State of California
AIR RESOURCES BOARD

Resolution 93-26

April 8, 1993

Agenda Item No.: 93-6-6

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in September 1992, AB 2728, was signed by the Governor and became effective January 1993 (Tanner, Chapter 1161, statutes of 1992);

WHEREAS, AB 2728 amends the AB 1807 (Tanner, Chapter 1047, statutes of 1983) program for the identification and control of toxic air contaminants (TACs) by requiring the Air Resources Board to designate, by regulation, federal hazardous air pollutants (HAPs) pursuant to subsection (b) of section 112 of the federal Clean Air Act Amendments (CAA) (42 U.S.C. sec. 7412 (b)) as TACs;

WHEREAS, pursuant to AB 2728, a regulation which designates a HAP as a TAC shall be deemed to be a regulation mandated by federal law and is not subject to section 11346.7 of the Government Code, Article 6 (commencing with section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, or Article 3 (commencing with section 39660);

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, at a public hearing on April 8, 1993, the Air Resources Board (the "Board"), as authorized by AB 2728, has considered identifying all federal HAPs as TACs;

WHEREAS, in consideration of the staff report, including the requirements of AB 2728, public comments and the staff recommendations, the Board finds that:

1. A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of section 112 of the federal act (42 U.S.C. sec. 7412 (b)) is a toxic air contaminant for the purposes of California law;

2. A regulation that designates a hazardous air pollutant as a toxic air contaminant pursuant to Health and Safety Code section 39658 is not subject to section 11346.7 of the Government Code, Article 6 (commencing with section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, or Article 3 (commencing with section 39660);

3. The State board shall identify substances not listed as HAPs as toxic air contaminants which are emitted into the ambient air of the state using the procedures and following the requirements prescribed by Article 3 of AB 2728 (commencing with section 39660); and

4. This regulatory action does not impose any control measures or reporting requirements on any person or business and will not result in any costs of compliance for California small businesses or for private persons of other businesses.

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Board regulations, that this regulatory action will have no significant adverse impact on the environment;

WHEREAS, the Board approves the amended Toxic Air Contaminant Identification List for the TAC program in which the 189 HAPs are placed in Category I, "Substances Identified as Toxic Air Contaminants by the Air Resources Board";

WHEREAS, the Board directs the staff to work with the Office of Environmental Health Hazard Assessment and the Scientific Review Panel on developing health assessment values for the HAPs, for the use in the development of toxic control measures, using a full public participatory process including public comment periods and workshops;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts section 93001, Titles 17 and 26, California Code of Regulations, as set forth in Attachment A hereto.

I hereby certify that the above is a true and correct copy of Resolution 93-26, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

PROPOSED REGULATION ORDER

Add to Titles 17 and 26, California Code of Regulations, Section 93001 to read as follows:

93001. Hazardous Air Pollutants Identified as Toxic Air Contaminants. Each substance listed in this section has been identified as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal Clean Air Act (42 U.S.C. Section 7412 (b)) and has been designated by the State Board to be a toxic air contaminant pursuant to Health and Safety Code Section 39657.

Substance

Acetaldehyde
Acetamide
Acetonitrile
Acetophenone
2-Acetylaminofluorene
Acrolein
Acrylamide
Acrylic acid
Acrylonitrile
Allyl chloride
4-Aminobiphenyl
Aniline
o-Anisidine
Asbestos
Benzene (including benzene from gasoline)
Benzidine
Benzotrichloride
Benzyl chloride
Biphenyl
Bis(2-ethylhexyl)phthalate (DEHP)
Bis(chloromethyl)ether
Bromoform
1,3-Butadiene
Calcium cyanamide
Caprolactam
Captan
Carbaryl
Carbon disulfide
Carbon tetrachloride
Carbonyl sulfide
Catechol
Chloramben
Chlordane
Chlorine
Chloroacetic acid
2-Chloroacetophenone
Chlorobenzene
Chlorobenzilate
Chloroform
Chloromethyl methyl ether

