An act to add Section 2017 to the Fish and Game Code, and to add and repeal Title 24 (commencing with Section 120000) of the Government Code, relating to state prerogative: public welfare.

LEGISLATIVE COUNSEL’S DIGEST


(1) The federal Clean Air Act regulates the discharge of air pollutants into the atmosphere. The federal Clean Water Act regulates the discharge of pollutants into water. The federal Safe Drinking Water Act establishes drinking water standards for drinking water systems. The federal Endangered Species Act of 1973 generally prohibits activities affecting threatened and endangered species listed pursuant to that act unless authorized by a permit from the United States Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate.

Existing state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species.
This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. By imposing new duties on local agencies, this bill would impose a state-mandated local program.

(2) Existing law provides for the enforcement of laws regulating the discharge of pollutants into the atmosphere and waters of the state. Existing law provides for the enforcement of drinking water standards. Existing law provides for the enforcement of the California Endangered Species Act.

This bill would authorize a person acting in the public interest to bring an action to enforce certain federal standards and requirements incorporated into certain of the above-mentioned state laws if specified conditions are satisfied.


Existing state law, including the California Occupational Safety and Health Act of 1973, generally establishes standards for workers’ rights and worker health and safety.

This bill would require specified agencies to take prescribed actions regarding certain requirements and standards pertaining to workers’ rights and worker health and safety. The bill would authorize a person acting in the public interest to enforce standards and requirements related to workers’ rights and worker health and safety, as provided.

(4) This bill would make the above provisions inoperative as of January 20, 2025, and would repeal them as of January 1, 2026.

(5) Existing law makes it unlawful to take a bird, mammal, fish, reptile, or amphibian, except as authorized by law.

This bill would make it unlawful for a person in California to transport, sell, receive, acquire, or purchase any fish, wildlife, or plant taken, possessed, transported, or sold in violation of a law, treaty, or regulation of the United States in effect on January 19, 2017, or in violation of any law or regulation of any other state or any foreign law in effect on January 1, 2020.

Under existing law, a violation of the Fish and Game Code is a crime. Because the above provision would be part of the Fish and Game Code, a violation of which would be a crime, this bill would impose a state-mandated local program.
(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


The people of the State of California do enact as follows:

SECTION 1. Section 2017 is added to the Fish and Game Code, to read:

2017. Unless otherwise authorized under state law, it is unlawful for a person in this state to do either of the following:

(a) To transport, sell, receive, acquire, or purchase any fish, wildlife, or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States in effect on January 19, 2017.

(b) To transport, sell, receive, acquire, or purchase any fish, wildlife, or plant taken, possessed, transported, or sold in violation of any law or regulation of any other state in effect on January 1, 2020, or in violation of any foreign law in effect on January 1, 2020.

SEC. 2. Title 24 (commencing with Section 120000) is added to the Government Code, to read:

TITLE 24. CALIFORNIA ENVIRONMENTAL, PUBLIC HEALTH, AND WORKERS DEFENSE ACT OF 2019

DIVISION 1. GENERAL PROVISION

120000. This title shall be known, and may be cited, as the California Environmental, Public Health, and Workers Defense Act of 2019.
DIVISION 2. ENVIRONMENT, NATURAL RESOURCES, 
PUBLIC HEALTH, AND WORKERS’ 
HEALTH AND SAFETY

