

UNFINISHED BUSINESS

Bill No: SB 883
Author: Umberg (D), et al.
Amended: 8/27/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 4/14/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, McNerney, Reyes, Stern, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Valladares

SENATE FLOOR: 37-0, 4/23/26 (Consent)

AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Weber Pierson, Wiener

NO VOTE RECORDED: Ochoa Bogh, Reyes, Wahab

ASSEMBLY FLOOR: Passed, 8/31/26

SUBJECT: Hazardous materials: reactive chemicals: methyl methacrylate: facilities

SOURCE: Author

DIGEST: This bill prohibits a city or county from approving a building permit for a reactive chemical storage facility, as specified, unless the facility meets specified conditions and deems methyl methacrylate (MMA) to be a regulated substance under the California Accidental Release and Prevention Program (CalARP).

Assembly Amendments prohibit a city or county from approving a building permit for a new reactive chemical storage facility, as described; make new, expansions, or modifications of reactive chemical storage facilities with MMA ineligible for the advanced manufacturing exemption from the California Environmental Quality

Act; and require the California Environmental Protection Agency to adopt a state threshold quantity applicable to MMA through regulation.

ANALYSIS: Existing federal law:

- 1) Enacts the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 to help communities plan for chemical emergencies. Requires industry to report on the storage, use, and releases of hazardous substances to federal, state, and local governments. (42 United States Code (USC) §§ 11001 et seq.)

Existing state law:

- 1) Defines “Certified Unified Program Agency” or “CUPA” as the agency certified by the Secretary of the California Environmental Protection Agency (CalEPA) to implement the unified program within a jurisdiction. (Health and Safety Code (HSC) § 25404(a)(1)(A))
- 2) Requires the Secretary of CalEPA to adopt implementing regulations and implement a unified hazardous waste and hazardous materials management regulatory program, known as the unified program. (HSC § 25404(b))
- 3) Requires a business to establish and implement a Business Plan for a hazardous material if the business meets specified criteria. (HSC § 25507(a))
- 4) Requires a unified program agency to make the information in the statewide information management system submitted by the unified program agency available for public inspection during the regular working hours of the unified program agency, except the information specifying the precise location where hazardous materials are stored and handled onsite, including any maps. (HSC § 25509)
- 5) Requires, on or before January 1, 2022, the California Governor’s Office of Emergency Services (CalOES) to adopt regulations establishing reporting requirements for a hazardous material, hazardous waste, or hazardous substance release or threatened release. (HSC 25510 § (c))

This bill:

- 1) Defines “Reactive chemical storage facility” to mean a stationary source, as defined, that has a process involving a reactive substance, except for facilities exempt from local building ordinances, as described.
- 2) 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, as described, that may cause injury or death to any person outside the proposed facility’s property boundary unless all of the following conditions are satisfied:
 - a) The proposed facility has a backup colling system for the reactive chemical storage or other contingency system approved by the CUPAs;
 - b) The application for the building permit demonstrates that the proposed facility is not adjacent to a home; and
 - c) The city council or county board of supervisors provides the public with notice and the opportunity to comment on the proposed facility.
- 3) Requires the city, county, or city and county to include a specific designation for which emergency response department will serve as the lead agency for responding to hazardous materials incidents in the next revision of its emergency operations plan or equivalent document.
- 4) Requires the city or county, or city and county to notify the California Governor’s Office of Emergency Services (CalOES) and the Office of Environmental Health Hazard Assessment (OEHHA) if it approves a building permit for a new reactive chemical storage facility.
- 5) Makes the approval of a building permit for a new reactive chemical storage facility in which MMA will be present above a regulatory threshold or the significant expansion or significant modification of an existing reactive chemical storage facility in which MMA will be present above a regulatory threshold ineligible for the advanced manufacturing exemption from the California Environmental Quality Act.
- 6) Requires OEHHA to consider reactive chemical storage facilities for the purposes of identifying disadvantaged communities for investment opportunities, as described.
- 7) Requires the CUPAs in each jurisdiction to routinely conduct an inspection of each reactive chemical storage facility, as defined, in its jurisdiction no less than once every three years. Defines reactive chemical storage facility to mean a facility that has a process involving any regulated substance, as described,

and that is designated by CalEPA as a reactive substance above a minimum threshold established by CalEPA.