Chloroprene
Cresols/Cresylic acid (isomers and mixture)
o-Cresol
m-Cresol
p-Cresol
Cumene
2,4-D, salts and esters
DDE
Diazomethane
Dibenzofurans
1,2-Dibromo-3-chloropropane
Dibutylphthalate
1,4-Dichlorobenzene(p)
3,3-Dichlorobenzidene
Dichloroethyl ether (Bis(2-chloroethyl)ether)
1,3-Dichloropropene
Dichlorvos
Diethanolamine
N,N-Diethyl aniline (N,N-Dimethylaniline)
Diethyl sulfate
3,3-Dimethoxybenzidine
Dimethyl aminoazobenzene
3,3-Dimethyl benzidine
Dimethyl carbamoyl chloride
Dimethyl formamide
1,1-Dimethyl hydrazine
Dimethyl phthalate
Dimethyl sulfate
4,6-Dinitro-o-cresol, and salts
2,4-Dinitrophenol
2,4-Dinitrotoluene
1,4-Dioxane (1,4-Diethyleneoxide)
1,2-Diphenylhydrazine
Epichlorohydrin (1-Chloro-2,3-epoxypropane)
1,2-Epoxybutane
Ethyl acrylate
Ethyl benzene
Ethyl carbamate (Urethane)
Ethyl chloride (Chloroethane)
Ethylene dibromide (Dibromoethane)
Ethylene dichloride (1,2-Dichloroethane)
Ethylene glycol
Ethylene imine (Aziridine)
Ethylene oxide
Ethylene thiourea
Ethylidene dichloride (1,1-Dichloroethane)
Formaldehyde
Heptachlor
Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachloroethane
Hexamethylene-1,6-diisocyanate
Hexamethylphosphoramide
Hexane
Hydrazine

Hydrochloric acid
Hydrogen fluoride (Hydrofluoric acid)
Hydroquinone
Isophorone
Lindane (all isomers)
Maleic anhydride
Methanol
Methoxychlor
Methyl bromide (Bromomethane)
Methyl chloride (Chloromethane)
Methyl chloroform (1,1,1-Trichloroethane)
Methyl ethyl ketone (2-Butanone)
Methyl hydrazine
Methyl iodide (Iodomethane)
Methyl isobutyl ketone (Hexone)
Methyl isocyanate
Methyl methacrylate
Methyl tert butyl ether
4,4-Methylene bis(2-chloroaniline)
Methylene chloride (Dichloromethane)
Methylene diphenyl diisocyanate (MDI)
4,4-Methylenedianiline
Naphthalene
Nitrobenzene
4-Nitrobiphenyl
4-Nitrophenol
2-Nitropropane
N-Nitroso-N-methylurea
N-Nitrosodimethylamine
N-Nitrosomorpholine
Parathion
Pentachloronitrobenzene (Quintobenzene)
Pentachlorophenol
Phenol
p-Phenylenediamine
Phosgene
Phosphine
Phosphorus
Phthalic anhydride
Polychlorinated biphenyls (Aroclors)
1,3-Propane sultone
beta-Propiolactone
Propionaldehyde
Propoxur (Baygon)
Propylene dichloride (1,2-Dichloropropane)
Propylene oxide
1,2-Propylenimine (2-Methylaziridine)
Quinoline
Quinone
Styrene
Styrene oxide
2,3,7,8-Tetrachlorodibenzo-p-dioxin
1,1,2,2-Tetrachloroethane
Tetrachloroethylene (Perchloroethylene)
Titanium tetrachloride
Toluene

2,4-Toluene diamine
2,4-Toluene diisocyanate
o-Toluidine
Toxaphene (chlorinated camphene)
1,2,4-Trichlorobenzene
1,1,2-Trichloroethane
Trichloroethylene
2,4,5-Trichlorophenol
2,4,6-Trichlorophenol
Triethylamine
Trifluralin
2,2,4-Trimethylpentane
Vinyl acetate
Vinyl bromide
Vinyl chloride
Vinylidene chloride (1,1-Dichloroethylene)
Xylenes (isomers and mixture)
o-Xylenes
m-Xylenes
p-Xylenes
Antimony Compounds
Arsenic Compounds (inorganic including arsine)
Beryllium Compounds
Cadmium Compounds
Chromium Compounds
Cobalt Compounds
Coke Oven Emissions
Cyanide Compounds[1]
Glycol ethers[2]
Lead Compounds
Manganese Compounds
Mercury Compounds
Fine mineral fibers[3]
Nickel Compounds
Polycyclic Organic Matter[4]
Radionuclides (including radon)[5]
Selenium Compounds

NOTE: For all listing above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc) as part of that chemical's infrastructure.

[1] X'CN where X=H' or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$

[2] includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol ($R(OCH_2CH_2)_n$-OR' where

n = 1,2 or 3
R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: $R(OCH_2CH)_n-OH$. Polymers are excluded from the glycol category.

[3] includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

[4] includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to $100^{o}C$.

[5] a type of atom which spontaneously undergoes radioactive decay.

NOTE: Authority cited: Sections 39657, 39600, 39601 and 39662, Health and Safety Code. Reference: Sections 39650, 39655, 39656, 39657, 39658, 39659, 39660, 39661 and 39662, Health and Safety Code.