

UPDATED INFORMATIVE DIGEST

Section Affected: Proposed amendments to title 17, California Code of Regulations (CCR), section 93000.

Background:

Assembly Bill 1807 (Stats. 1983, ch. 1047; Health and Safety Code section 39650 et seq., Food and Agriculture Code section 14021 et seq.) sets forth procedures for the identification and control of toxic air contaminants (TACs) in California. In accordance with those procedures, staff proposed that the Air Resources Board (ARB) amend section 93000 of title 17, California Code of Regulations, by adding environmental tobacco smoke (ETS) to the list of TACs with no identified threshold exposure level below which no significant adverse health effects are anticipated.

In accordance with Health and Safety Code sections 39660 and 39661, the Office of Environmental Health Hazard Assessment (OEHHA) staff prepared an evaluation of the health effects of ETS. In addition, ARB staff prepared a report (Report) on ETS, which included the OEHHA health effects evaluation. OEHHA staff found that exposure to ETS is directly associated with a variety of adverse health outcomes involving developmental, respiratory, carcinogenic, and cardiovascular effects. Some of these adverse health outcomes include heart disease; lung cancer; nasal sinus cancer; and breast cancer in younger, primarily premenopausal women. ETS has also been shown conclusively to be the cause of a number of serious impacts to children's health, such as sudden infant death syndrome (SIDS), pre-term delivery, low birth weight, induction and exacerbation of asthma, chronic respiratory symptoms, and increased acute lower respiratory and middle ear infections.

OEHHA staff estimated a non-smoker's risk associated with various health outcomes. For example, OEHHA staff estimated that approximately 1,700 to 5,500 deaths will occur annually in California due to heart disease in non-smokers exposed to ETS. Likewise, OEHHA estimated that about 400 to 1,100 lung cancer deaths in California per year are ETS-related. For ETS-exposed premenopausal women, OEHHA estimated an increase of 68 to 120 percent in breast cancer cases, relative to non ETS-exposed non-smoking women. For children, OEHHA determined that each year ETS may cause low birth weight for 1,600 newborns in California and at least 31,000 children in California will experience one or more ETS-related asthma episodes (new onset or exacerbation). About 50,000 children annually are estimated to develop middle ear infections and 18,000 to 36,000 children each year may develop lower respiratory infections, due to ETS exposure. With lung cancer deaths, heart disease deaths, and cases of SIDS, about 4,000 deaths per year in California can be attributed to ETS exposure.

OEHHA staff also found that there was not sufficient scientific evidence to support the identification of an exposure level below which carcinogenic effects would not have

some probability of occurring and recommended that ETS be treated as having no identified threshold.

Other agencies and scientific bodies have also published comprehensive reviews of ETS. These include the 1986 Report from the Surgeon General by the National Research Council (NRC), the 1992 U.S. Environmental Protection Agency (U.S. EPA) report, and a 1997 California Environmental Protection Agency, OEHHA review. These reports show that ETS exposure is causally associated with respiratory illnesses, lung cancer, childhood asthma, and lower respiratory tract infections. However, scientific knowledge about ETS-related effects has grown considerably since the release of these reviews.

The Scientific Review Panel (SRP), established pursuant to Health and Safety Code section 39670, has reviewed the Report, and submitted written findings to ARB, in accordance with Health and Safety Code section 39661. The SRP found the Report on ETS, as well as the scientific procedures, methods, data, conclusions, and assessments to be based upon sound scientific knowledge, methods, and practices, and adopted findings recommending ARB identify ETS as a TAC.

Description of Regulatory Action:

In accordance with Health and Safety Code section 39662, ARB staff prepared a proposed amendment to title 17, California Code of Regulations, section 93000 identifying ETS as a TAC with no identified threshold exposure level. No control measures for ETS were proposed for adoption. The Board unanimously adopted staff's proposal to list ETS as a TAC. Health and Safety Code section 39665 provides for the development of a report on the need for, and appropriate degree of, control measures to reduce ETS emissions. The report will be developed in a full, open, public process and in accordance with Health and Safety Code sections 39665 and 39666.

Comparable Federal Regulations:

There are no comparable federal regulations.