(h) A detailed cost estimate of all of the tasks that are required to complete the project for which the applicant is requesting loan funds, including those tasks that are not eligible for loan funds and all tasks being paid for using other sources of funds.

(i) Any other information that the board determines to be necessary to include in an application form.

SEC. 6. Section 25299.104 of the Health and Safety Code is amended to read:

25299.104. (a) The minimum amount that the board may loan an applicant is ten thousand dollars (\$10,000), and the maximum amount that the board may loan an applicant is seven hundred fifty thousand dollars (\$750,000).

(b) The term of the loan shall be for a maximum of 20 years if secured by real property, and for 10 years if not secured by real property. The interest rate for loans shall be set at the rate equal to one-half of the most recent general obligation bond rate obtained by the office of the Treasurer at the time of the loan commitment.

(c) Loan funds may be used to finance up to 100 percent of the costs necessary to upgrade, remove, or replace project tanks, to comply with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(d) The board may charge a loan fee to loan applicants of up to 2 percent of the requested loan amount. The loan fee shall be deposited in the Petroleum Underground Storage Tank Financing Account.

(e) The inoperation or repeal of this chapter pursuant to Section 25299.117 shall not extinguish a loan obligation and shall not impair the deed of trust or other collateral made pursuant to this chapter or the authority of the state to pursue appropriate action for collection.

(f) Notwithstanding Section 16304.1 of the Government Code, the board shall encumber the funds appropriated pursuant to Section 25299.109 for purposes of this section within three years of the appropriation and the board may make a disbursement in liquidation of an encumbrance before or during the three years following the last day the appropriation is available for encumbrance.

SEC. 7. Section 25299.105 of the Health and Safety Code is amended to read:

25299.105. (a) The board shall make grant funds available from the Petroleum Underground Storage Tank Financing Account to eligible grant applicants who meet all of the following eligibility requirements:

(1) The grant applicant is a small business, pursuant to the following requirements:

(A) The grant applicant meets the conditions for a small business concern, as defined in Section 632 of Title 15 of the United States Code, and in the federal regulations adopted to implement that section, as specified in Part 121 (commencing with Section 121.101) of Chapter I of Title 13 of the Code of Federal Regulations.

(B) The grant applicant employs fewer than 20 full-time and part-time employees, is independently owned and operated, and is not dominant in its field of operation.

(2) The principal office of the grant applicant is domiciled in the state and the officers of the grant applicant are domiciled in the state.

(3) All tanks, except for project tanks, owned or operated by the grant applicant are in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(4) (A) The facility where the project tanks are located has sold at retail less than 1,500,000 gallons of gasoline annually for each of the two years preceding the submission of the grant application. Except as provided in subparagraph (B), the number

of gallons sold shall be based upon taxable sales figures provided to the California Department of Tax and Fee Administration for that facility.

(B) The board may rely on other documentation where taxable sales figures provided to the California Department of Tax and Fee Administration are unavailable because the facility was not in operation for any part of the two years or the grant applicant did not own or operate the underground storage tanks at the facility for any part of the two years.

(5) Except as provided in subdivision (b), the facility meets either of the following:

(A) The project tanks are in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(B) All of the following requirements are met:

(i) The project tanks will be in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations after the completion of the project.

(ii) The grant applicant submitted the grant application no more than 180 days after the applicable regulatory agency notified the grant applicant that the project tanks are not in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, or any implementing regulation.

(iii) The project tanks are not currently red tagged by the local agency pursuant to Section 25292.3.

(iv) The facility, at the time of application, is not subject to any enforcement action seeking to impose administrative civil liability, civil liability, or criminal liability pursuant to this chapter, or a regulation adopted pursuant to this chapter, unless the underlying violations that are the subject of that enforcement action have been corrected.

(6) Except as provided in subdivision (b), the facility where the project tanks are located is, or was during any part of the two years preceding the submission of the grant application, legally in the business of retailing motor vehicle fuel.

(b) The board may grant a waiver from requirements of paragraphs (5) and (6) of subdivision (a) if the board finds all of the following:

(1) The grant applicant owns or operates the project tanks.

(2) The project tanks will be removed and will not be replaced with new tanks.

(3) The grant applicant does not meet the requirements to obtain a loan pursuant to this chapter.