CHAPTER 1. FINDINGS AND DECLARATIONS

120010. (a) The Legislature finds and declares all of the 
following:
(1) For over eight decades, California and its residents have 
relied on federal laws, including the federal Clean Air Act (42 
U.S.C. Sec. 7401 et seq.), the Federal Water Pollution Control Act 
(Clean Water Act) (33 U.S.C. Sec. 1251 et seq.), the federal Safe 
Drinking Water Act (42 U.S.C. Sec. 300f et seq.), and the federal 
the federal Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 
et seq.), the federal Occupational Safety and Health Act of 1970 
(29 U.S.C. Sec. 651 et seq.), and the Federal Coal Mine Health 
and Safety Act of 1969 (30 U.S.C. Sec. 801 et seq.), along with 
their implementing regulations and remedies, to protect our state’s 
public health, safety, environment, and natural resources.
(2) These federal laws establish standards that serve as the 
baseline level of public health, safety, and environmental 
protection, while expressly authorizing states like California to 
adopt more protective measures.
(3) Beginning in 2017, a new presidential administration and 
United States Congress have signaled a series of direct challenges 
to these federal laws and the protections they provide, as well as 
to the underlying science that makes these protections necessary, 
and to the rights of the states to protect their own environment, 
natural resources, and public health and safety as they see fit.
(b) It is therefore necessary for the Legislature to enact 
legislation that will ensure continued protections for the 
environment, natural resources, and public health and safety in the 
state even if the federal laws specified in paragraph (1) of 
subdivision (a) are undermined, amended, or repealed.
120011. The purposes of this division are to do all of the 
following:
(a) Retain protections afforded under the federal laws specified 
in paragraph (1) of subdivision (a) of Section 120010 and
regulations implementing those federal laws in existence as of January 19, 2017, regardless of actions taken at the federal level.  

(b) Protect public health, safety, and welfare from any actual or potential adverse effect that reasonably may be anticipated to occur from hazards and pollution, including the effects of climate change.  

(c) Preserve, protect, and enhance the environment and natural resources in California, including, but not limited to, the state’s national parks, national wilderness areas, national monuments, national seashores, and other areas with special national or regional natural, recreational, scenic, or historic value.  

(d) Prevent work-related and environmental illness, injury, or death from chemicals and other pollutants and hazards.  

(e) Ensure that economic growth will occur in a manner consistent with the protection of public health and safety and the environment, and the preservation of existing natural resources.  

(f) Ensure that any decision made by a public agency that may adversely impact public health, safety, the environment, or natural resources is made only after careful evaluation of all the consequences of that decision and after adequate procedural opportunities for informed public participation in the decisionmaking process.  

Chapter 2. General Provisions  

120030. (a) A state agency may adopt standards or requirements pursuant to this title, including, but not limited to, by emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.  

(b) The adoption of emergency regulations in furtherance of this title shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.  

(c) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, emergency regulations adopted by a state agency under this title shall not be subject to

Article 1. Air

120040. For purposes of this article, the following definitions apply:
(a) “Air district” means an air quality management or air pollution control district.
(b) “Baseline federal standards” means federal standards in effect as of January 19, 2017, that were not otherwise permanently enjoined by a federal court as of that date.
(c) “Federal standards” means federal laws or federal regulations implementing the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), including, but not limited to, federal requirements for a state implementation plan, federal requirements for the transportation conformity program, and federal requirements for the prevention of significant deterioration.
(d) “State analogue statute” means the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) or Division 26 (commencing with Section 39000) of the Health and Safety Code.
(e) “State board” means the State Air Resources Board.

120041. Except as otherwise authorized by state law, all of the following apply:
(a) The state board shall regularly assess proposed and final changes to the federal standards.
(b) (1) At least quarterly, the state board shall publish on its internet website and in the California Regulatory Notice Register a list of changes made to the federal standards and provide an assessment on whether a change made to the federal standards is more or less protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards.
(2) If the state board determines that a change to the federal standards is less stringent protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards, the state board shall consider whether it should adopt the baseline federal standards as a measure in order to maintain the state’s protections to be at least as stringent as the baseline federal standards.

(3) The state board shall publish its list, assessment, and consideration for adoption at least 30 days before a vote on adoption on its internet website for public comment.

(c) If the state board decides to adopt a measure pursuant to subdivision (b), the state board shall adopt the measure by either of the following procedures:

(1) As an emergency regulation in accordance with Section 120030.

(2) By promulgation or amendment of a state policy, plan, or regulation.

