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AB-619 Air quality. (2021-2022)

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Date Published: 10/01/2021 09:00 PM

Assembly Bill No. 619

CHAPTER 412

An act to add Section 8593.25 to the Government Code, and to add Chapter 1 (commencing with Section 107250) to Part 2 of Division 104 of, and to repeal the heading of Chapters 1, 2, 3, and 4 of Part 2 of Division 104 of, the Health and Safety Code, relating to public health.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 619, Calderon. Air quality.

Existing law, the California Emergency Services Act, among other things, creates the Office of Emergency Services, which is responsible for the state's emergency and disaster response services, as specified. Existing law requires the Governor to coordinate the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency. Existing law requires the governing body of each political subdivision of the state to carry out the provisions of the State Emergency Plan. Existing law requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan, among other requirements.

Existing law establishes the State Department of Public Health and sets forth its powers and duties pertaining to, among other things, protecting, preserving, and advancing public health.

This bill would require the department to develop a plan, addressing specified issues, with recommendations and guidelines for counties to use in the case of a significant air quality event caused by wildfires or other sources. The bill would require the department to consult with specified stakeholders in developing the plan.

This bill would require a county, in advance of its next emergency plan update, to use the air quality plan developed by the department and develop a county-specific plan that addresses all of the recommendations and guidelines of the department's air quality plan, as specified. By increasing county duties, this bill would impose a state-mandated local program.

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. Section 8593.25 is added to the Government Code, immediately following Section 8593.2, to read:

8593.25. (a) (1) A county, including a city and county, shall, in advance of the next update to its emergency plan, use the plan developed pursuant to subdivision (a) of Section 107250 of the Health and Safety Code and develop a county-specific plan that addresses all of the recommendations and guidelines of the plan developed pursuant to subdivision (a) of Section 107250 of the Health and Safety Code.

(2) A county, including a city and county, shall also assign a role, department, or agency to serve as a lead with regard to each recommendation and guideline in the event of significantly poor air quality caused by wildfires or other sources. If a county, including a city and county, has an existing hierarchy to assign responsibilities in the event of significantly poor air quality caused by wildfires or other sources, the county may incorporate its existing process into its county-specific plan to fulfill this requirement.

(b) A county, including a city and county, shall, in advance of the next update to its emergency plan, establish criteria, locations, and measurements of effectiveness for public respite facilities during poor air quality and other weather-related events.

(c) A county-specific plan developed pursuant to subdivision (a) shall incorporate a plan to identify personnel to rapidly deploy aid and expertise to disaster areas, and a plan for public outreach to promptly and effectively inform the public about the health threat and what the public should do in response.

(d) A county-specific plan developed pursuant to subdivision (a) shall incorporate a process to provide emergency provisions of respiratory protection, air purifiers, medications, and oxygen for people with respiratory and pulmonary diseases, and people suffering symptoms of respiratory and pulmonary diseases. If a county, including a city and county, has an existing process to acquire and distribute emergency provisions, the county may incorporate its existing process into its county-specific plan to fulfill this requirement.

(e) Two or more counties may establish a multicounty agreement to develop and implement a regional multicounty plan in lieu of each individual county implementing its own plan. A multicounty plan shall be approved by each of the counties' boards of supervisors.

SEC. 2. The heading of Chapter 1 of Part 2 of Division 104 of the Health and Safety Code is repealed.

SEC. 3. Chapter 1 (commencing with Section 107250) is added to Part 2 of Division 104 of the Health and Safety Code, to read:

CHAPTER 1. Air Quality Health Planning

107250. (a) The State Department of Public Health shall develop a plan with recommendations and guidelines for counties to use in the case of a significant air quality event caused by wildfires or other sources. The plan shall address all of the following:

(1) Establishing policies and procedures that address respiratory protection and other protective equipment and devices, including, but not limited to, all of the following:

(A) Whether to make respiratory protection and other protective equipment and devices available to county residents.

(B) Whether to have stockpiles of respiratory protection and other protective equipment and devices available for distribution.

(C) Where to obtain respiratory protection and other protective equipment and devices, if stockpiling.

(D) How to distribute respiratory protection and other protective equipment and devices, if stockpiling.

(E) How to educate the public on when to use respiratory protection and other protective equipment and devices.

(F) Educating the public on keeping respiratory protection and other protective equipment in their homes, offices, and cars.

(2) Making available respiratory protection and other protective equipment and devices to residents that are sensitive receptors and are at risk of serious illness or complications resulting from inhaling highly polluted air from a significant air quality event caused by wildfires or other sources.

(3) Providing information to residents on what they should do if the air quality index hits a significant threshold.

(4) Providing information to residents regarding the health impacts of inhaling air pollution during a significant air quality event caused by wildfires or other sources.

(5) Developing prevention strategies to assist residents in avoiding inhalation of air pollutants.

(6) Disseminating the information in this subdivision to the public.

(b) The recommendations in the plan developed pursuant to subdivision (a) shall include guidance about how a county, including a city and county, informs its residents about all of the following:

(1) Unhealthy air quality.

(2) The Air Quality Index.

(3) The effect of air pollution on an individual's health, including the symptoms someone may experience and where to go for medical assistance.

(4) Where an individual can obtain protective respiratory protection and other protective equipment.

(5) How and when to use respiratory protection and other protective equipment.

(6) How and when an individual needing oxygen or respiratory medications can obtain oxygen or respiratory medications.

(7) How to protect children, seniors, the disabled, the homebound, the homeless, those working outdoors, tourists, visitors, non-English speakers, and any others who may have difficulty obtaining or using masks or other protective equipment without assistance.

(8) Any other information that is useful for an individual to protect their health, and the health of their loved ones, in the case of significantly poor air quality caused by wildfires or other sources.

(c) The plan developed pursuant to subdivision (a) shall also include best practices and recommended protocols for reaching out to inform the general public about the recommendations and guidelines and shall include best practices and recommended protocols for reaching out specifically to vulnerable populations, such as the homeless, elderly, disabled, and homebound.

(d) The department shall develop the plan, pursuant to subdivision (a), in consultation with key stakeholders, including, but not limited to, representatives of all of the following:

(1) Governor's Office of Emergency Services.

(2) State Air Resources Board.

(3) Governor's Office of Planning and Research.

(4) California Department of Aging.

(5) State Department of Developmental Services.

(6) Office of Environmental Health Hazard Assessment.

(7) Medical professionals focused on respiratory health, pulmonology, pediatrics, and emergency medicine.

(8) Small and large air pollution districts.

(9) Counties.

(10) Cities.

(11) Hospitals.

(12) Business organizations.

(13) Nonprofit organizations involved in respiratory health.

(14) Nonprofit organizations working on behalf of issues for individuals with disabilities.

(15) Nonprofit organizations working on behalf of issues for the homeless.

(16) Nonprofit organizations working on behalf of issues for seniors.

(e) The plan developed pursuant to subdivision (a) shall supplement any resources developed by the department, on or before the effective date of this section, for counties to use in the case of a significant air quality event caused by wildfires or other sources.

(f) For purposes of this chapter, “a significant air quality event” is defined as the period of time in which the duration of exposure and the level of particulate matter, or other indicators of air quality, are likely to result in negative health impacts.

SEC. 4. The heading of Chapter 2 of Part 2 of Division 104 of the Health and Safety Code is repealed.

SEC. 5. The heading of Chapter 3 of Part 2 of Division 104 of the Health and Safety Code is repealed.

SEC. 6. The heading of Chapter 4 of Part 2 of Division 104 of the Health and Safety Code is repealed.

SEC. 7. 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.