

SENATE THIRD READING
SB 883 (Umberg)
As Amended August 21, 2026
Majority vote

SUMMARY

This bill prohibits a local government from approving a building permit for a reactive chemical storage facility that does not meet certain conditions and adds methyl methacrylate (MMA) to the California Accidental Release Prevention (CalARP) Program's regulated substance list.

Major Provisions

- 1) Prohibits a city or county, or city and county, from approving a building permit for a new, reactive chemical storage facility with the potential for an explosion that may cause injury or death, unless:
 - a. the proposed facility has a backup cooling system or other approved contingency system,
 - b. the proposed facility is not adjacent to a home and
 - c. the public is notified and given an opportunity to provide comment.
- 2) Requires the Office of Emergency Services (Cal OES) and the Office of Environmental Health Hazard Assessment (OEHHA) to be notified once a reactive chemical storage facility's building permit is approved.
- 3) Prohibits *certain* building permits *for a new reactive chemical storage facility* from being eligible for the advance manufacturing exemption from the California Environmental Quality Act, as specified.
- 4) *Requires a city, county, or city and county to, upon the next revision to its emergency operations plan, identify which emergency response department will act as the lead agency for responding to hazardous materials incidents.*
- 5) Requires OEHHA to consider these facilities as a factor in determining pollution burden as part of the California Communities Environmental Health Screening (CalEnviroScreen), as specified.
- 6) *Revises existing the requirement for the Secretary for Environmental Protection to make nonconfidential data collected and reported, as specified, available on the internet to instead specifically authorize the secretary to determine the form and manner of making that data available on the internet.*
- 7) Requires the unified program agency (CUPA) in each jurisdiction to conduct an inspection of each reactive chemical storage facility in its jurisdiction at least once *every three years*, and to report the results of the inspection to the California Environmental Protection Agency (CalEPA), the Office of the State Fire Marshal (OFSM), and Cal OES.

- 8) *Requires an owner or operator of an entity, as specified, that produces, processes, or stores hazardous materials in any amount to identify hazards that may result from releases, to design and maintain a safe facility, and to minimize the consequences of accidental releases that occur.*
- 9) *Expands the definition of "regulated substance" under CalARP to include a hazardous material that the California Environmental Protection Agency determines may pose a significant risk of accidental release, fire, explosion, exposure, or catastrophic incident, and specifies this definition applies to MMA.*
- 10) *Specifies stationary sources that store or use MMA are not eligible for exemption of this program.*
- 11) *Authorizes CalEPA to establish and implement accidental release prevention requirements that apply to owners and operators of entities, as specified, that the agency determines may pose a significant risk of accidental release, fire, explosion, exposure, or catastrophic incident, as specified and authorizes the secretary to require that information be submitted to the statewide information management system, as specified.*

COMMENTS

Garden Grove Incident: On May 21, 2026, a chemical storage tank containing approximately 7,000 gallons of methyl methacrylate (MMA), a volatile and highly flammable liquid, began overheating and releasing toxic vapors at the GKN Aerospace facility in Garden Grove, Orange County. Incident commanders initially concluded that one of two outcomes would occur: either a hazardous materials release of more than 6,000 gallons of MMA or a thermal runaway event resulting in a catastrophic explosion. Approximately 50,000 residents were placed under evacuation orders or warnings due to this risk.

Following this determination, Governor Newsom proclaimed a state of emergency. The proclamation directed Cal OES and other relevant state agencies to assist in responding to the emergency and activated additional emergency authorities and resources. On May 22, incident personnel identified a crack in the tank, which relieved internal pressure and allowed the tank to gradually cool over the following days. This, along with the ongoing response efforts, eventually eliminated all risk of explosion or hazardous materials release and allowed evacuation orders to be lifted.

Over the course of the response, California mobilized over 785 state and local first responders and emergency personnel, including firefighters, law enforcement officers, hazardous materials experts, public health officials, transportation crews, environmental scientists, and emergency coordinators. Following the incident, multiple lawsuits were filed against GKN Aerospace.

This bill is intended to prevent similar incidents from occurring.

Methyl Methacrylate: Methyl methacrylate (MMA) is a clear, highly reactive chemical used to manufacture acrylic products such as Plexiglass, acrylic nails, dental materials, bone cement for orthopedic procedures and various coatings, resins, and adhesives. Unless solidified, MMA is flammable and toxic at high concentrations. MMA is usually stored in specialized enclosed tanks that are designed to prevent explosions and liquid form of MMA from easily evaporating to a

vapor. If a vapor leak occurs, MMA can be smelled at concentrations that are not harmful to human health. MMA generally breaks down within hours when exposed to air or water.

As of 2024, MMA was stored at 14 facilities throughout California. Four of those facilities stored equal or greater amounts of MMA than GKN Aerospace.¹ MMA is not currently considered a regulated substance under CalARP.

Certified Unified Program Agencies (CUPAs): CUPAs are local agencies certified by the Secretary of CalEPA to implement and enforce six "unified hazardous waste and hazardous materials management" regulatory programs (Unified Program). Currently, there are 81 CUPAs in California tasked with implementation and enforcement of the following:

- 1) Hazardous Materials Release Response Plans and Inventories (Business Plans);
- 2) California Accidental Release Prevention (CalARP) Program;
- 3) Underground Storage Tank Program (USTP);
- 4) Aboveground Petroleum Storage Act (APSA);
- 5) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs; and,
- 6) California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.

California Accidental Release Prevention (CalARP) program: The goal of the CalARP program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. CalARP requires businesses that produce, handle, process, distribute, or store certain chemicals over a threshold quantity to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to their CUPA. Regulated substances are those listed either on the federal list (40 Code of Federal Regulations Section 68.130) or the state list (22 California Code of Regulations Section 2770.5). An RMP is a detailed engineering analysis of the potential accidental factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. The RMP contains safety information; a hazard review; operating procedures; training requirements; maintenance requirements; compliance audits; and, incident investigation procedures. The RMP must also consider proximity to sensitive populations such as children or seniors and external factors such as seismic activity.