(c) Grant funds may only be used to pay the costs necessary to upgrade, remove, or replace project tanks to comply with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

SEC. 8. Section 25299.106 of the Health and Safety Code is amended to read:

25299.106. A complete grant application shall include all of the following information:

(a) Evidence that the grant applicant is a small business, as described in subdivision (a) of Section 25299.102.

(b) Evidence that the principal office of the grant applicant is domiciled in the state and the officers of the grant applicant are domiciled in the state.

(c) Evidence that all tanks, except for project tanks, owned or operated by the grant applicant are in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(d) Except as provided in subdivision (f), evidence that the project tanks are in compliance with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations, or that the grant applicant meets all of the requirements in subparagraph (B) of paragraph (5) of subdivision (a) of Section 25299.105.

(e) Except as provided in subdivision (f), evidence that the facility where the project tanks are located is, or was during any part of the two years preceding the submission of the grant application, legally in the business of retailing motor vehicle fuel.

(f) A grant applicant that does not meet the requirements of subdivision (d) or (e), or both, shall instead provide evidence that the grant applicant meets all of the requirements for a waiver pursuant to subdivision (b) of Section 25299.105.

(g) An explanation of the actions the grant applicant is required to take to comply with the requirements of Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(h) A detailed cost estimate of all of the actions that are required to complete the project for which the grant applicant is requesting grant funds, including those tasks that are not eligible for grant funds and all tasks being paid for using other sources of funds.

(i) Any other information that the board determines to be necessary to include in an application form.

SEC. 9. Section 25299.107 of the Health and Safety Code is amended to read:

25299.107. (a) Except as provided in subdivision (e), the minimum amount that the board may grant an applicant is three thousand dollars (\$3,000), and the maximum amount that the board may grant an applicant is seventy thousand dollars (\$70,000).

(b) Grant funds may be used to finance up to 100 percent of the costs necessary to upgrade, remove, or replace project tanks to comply with Chapter 6.7 (commencing with Section 25280), Section 41954, and implementing regulations.

(c) If the board received the applicant's grant application on or before April 1, 2009, grant funds may be used to reimburse up to 100 percent of the costs that the applicant incurred after the board received the grant application to comply with the Enhanced Vapor Recovery Phase II regulations.

(d) Except as provided in subdivision (e), a person or entity is not eligible to receive more than seventy thousand dollars (\$70,000) in grant funds pursuant to this chapter.

(e) (1) Notwithstanding subdivisions (a) and (d), if the project tanks are located at a fueling station that is available for public use and there is no other fueling station available for public use within a radius of 15 miles from the fueling station, the board may make a grant in the maximum amount of one hundred forty thousand dollars (\$140,000) to assist the grant applicant to remove and replace tanks that are required to be permanently closed pursuant to Section 25292.05.

(2) Any grant issued pursuant to paragraph (1) shall not be included in the maximum amount that a person or entity may receive in grant funds pursuant to subdivision (d).

SEC. 10. Section 25299.112 is added to the Health and Safety Code, to read:

25299.112. (a) To carry out the purposes of this chapter, an authorized representative of the local agency or board shall have the authority specified in Section 25185, with respect to any place where project tanks are or have been located, and in Section 25185.5, with respect to any real property that is within 2,000 feet of any place where project tanks are or have been located.

(b) A person shall furnish, under penalty of perjury, any information on grants or loans issued, or applied for, under this chapter or requested for disbursement of funds pursuant to a grant or loan issued under this chapter that the local agency or board may require.

(c) A person who fails or refuses to furnish information pursuant to subdivision (b) or furnishes false information required or requested in connection with a grant or loan issued under this chapter is subject, in accordance with the requirements of subdivision (d) or (e), as applicable, to civil liability of not more than ten thousand dollars (\$10,000) for each violation of this subdivision.

(d) (1) Except as provided in paragraph (2), a person shall not be liable pursuant to subdivision (c) unless one of the following is established by the court, if the action is brought pursuant to subdivision (e), or by the executive director of the board, if the action is brought pursuant to subdivision (f):

(A) The alleged violation is knowing, willful, or intentional.

(B) The person received a material economic benefit from the action that caused the alleged violation.