(d) Notwithstanding any other law, the state board, when adopting a measure under paragraph (2) of subdivision (c) may adopt those measures in accordance with Section 100 of Title 1 of the California Code of Regulations and the measures shall be deemed to be a change without regulatory effect pursuant to paragraph (6) of subdivision (a) of that section and not subject to additional notice, procedural, or other considerations contained in state analogue statutes identified in this article, article, as long as the measure adopts the baseline federal standards without substantial modification. Nothing in this chapter shall affect the imposition of sanctions under the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(e) In the event that the citizen suit provision set forth in Section 7604 of Title 42 of the United States Code is amended to restrict, condition, abridge, or repeal the citizen suit provision, the state board may consider the amendment as a change to the federal standards and may adopt the baseline federal standards pursuant to subdivision (e), both of the following apply:

(1) A federal baseline standard for which there is no analogous state standard that is more protective of public health and safety, the environment, natural resources, or worker health and safety is deemed to be a state standard, a violation of which constitutes a violation of the state analogue statute.
(2) An action may be brought pursuant to Section 120042 to enforce the baseline federal standards, state standards enacted pursuant to the state analogue statute, or other permit conditions as authorized pursuant to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(f) This article does not prohibit the state board or air districts from establishing rules and regulations for California that are more stringent than the baseline federal standards.

120042. (a) An action may be brought by a person in the public interest exclusively to enforce baseline federal standards adopted as a measure pursuant to subdivision (c) of Section 120041 or an action may be brought by that person pursuant to subdivision (e) of that section if all of the following requirements are met:

(1) At least 60 days before initiating the action, a complainant provides a written notice to the Attorney General and the counsel for the state board, a district attorney, county counsel, counsel of the air district, and prosecutor in whose jurisdiction the violation is alleged to have occurred, and the defendant identifying the specific provisions of the measure alleged to be violated.

(2) The Attorney General, a district attorney, a city attorney, county counsel, counsel of the state board, counsel of an air district, or a prosecutor has not commenced an action or has not been diligently prosecuting the action.

(b) Upon filing the action, the complainant shall notify the Attorney General that the action has been filed.

(c) The court may award attorney’s fees pursuant to Section 1021.5 of the Code of Civil Procedure, and expert fees and court costs pursuant to Section 1032 of the Code of Civil Procedure, as appropriate, for an action brought pursuant to this section.

(d) This section does not limit other remedies and protections available under state or federal law.

Article 2. Water

120050. For purposes of this article, the following definitions apply:

(a) “Baseline federal standards” means federal standards in effect as of January 19, 2017, including water quality standards, effluent limitations, and drinking water standards that were not otherwise permanently enjoined by a federal court as of that date.
(b) “Board” means the State Water Resources Control Board.

(c) “Federal standards” means federal laws or federal regulations implementing the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.) and the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.) in effect as of January 19, 2017, including, but not limited to, water quality standards, effluent limitations, and drinking water standards.

(d) “Regional board” means a regional water quality control board.

(e) “State analogue statute” mean the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code) or the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 103 of the Health and Safety Code).

120051. Except as otherwise authorized by state law, all of the following apply:

(a) The board shall regularly assess proposed and final changes to the federal standards.

(b) (1) At least quarterly, the board shall publish on its internet website and in the California Regulatory Notice Register a list of changes made to the federal standards and provide an assessment on whether a change made to the federal standards is more or less stringent protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards.

(2) If the board determines that a change to the federal standards is less stringent protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards, the board shall consider whether it should adopt the baseline federal standards as a measure in order to maintain the state’s protections to be at least as stringent as the baseline federal standards.

(3) The state board shall publish its list, assessment, and consideration for adoption at least 30 days before a vote on adoption on its internet website for public comment.

(c) If the board decides to adopt a measure pursuant to subdivision (b), the board shall adopt the measure by either of the following procedures:

(1) As an emergency regulation in accordance with Section 120030.
(2) By promulgation or amendment of a state policy for water quality control, a water quality control plan, or regulation.