According to the Author

"As a legislator it is my duty to protect the safety and wellbeing of not only my constituents, but all Californians, and the incident that occurred in my district can not happen again. The potential for destruction was very high, and we are lucky that no property or lives were lost.

SB 883 fills significant gaps in existing legislation by raising transparency surrounding high-risk facilities, tightening emergency planning standards, improving cooperation during chemical

¹ Where methyl methacrylate is stored in California <https://calmatters.org/environment/2026/06/toxic-chemical-storage-facilities-california/>

emergencies, and giving communities better access to information about possible risks. This bill will also improve California's capacity to identify facilities that hold chemicals that might cause thermal runaway reactions and ensure that enough safety precautions are in place to limit the possibility of catastrophic accidents.

As California's energy storage, chemical production, and industrial processing facilities expand, state policies must keep up with the growing safety challenges these industries present. Communities need to be informed about potential risks in their areas, and first responders must have the tools, training, and knowledge necessary to protect the public.

SB 883 provides a balanced and realistic approach to protecting Californians while still encouraging economic growth. This bill, which improves monitoring, planning, and openness, will help prevent future incidents and more effectively protect citizens throughout California."

Arguments in Support

According to the Sierra Club California, California Environmental Voters, and eight other members of this coalition, "SB 883 fills significant gaps in existing legislation by raising transparency surrounding high-risk facilities, tightening emergency planning standards, improving cooperation during chemical emergencies, and giving communities better access to information about possible risks. This bill will also improve California's capacity to identify facilities that hold chemicals that might cause thermal runaway reactions and ensure that enough safety precautions are in place to limit the possibility of catastrophic accidents."

They continue, "As California's energy storage, chemical production, and industrial processing facilities expand, state policies must keep up with the growing safety challenges these industries present. Communities need to be informed about potential risks in their areas, and first responders must have the tools, training, and knowledge necessary to protect the public."

Arguments in Opposition

According to the American Chemistry Council, the California Manufacturers & Technology Association, and others, "We have identified some initial concerns that we feel warrant further discussion as the bill moves through the process [including:] [s]ome terms and provisions are currently undefined (e.g. reactive chemical storage facility) that raise concerns as to the broad scope of potentially impacted industry sectors...[and how the] bill requires certain measures to be in place (e.g. backup cooling system for reactive chemical storage) before a new building permit for a new reactive chemical storage facility is approved... It may be more appropriate to see the results of any investigation into the incident before identifying specific remedies or requirements that may or may not be focused on addressing the root cause."

They continue, "Other issues that we believe warrant further discussion include how this bill and these requirements may or may not intersect with existing hazardous materials management programs, including the Hazardous Materials Business Plan program and the California Accidental Release Prevention (CalARP) program; the necessity of the newly proposed CalEnviroScreen provision; and the blanket prohibition of these types of facilities being eligible for the advanced manufacturing CEQA exemption."

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) By imposing certain restrictions on a city or county considering a building permit for a new facility and requiring the city or county to notify certain entities, this bill likely creates a state-mandated local program resulting in costs of an unknown amount to the city or county, the magnitude of which depends on the volume and complexity of permit requests. Since local government entities generally have the authority to levy permit fees to pay for the mandated program or level of service, resultant costs are likely non-reimbursable by the state, although such a determination is ultimately made by the Commission on State Mandates.
- 2) By requiring a CUPA to conduct an annual facility inspection and report results to certain entities, and expanding the CalARP Program enforced by CUPAs to include MMA, this bill may create a state-mandated local program resulting in costs of an unknown, but potentially significant amount, across CUPAs. Since a CUPA generally has the authority to impose a fee on regulated entities to recover the necessary and reasonable costs to administer the unified program, resultant costs are likely non-reimbursable by the state, although such a determination is ultimately made by the Commission on State Mandates.
- 3) Costs of approximately \$2.5 million annually to CalEPA for eight staff positions to regulate MMA under the CalARP Program (General Fund (GF)).
- 4) By adding MMA to the CalARP Program, under which certain program violations constitute a crime, ongoing cost pressures of an unknown amount to the courts to adjudicate a criminal charge if brought against an MMA stationary source (GF or Trial Court Trust Fund (TCTF)) and likely to the counties, instead of the state, to incarcerate a convicted individual (GF). For example, existing law provides that a person or stationary source who knowingly falsifies, destroys, or conceals information to comply with the CalARP Program may be imprisoned in county jail and a violation after the first conviction is a felony.
- 5) One-time costs of approximately \$100,000 to OEHHA for an external contract to support a toxicological assessment of MMA, including the review of toxicological studies and existing health-based and emergency exposure guidance levels (GF). Other implementation workload costs to OEHHA would likely be absorbable, including considering a facility in CalEnviroScreen based on the data sources OEHHA already uses for the tool.
- 6) Minor and absorbable costs to OES and OSFM to receive specified information.

VOTES

SENATE FLOOR: 37-0-3

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Niello, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Weber Pierson, Wiener
ABS, ABST OR NV: Ochoa Bogh, Reyes, Wahab

ASM EMERGENCY MANAGEMENT: 4-2-1

YES: Ransom, Arambula, Bennett, Calderon
NO: Hadwick, DeMaio
ABS, ABST OR NV: Bains

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 5-2-0

YES: Connolly, Bauer-Kahan, Lee, McKinnor, Papan

NO: Ellis, Castillo

ASM APPROPRIATIONS: 13-2-0

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta

NO: Hoover, Tangipa

UPDATED

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