- 8) Requires the CUPAs to report the results of the inspection to CalEPA, the Office of the State Fire Marshal, and CalOES.
- 9) Defines a “regulated substance” to mean a substance including, but not limited to, methyl methacrylate (MMA) and requires CalEPA to adopt a state threshold quantity applicable to MMA through regulation.
- 10) Makes a stationary source, as defined, that stores or uses MMA ineligible for exemptions from hazardous materials management requirements.

Background

- 1) *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:
 - a) Hazardous Materials Release Response Plans and Inventories (Business Plans);
 - b) California Accidental Release Prevention (CalARP) Program;
 - c) Underground Storage Tank Program (USTP);
 - d) Aboveground Petroleum Storage Act (APSA);
 - e) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs; and
 - f) California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.
- 2) *Hazardous Materials Business Plan (HMBP) program*. The HMBP program was enacted in 1986 with the purpose of preventing or minimizing the damage to public health and safety and the environment that can be caused by a release or threatened release of hazardous materials. The HMBP satisfies community right-to-know laws, mandated by the 1986 federal EPCRA. Community right-to-know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into

the environment. Crucially, the HMBP enables first responders to make informed decisions in the event of an emergency to protect public health, safety, and the environment.

- 3) *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 § 68.130) or the state list (22 California Code of Regulations § 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. In 2021, the Legislature passed AB 148 (Chapter 115, Statutes of 2021), which transferred the responsibility for the HMBP and CalARP programs from CalOES to CalEPA.
- 4) *Chemical Safety Board: Improving Reactive Hazard Management.* The United States Chemical Safety and Hazard Investigation Board (Chemical Safety Board) is an independent, nonregulatory federal agency charged with investigating the facts, conditions, circumstances, and probable cause of any accidental chemical release that results in a fatality, serious injury, or substantial property damage. In 2002, the Chemical Safety Board released the report, *Improving Reactive Hazard Management* (report). The report included various recommendations for federal agencies. The two recommendations for the United States Environmental Protection Agency (U.S. EPA) were:
 - a) Revise the Accidental Release Prevention Requirements, 40 CFR 68 (RMP), to explicitly cover catastrophic reactive hazards that have the potential to seriously impact the public, including those resulting from self-reactive chemicals and combinations of chemicals and process-specific conditions; and

- b) Modify the accident reporting requirements in RMP Info to define and record reactive incidents and structure this information collection to allow U.S. EPA and its stakeholders to identify and focus resources on industry sectors that experienced the incidents, chemicals and processes involved, and impact on the public, the workforce, and the environment.
- 5) *Garden Grove Incident.* On May 21, 2026, a chemical storage tank containing approximately 5,000 to 7,000 gallons of methyl methacrylate (MMA), a volatile and highly flammable liquid, began heating up and emitting toxic fumes at a GKN Aerospace facility in the City of Garden Grove within Orange County. As a result, the area surrounding the chemical incident was placed under an evacuation order, affecting approximately 50,000 residents. Evacuation orders were partially lifted on Monday, May 25, and lifted in full on Tuesday, May 26. Site response and recovery work continued under the oversight of the Orange County Health Care Agency (OCHCA), which functions as the county's CUPA. GKN Aerospace's facility has been in Garden Grove for 60 years and today employs more than 500 people. The facility manufactures aerospace canopies, cabin windows, and flight deck windows for commercial and military aircraft as well as spacecraft.

MMA is an industrial chemical widely used in the manufacture of acrylic materials, coatings, composites, and specialty components, including aerospace applications. Like many industrial chemicals, MMA must be stored and managed within specific operating conditions. MMA is irritating to the skin, eyes, and mucous membranes in humans. An allergic response to dermal exposure may develop. Respiratory effects have been reported in humans following acute (short-term) and chronic (long-term) inhalation exposures. Respiratory symptoms observed following acute exposures include chest tightness, dyspnea, coughing, wheezing, and reduced peak flow. Neurological symptoms have also been reported in humans following acute exposure to MMA. Fetal abnormalities have been reported in animals exposed to MMA by injection and inhalation.