(d) Notwithstanding any other law, the board, when adopting a measure under paragraph (2) of subdivision (c) may adopt those measures in accordance with Section 100 of Title 1 of the California Code of Regulations and the measures shall be deemed to be a change without regulatory effect pursuant to paragraph (6) of subdivision (a) of that section and not subject to additional notice, procedural, or other considerations contained in state analogue statutes identified in this article, article, as long as the measure adopts the baseline federal standard without substantial modification. Nothing in this chapter shall affect the imposition of sanctions under the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

(e) (1) In the event that the citizen suit provision set forth in Section 1365 of Title 33 of the United States Code is amended to restrict, condition, abridge, or repeal the citizen suit provision, the board may consider the amendment as a change to the federal standards and may adopt the baseline federal standards pursuant to subdivision (c).

(A) A federal baseline standard related to water quality standard or effluent limitation for which there is no analogous state standard that is more protective of public health and safety, the environment, natural resources, or worker health and safety is deemed to be a state standard, a violation of which constitutes a violation of the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code).

(B) An action may be brought pursuant to Section 120052 to enforce the baseline federal standards, state standards enacted pursuant to the Porter-Cologne Water Quality Control Act, or other conditions on the waste discharge requirements as authorized pursuant to Section 1342(b) of Title 33 of the United States Code.

(2) In the event that the citizen suit provision set forth in Section 300j-8 of Title 42 of the United States Code is amended to restrict, condition, abridge, or repeal the citizen suit provision, the board may consider the amendment as a change to the federal standards and may adopt the baseline federal standards pursuant to subdivision (c).

— 10 —
(A) A federal baseline standard related to drinking water standard for which there is no analogous state standard that is more protective of public health and safety, the environment, natural resources, or worker health and safety is deemed to be a state standard, a violation of which constitutes a violation of the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 103 of the Health and Safety Code).

(B) An action may be brought pursuant to Section 120052 to enforce those baseline federal standards, state standards enacted pursuant to the California Safe Drinking Water Act, or permit conditions authorized pursuant to Section 300g-2 of Title 42 of the United States Code.

(f) This article does not prohibit the board or the regional boards from establishing rules and regulations for California that are more stringent than the baseline federal standards.

120052. (a) An action may be brought by a person in the public interest exclusively to enforce baseline federal standards adopted as a measure pursuant to subdivision (c) of Section 120051 or an action may be brought by that person pursuant to subdivision (e) of that section if all of the following requirements are met:

(1) At least 60 days before initiating the action, a complainant provides a written notice to the Attorney General and the counsel for the board, a district attorney, county counsel, counsel of the regional board, and prosecutor in whose jurisdiction the violation is alleged to have occurred, and the defendant identifying the specific provisions of the measure alleged to be violated.

(2) The Attorney General, a district attorney, a city attorney, county counsel, counsel of the board, counsel of a regional board, or a prosecutor has not commenced an action or has not been diligently prosecuting the action.

(b) Upon filing the action, the complainant shall notify the Attorney General that the action has been filed.

(c) The court may award attorney’s fees pursuant to Section 1021.5 of the Code of Civil Procedure, and expert fees and court costs pursuant to Section 1032 of the Code of Civil Procedure, as appropriate, for an action brought pursuant to this section.

(d) This section does not limit other remedies and protections available under state or federal law.
120053. (a) This article does not affect the process by which voluntary agreements are entered into to assist in the implementation of new water quality standards lawfully adopted by the board.

(b) It is the intent of the Legislature that the process by which voluntary agreements are entered into is separate and distinct from law and regulations, including federal baseline standards, under which the Central Valley Project and the State Water Project are subject to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).

Article 3. Endangered and Threatened Species

120060. For purposes of this article, “baseline federal standards” means the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) in effect as of January 19, 2017, its implementing regulations, and any incidental take permits, incidental take statements, or biological opinions in effect as of January 19, 2017, that were not otherwise permanently enjoined by a federal court as of that date.

