



CALIFORNIA CUPA FORUM

"An Association of Certified Unified Program Agencies"

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December 30, 2003

Steve DeMello, Chief
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, CA 95741-9047

Dear Steve:

RE: IMPLEMENTATION OF AB 826 THE PERCHLORATE CONTAMINATION PREVENTION ACT

On September 29, 2003, the Governor signed AB 826 The Perchlorate Contamination Prevention Act into law. This bill requires the Department of Toxic Substances Control (DTSC) to adopt regulations by December 31, 2005, specifying the best management practices for managing perchlorate materials. The bill also requires the California Environmental Protection Agency (Cal/EPA) to establish a statewide database for business plans and inventories submitted by facilities handling perchlorate materials. The bill requires a business that handles any amount of perchlorate to prepare and submit to the administering agency (Unified Program Agencies) a business plan and inventory for all perchlorate materials handled by the business.

Unified Program Agencies are responsible for collecting, managing, and distributing business plan and inventory information submitted by businesses that handle hazardous materials. The CUPA Forum Board has received inquiries from many Unified Program Agencies regarding the implementation of AB 826, particularly the collection of business plans and inventory for perchlorate materials. Two issues are of concern: (1) what is the universe of hazardous materials that contain perchlorate?; and (2) what situations require the reporting of hazardous materials that contain perchlorate? For example, we understand that flares contain perchlorate. Do businesses that have even one flare on site for use in a service vehicle emergency kit need to inventory this flare? We understand that some fertilizers may contain perchlorate. Do all fertilizers contain perchlorate? There are numerous other questions we can provide you regarding inventorying of perchlorate.

In order for Unified Program Agencies to implement AB 826 in a uniform and consistent manner and to adequately provide the regulated community with appropriate guidance on what hazardous materials need to be inventoried, the CUPA Forum Board is requesting the assistance of the Governor's Office of Emergency Services (OES) to provide an implementation guidance document that defines the types of hazardous materials containing perchlorate that must be inventoried. Until such time as this guidance is provided, the CUPA Forum Board is of the opinion that Unified Program Agencies do not have sufficient information to implement their responsibilities under AB 826. If you have any questions regarding this letter please call me at (661) 862-8706.

Sincerely,

Mike Chapman, Chair
California CUPA Forum

cc: Don Johnson, Cal/EPA
Peggy Harris, DTSC
California CUPA Forum Board