This bill would deem MMA to be a regulated substance under the CalARP program and require CalEPA to adopt a state threshold applicable to MMA through regulation.

Comments

- 1) *Purpose of Bill.* 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 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.”

- 2) *Broad applicability.* This bill defines “reactive chemical storage facility” differently in two different code sections, one of which may be too broad. In HSC § 65850.21, the proposed definition of “reactive chemical storage facility” is a stationary source, as defined in HSC § 25532, that has a process involving a reactive substance, except for those exempt from local building ordinances, as specified. HSC § 25532 references federal regulations which define a stationary source as any building, structure, equipment, installation, or substance emitting stationary activity, as described, from which an accidental release may occur, and makes specified exemptions. The definition in this bill is used to determine which facilities are subject to specified conditions when undergoing building permit approvals. This definition may not be tied to facilities that are designated as regulated facilities under CalARP, which may lead to a broader applicability outside of the CalARP program, because it would involve any facility that has a process involving a reactive substance—which could involve many different substances not regulated under CalARP. Additionally, the specified conditions, such as requiring a backup cooling system, may not be appropriate for all types of “stationary sources,” nor are such systems approved by CUPAs.

In HSC § 25404.7, the proposed definition of “reactive chemical storage facility” is tied to facilities that have a process involving regulated substances under CalARP, which provides more clarity to which regulated facilities are subject to the requirements of HSC § 25404.7. This could be a more appropriate reference to the types of facilities the author intended to subject to building permits conditions, although the implications of referencing this narrower set of facilities is unclear.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 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) GF revenue loss of an unknown amount by creating the PIT exclusion for GKN Aerospace settlement claims. FTB notes that both the dollar amount arising from settlement payouts and the timing of payments must be known to calculate the revenue impact, both of which have yet to occur. However, applying an average tax rate of 4.5%, FTB assumes \$4.5 million in GF revenue loss for every \$100 million in qualified settlement amounts received. Additionally, likely minor and absorbable costs to FTB to submit the related report.
- 7) Minor and absorbable costs to OES and OSFM to receive specified information.

SUPPORT: (Verified 8/31/26)

350 Bay Area Action
 350 Conejo / San Fernando Valley
 350 Santa Barbara
 7th Generation Advisors
 Aapis for Civic Empowerment
 Ahri for Justice
 Apen Action
 Asian Pacific Environmental Network Action
 Breathe California of Los Angeles County (breathe La)
 CA Healthy Nail Salon Collaborative
 California Environmental Voters
 Calpirg, California Public Interest Research Group
 Center for Biological Diversity
 Center for Environmental Health
 Center for Public Environmental Oversight
 Center on Race, Poverty & the Environment
 Cleanearth4kids.org
 Climate Action California

Coalition for Clean Air
Endangered Habitats League
Environment California
Environmental Action Committee of West Marin
Harbor Institute for Immigrant and Economic Justice
Leadership Council for Justice and Accountability
Leadership Counsel for Justice & Accountability
Natural Resources Defense Council
Orange County Fire Authority
Pesticide Action & Agroecology Network
Physicians for Social Responsibility - Los Angeles
Physicians for Social Responsibility - San Francisco Bay
Physicians for Social Responsibility Los Angeles
Planning and Conservation League
Resource Renewal Institute
San Diego 350
San Francisco Baykeeper
Shasta County Board of Supervisors
Sierra Club

OPPOSITION: (Verified 8/31/26)

Aerospace and Defense Alliance of California
American Subcontractors Association-California
American Chemistry Council
Associated General Contractors, California Chapters
Associated General Contractors-San Diego Chapter
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Council for Environmental & Economic Balance (CCEEB)
California Manufacturers & Technology Association
California Nevada Cement Association (CNCA)
Chemical Industry Council of California
Commercial Real Estate Development Association, Naiop of California
Supply Chain Federation
United Contractors (UCON)
Western States Petroleum Association

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