120061. Except as otherwise authorized by state law, the following apply:

(a) To ensure no backsliding as a result of any change to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or its implementing regulations, baseline federal standards, the Fish and Game Commission shall determine whether to list, in accordance with subdivision (b), a species, subspecies, or distinct population segment under the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code) in the event of either of the following occurs:

(1) The federal delisting of a species, subspecies, or distinct population segment that is eligible for protection under the California Endangered Species Act and that is listed as endangered or threatened pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) as of January 1, 2017, or a 19, 2019.
A change in the legally protected status of such a species, subspecies, or distinct population segment, including through a change in listing from endangered to threatened, the adoption of a rule pursuant to Section 4(d) of the federal Endangered Species Act of 1973, or any amendment to the federal Endangered Species Act of 1973 or its implementing regulations, or any exemption from the application of the federal Endangered Species Act of 1973 to a federally listed species, subspecies, or distinct population segment, as of January 1, 2017, the Fish and Game Commission shall determine whether to list, in accordance with subdivision (b), that species, subspecies, or distinct population segment under the California Endangered Species Act pursuant to this section.

(b) The Fish and Game Commission shall list the affected species, subspecies, or distinct population segment identified in subdivision (a), pursuant to subdivision (c) and without following the regular listing process set forth in Article 2 (commencing with Section 2070) of Chapter 1.5 of Division 3 of the Fish and Game Code, no later than the conclusion of its second regularly scheduled meeting or within three months, whichever is shorter, after the occurrence of the event described in subdivision (a) unless either the Fish and Game Commission determines that listing of the species, subspecies, or distinct population segment is not warranted because it does not meet the criteria in Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code or its implementing regulations or the Department of Fish and Wildlife recommends that the species, subspecies, or distinct population segment undergo the regular listing process. If the Department of Fish and Wildlife makes a recommendation that the species, subspecies, or distinct population segment undergo the regular listing process, the Fish and Game Commission shall either accept the recommendation, in which event the Fish and Game Commission shall be deemed to have accepted a petition for listing the species, subspecies, or distinct population segment pursuant to paragraph (2) of subdivision (e) of Section 2074.2 of the Fish and Game Code, or reject the recommendation and immediately list the species, subspecies, or distinct population segment pursuant to this subdivision.

(c) Notwithstanding any other law or regulation, because a decision by the Fish and Game Commission to list a species,
subspecies, or distinct population segment without following the regular listing process becomes effective immediately, the Fish and Game Commission shall add that species, subspecies, or distinct population segment to the list of endangered or threatened species pursuant to Section 100 of Title 1 of the California Code of Regulations, species, and the addition of that species, subspecies, or distinct population segment to the list shall be deemed to be a change without regulatory effect pursuant to paragraph (6) of subdivision (a) of that section.

(d) (1) Upon the listing of any species, subspecies, or distinct population segment under this section, the Fish and Game Commission or the Department of Fish and Wildlife may authorize the taking of such species, subspecies, or distinct population segment as otherwise provided for in the Fish and Game Code. In lieu of authorizing take under the provisions of Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code, the Fish and Game Commission or the Department of Fish and Wildlife may adopt the terms and conditions of any rule promulgated under Section 4(d) of the federal Endangered Species Act of 1973, federal incidental take statement, incidental take permit, or biological opinion in effect at the time of the event described in subdivision (a).

(2) The Department of Fish and Wildlife shall ensure that protections remain in place pursuant to regulation, incidental take permit, or consistency determination that are at least as protective of public health and safety, the environment, or natural resources as required by the baseline federal standards, as determined by the Department of Fish and Wildlife, and according to the best available science.

(3) This subdivision does not prohibit the Department of Fish and Wildlife from establishing conditions that are more stringent than the baseline federal standards.

(e) Any species, subspecies, or distinct population segment listed pursuant to this section shall be subject to the provisions in the California Endangered Species Act in the same manner as any other listed species, including those provisions related to a change in listing status or delisting.

(f) For those species, subspecies, or distinct population segment that the Fish and Game Commission lists pursuant to subdivision (b), or for which baseline federal standards are retained actions...
taken pursuant to subdivision (d), (d) to ensure that protections remain in place that are at least as protective as baseline federal standards, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply.

(g) The provisions of the California Endangered Species Act are measures “relating to the control, appropriation, use, or distribution of water” within the meaning of Section 8 of the federal Reclamation Act of 1902 (43 U.S.C. Section 383) and shall apply to the United States Bureau of Reclamation’s operation of the federal Central Valley Project.