(C) The alleged violation is chronic or that person is a recalcitrant violator, as determined pursuant to subdivision (g) of Section 13399 of the Water Code.

(2) If a person is in violation of subdivision (c), but does not meet any of the conditions specified in paragraph (1), the person may be held liable only if the board or an authorized representative of the board issues a notice to comply pursuant to Chapter 5.8 (commencing with Section 13399) of Division 7 of the Water Code before an action is taken pursuant to subdivision (e) or (f).

(e) The Attorney General, upon request of the board, shall bring an action in superior court to impose the civil liability specified in subdivision (c).

(f) The executive director of the board may impose the civil liability specified in subdivision (c) administratively in the same manner as the executive director of the board is authorized to impose civil liability pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 of Division 7 of the Water Code.

(g) In determining the amount of any civil liability imposed pursuant to this section, the executive director of the board or the court shall take into account the nature, circumstances, extent, and gravity of the false statement or refusal or failure to furnish information, the person's ability to pay, any prior history by the person of misrepresentations to or noncooperation with the board or local agency, any economic benefits or savings that resulted or would have resulted from the false statement or refusal or failure to furnish information, and other matters as justice may require.

(h) Remedies under this section are in addition to, and do not supersede or limit, any other civil, administrative, or criminal remedies.

(i) A penalty collected pursuant to this section shall be deposited in the Petroleum Underground Storage Tank Financing Account.

SEC. 11. Section 25299.113 is added to the Health and Safety Code, to read:

25299.113. (a) A person who makes a misrepresentation in a document relating to a grant or loan issued under this chapter, including, but not limited to, a record, report, certification, application, invoice, form, or other document, that is submitted to the board is subject to civil liability of not more than five hundred thousand dollars (\$500,000) for each violation of this subdivision.

(b) Except as provided in subdivision (d), the Attorney General, upon request of the state board, shall bring an action in superior court to impose the civil liability specified in subdivision (a).

(c) Except as provided in subdivision (d), the executive director of the board may impose the civil liability specified in subdivision (a) administratively in the same manner as the executive director of the board is authorized to impose civil liability pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 of Division 7 of the Water Code.

(d) If a violation of subdivision (a) by a person is not knowing, willful, or intentional, the board or an authorized representative of the board, before an action may be taken pursuant to subdivision (b) or (c), shall issue a notice to comply pursuant to Chapter 5.8 (commencing with Section 13399) of Division 7 of the Water Code.

(e) In determining the amount of civil liability imposed pursuant to this section, the executive director of the board, or the court shall take into account the nature, circumstance, extent, and gravity of the violation, the person's ability to pay, any prior history of misrepresentations by the person to the board or local agency, any economic benefits or savings that resulted or would have resulted from the false statement, and other matters as justice may require.

(f) Remedies under this section are in addition to, and do not supersede or limit, any other civil, administrative, or criminal remedies.

(g) A penalty collected pursuant to this section shall be deposited in the Petroleum Underground Storage Tank Financing Account.

(h) The board shall file a complaint with any applicable licensing board against any person licensed or otherwise regulated by that licensing board who is found to be liable under this section.

SEC. 12. Section 25299.113.1 is added to the Health and Safety Code, to read:

25299.113.1. (a) A person who knowingly makes or causes to be made a false statement, material misrepresentation, or false certification in support of a grant or loan under this chapter, including, but not limited to, in an application, record, report, certification, plan, invoice, form, or other document that is submitted, filed, or required to be maintained under this chapter for purposes of a grant or loan, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in a county jail for not more than one year, or in the state prison for 16 months, two years, or three years, or by both that fine and imprisonment.

(b) The Attorney General, upon request of the board, may bring an action in superior court to impose the criminal penalty specified in subdivision (a).

(c) Remedies under this section are in addition to, and do not supersede or limit, any other civil or criminal remedies.

(d) A fine collected pursuant to this section shall be deposited in the Petroleum Underground Storage Tank Financing Account.

(e) The board shall file a complaint with any applicable licensing board against any person licensed or otherwise regulated by that licensing board who is convicted under this section.

SEC. 13. Section 25299.113.2 is added to the Health and Safety Code, to read:

25299.113.2. An action by the executive director of the board to impose civil liability under this chapter is subject to review by the board in the same manner as provided for the review by the board of actions of a regional board under Section 13320 of the Water Code.

