

CALIFORNIA HEALTH & SAFETY CODE

DIVISION 39. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

§ 59000. Office Created

There is, in the California Environmental Protection Agency, the Office of Environmental Health Hazard Assessment.

§ 59001. Definitions

As used in this division:

- (a) "Office" means the Office of Environmental Health Hazard Assessment.
- (b) "Director" means the Director of Environmental Health Hazard Assessment.

§ 59002. Director; Appointment; Qualifications; Salary

The Office of Environmental Health Hazard Assessment is under the control of an executive officer known as the Director of Environmental Health Hazard Assessment, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold office at the pleasure of the Governor.

The director shall have broad-based scientific expertise as evidenced by a doctoral degree and work experience in a biological or medical science.

The director shall receive the annual salary provided in Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

§ 59002.5. Deputy Director; Appointment; Salary

The Governor may appoint a deputy to the director. The deputy director shall hold office at the pleasure of the director, and shall receive a salary fixed by the director with the approval of the Department of Personnel Administration.

§ 59003. Powers of Director

The director shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

§ 59004. Succession to Duties and Powers

The office succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction of the Health Hazard Assessment Division of the State Department of Health Services relating to assessment of human health risks of chemicals and to toxicologic and scientific consultation to programs in the State

Department of Health Services and in other state agencies. The functions and responsibilities of the office shall include, but not be limited to, those performed pursuant to the following provisions of law:

(a) Article 6 (commencing with Section 32060) of Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code.

(b) Sections 217.6 and 7715 of the Fish and Game Code.

(c) Article 10.5 (commencing with Section 12980), Article 14 (commencing with Section 13121), and Article 15 (commencing with Section 13141) of Chapter 2 of Division 7 of, Sections 13060 and 13061 of, and Article 1.5 (commencing with Section 14021) of Chapter 3 of Division 7 of, the Food and Agricultural Code.

(d) Section 425 of, Chapter 9 (commencing with Section 2950) of Division 3 of, Sections 25416, 25886.5 and 39606 of, Article 3 (commencing with Section 39660) of Chapter 3.5 of Part 2 of Division 26 of, Sections 41982 and 42315 of, and Chapter 4 (commencing with Section 44360) of Part 6 of Division 26 of, this code.

(e) Section 21151.1 of the Public Resources Code.

§ 59005. Succession to Funds

The office may use the unexpended balance of funds available for use in connection with the performance of the functions of the State Department of Health Services to which it succeeds pursuant to Section 59004.

§ 59006. Officers and Employees of State Department of Health Services; Transfer to Office; Status and Rights

All officers and employees of the State Department of Health Services who, on the effective date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function vested in the office by Section 59004 shall be transferred to the office. The status, positions, and rights of those persons shall not be affected by the transfer and shall be retained by those persons as officers and employees of the office, pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), except as to positions exempted from civil service.

§ 59007. Succession of Records, Papers, Equipment and Property

The office shall have possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, agreements, contracts, claims, judgments, land, and other property, real or personal, connected with the administration of, or held for the benefit or use of, the State Department of Health Services for the performance of functions transferred to the office by Section 59004.

§ 59008. Appointment of Employees

All officers and employees of the office employed after the effective date of this section shall be appointed by the director.

§ 59009. Actions and Proceedings; Powers of Department

The office may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

- (a) To enforce its rules and regulations.
- (b) To enjoin and abate nuisances related to matters within its jurisdiction which are dangerous to health.
- (c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to matters within its jurisdiction.
- (d) On matters within its jurisdiction, to protect and preserve the public health.

The office may defend all actions and proceedings involving its powers and duties. In all actions and proceedings, the office shall sue and be sued under the name of the Office of Environmental Health Hazard Assessment.

§ 59010. Public Nuisances; Abatement

The office may abate public nuisances related to matters within its jurisdiction.

§ 59011. Local Health Authorities; Advice and Regulation

The office may advise all local health authorities, and, when in its judgment the public health is menaced by matters within its jurisdiction, the office shall control and regulate their actions.

§ 59012. Rules and Regulations

The office may adopt and enforce rules and regulations for the execution of its duties.

§ 59013. Proposal Rules and Regulations; Submission for Review and Comment; Public Finding

Notwithstanding any other provision of law, the office shall submit all of its rules and regulations on matters related to the statutory responsibilities delegated to or enforced by local health departments, except emergency rules and regulations, to the California Conference of Local Health Officers for review and comment prior to adoption. If the office determines it to be appropriate to implement the proposed rules and regulations

or parts thereof, contrary to the recommendations of the conference, the office shall make a public finding summarizing the reasons for acting contrary to those recommendations.

§ 59014. Grants and Gifts to Further Work of Office

With the approval of the Department of Finance, and for use in furtherance of the work of the office, the director may accept the following:

(a) Grants of interest in real property.

(b) Gifts of money from public agencies or from organizations or associations organized for scientific, educational, or charitable purposes.

§ 59015. Morbidity and Mortality Studies; Environmental Sources

The office shall cause special investigations of environmental sources of morbidity and mortality and the effects of localities, employments, conditions, and circumstances on the public health, and it shall perform any other duties which may be required in procuring information for state and federal agencies regarding the effects of these conditions on the public health.

§ 59016. Confidential Information; Immunities; Publication of Statistics

(a) All records of interviews, written reports, and statements procured by the office or by any other person, agency, or organization acting jointly with the office, in connection with special morbidity and mortality studies shall be confidential insofar as the identity¹ of the individual patient is concerned and shall be used solely for the purpose of the study. The furnishing of that information to the office or its authorized representative, or to any other cooperating individual, agency, or organization in any such special study, shall not subject any person, hospital, sanitarium, rest home, nursing home, or other organization furnishing the information to any action for damages. This section shall not apply to general morbidity and mortality studies customarily and continuously conducted by the office and which do not involve patient identification.

(b) Nothing in this section prohibits the publishing by the office of statistical compilations relating to morbidity and mortality studies which do not identify cases and sources of information or religious affiliations.

§ 59017. Activities of Office

(a) The office may perform any of the following activities relating to assessment of human health risks of chemicals, toxicologic, or scientific consultation:

¹ So in state-supplied copy.

(1) Studies.

(2) Demonstrations of innovative methods.

(3) Evaluations of existing projects.

(4) Provision of training programs.

(5) Dissemination of information.

(b) In performing any activity specified in subdivision (a), the office may do any of the following:

(1) Perform the activity directly.

(2) Enter into contracts, cooperative agreements, or other agreements for the performance of the activity.

(3) Apply for and receive grants for the performance of the activity.

(4) Award grants for the performance of the activity.