SEC. 14. Section 25299.117 of the Health and Safety Code is amended to read:

25299.117. (a) Except as provided in subdivision (b), this chapter is repealed as of January 1, 2026, unless a later enacted statute that is enacted on or before January 1, 2026, deletes or extends that date.

(b) Notwithstanding subdivision (a), the repeal of this chapter does not terminate any of the following rights, obligations, authorities, or any provision necessary to carry out these rights, obligations, and authority:

- (1) The repayment of loans due and payable to the board.
- (2) The resolution of any cost recovery action or the initiation of an action or other collection process to recover defaulted loan moneys due to the board or to recover grant moneys paid but to which the grantee is not entitled.
- (3) The resolution of an action taken pursuant to Section 25299.112, 25299.113, or 25299.113.1, or the initiation of one of those actions.

SEC. 15. Section 105206 of the Health and Safety Code is amended to read:

105206. (a) In order for an employer to satisfy their responsibilities for medical supervision of their employees who regularly handle pesticides pursuant to Section 6728 of Title 3 of the California Code of Regulations, the employer shall contract with a medical supervisor registered with the Office of Environmental Health Hazard Assessment (OEHHA).

(b) A laboratory that performs tests ordered by a medical supervisor shall report the information specified in subdivision (c) to the Department of Pesticide Regulation. Reports shall be submitted to the Department of Pesticide Regulation on, at a minimum, a monthly basis. For the purpose of meeting the requirements in subdivision (e), the reports shall be submitted via electronic media and formatted in a manner approved by the director. The Department of Pesticide Regulation shall share information from cholinesterase reports with the Office of Environmental Health Hazard Assessment (OEHHA) and the State Department of Public Health on an ongoing basis, in an electronic format, for the purpose of meeting the requirements of subdivisions (f) and (g).

(c) The laboratory shall report all of the following information in its possession in complying with subdivision (a):

- (1) The test results in International Units per milliliter of sample (IU/mL).
- (2) The purpose of the test, as indicated by the medical supervisor, as a cholinesterase test requested for an agricultural worker under medical supervision, and, if so, whether it is for a baseline, followup, or recovery test ordered to meet the requirements of Section 6728 of Title 3 of the California Code of Regulations or for the evaluation of suspected pesticide illness.
- (3) The name of the person tested.
- (4) The date of birth of the person tested.
- (5) The name, address, and telephone number of the medical supervisor who ordered the analysis.
- (6) The name, address, and telephone number of the laboratory.
- (7) The date that the sample was collected from the person and the date the result was reported.
- (8) Contact information for the person tested and the person's employer, if known and readily available.

(d) The registered medical supervisor ordering a cholinesterase test for a person pursuant to subdivision (a) shall note in the test order the name of the medical supervisor and the purpose of the test, pursuant to paragraph (2) of subdivision (c), and ensure that the person tested and the employer receive a copy of the cholinesterase test results and any recommendations from the medical supervisor based upon those results within 14 days of the medical supervisor's receipt of the results. The medical supervisor shall report any worker with cholinesterase depression indicating pesticide exposure to the local health officer pursuant to Section 105200.

(e) All information reported pursuant to this section shall be confidential, as provided in Section 100330, except that the OEHHA, the Department of Pesticide Regulation, and the State Department of Public Health may share the information for the purpose of surveillance, case management, investigation, environmental remediation, or abatement with the appropriate county agricultural commissioner and local health officer.

(f) The OEHHA shall establish a procedure for registering and deregistering medical supervisors for the purposes of outreach and training and may establish reasonable requirements for performance. The OEHHA shall review the cholinesterase test results and may provide an appropriate medical or toxicological consultation to the medical supervisor. In addition to the duties performed pursuant to Section 105210, the OEHHA, in consultation with the Department of Pesticide Regulation and the local health officer, may provide medical and toxicological consultation, as appropriate, to the county agricultural commissioner to address medical issues related to the investigation of cholinesterase inhibitor-related illness.

(g) The Department of Pesticide Regulation and the OEHHA shall prepare and publicly post an update on the effectiveness of the medical supervision program and the utility of laboratory-based reporting of cholinesterase testing for illness surveillance and prevention by January 1, 2021.

(h) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.