DIVISION 3. LABOR STANDARDS

CHAPTER 1. DEFINITIONS

Article 4. Worker Health and Safety

For purposes of this division, article, the following definitions apply:

(a) “Baseline federal standards” means federal standards in effect as of January 1, 2017, that were not otherwise permanently enjoined by a federal court as of that date.

(b) “Board” means the Occupational Safety and Health Standards Board.

(c) “Department” means the Department of Industrial Relations.


(e) “State analogue statute” means the Labor Code, including the California Occupational Safety and Health Act of 1973 (Division 5 (commencing with Section 6300) of the Labor Code).
CHAPTER 2. OPERATIVE PROVISIONS

120110.
120071. Except as otherwise authorized by state law, all of the following apply:
(a) The board and the department shall regularly assess proposed and final changes to the federal standards.
(b) (1) At least quarterly, the board and the department shall publish on their internet websites and in the California Regulatory Notice Register a list of changes made to the federal standards and provide an assessment on whether a change made to the federal standards is more or less stringent protective of worker health and safety than the baseline federal standards.
(2) If the board or the department, as appropriate, determines that a change to the federal standards is less stringent protective of worker health and safety than the baseline federal standards, the board shall consider whether it should adopt the baseline federal standards as a measure in order to maintain the state’s protections to be at least as stringent as the baseline federal standards.
(3) The board and the department shall publish its list, assessment, and consideration for adoption at least 30 days before a vote on adoption on its internet website for public comment.
(c) If the board or the department, as appropriate, decides to adopt a measure pursuant to subdivision (b), the board or the department shall adopt the measure by either of the following:
(1) An emergency regulation in accordance with Section 120030.
(2) A promulgation or amendment of a state policy, plan, or regulation.
(d) Notwithstanding any other law, the board or department, as appropriate, when adopting a measure under subdivision (c) may adopt those measures in accordance with Section 100 of Title 1 of the California Code of Regulations, Regulations, and the measures shall be deemed to be a change without regulatory effect pursuant to paragraph (6) of subdivision (a) of that section and not subject to additional notice, procedural, or other considerations contained in state analogue statutes, as long as the measure adopts the baseline federal standard without substantial modification.
(e) This division article does not prohibit the board or the department from establishing rules and regulations for California that are more stringent than the baseline federal standards.

120072. (a) An action may be brought by a person in the public interest exclusively to enforce a federal baseline standard as a measure adopted pursuant to subdivision (c) of Section 120110 if all of the following requirements are met:

(1) At least 60 days before initiating the action, a complainant provides a written notice to the Attorney General and the counsels for the board or department, as appropriate, a district attorney, a city attorney, county counsel, and a prosecutor in whose jurisdiction the violation is alleged to have occurred, and the defendant identifying the specific provisions of the measure alleged to be violated.

(2) The Attorney General, a district attorney, a city attorney, county counsel, the counsel for the board or department, as appropriate, or a prosecutor has not commenced an action or has not been diligently prosecuting the action.

(b) Upon filing the action, the complainant shall notify the Attorney General that the action has been filed.

(c) The court may award attorney’s fees pursuant to Section 1021.5 of the Code of Civil Procedure, and expert fees and court costs pursuant to Section 1032 of the Code of Civil Procedure, as appropriate, for an action brought pursuant to this section.

(d) This section does not limit other remedies and protections available under state or federal law.

DIVISION 4.3. MISCELLANEOUS

120100. The provisions of this title are severable. If any provision of this title or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

120102. (a) This title shall become inoperative on January 20, 2025, and, as of January 1, 2026, is repealed.
(b) Notwithstanding subdivision (a), any action brought pursuant
to this title on or before January 20, 2025, may proceed to a final
judgment.

SEC. 3. No reimbursement is required by this act pursuant to
Section 6 of Article XIII B of the California Constitution because
a local agency or school district has the authority to levy service
charges, fees, or assessments sufficient to pay for the program or
level of service mandated by certain mandates in this act or because
costs that may be incurred by a local agency or school district will
be incurred because this act creates a new crime or infraction,
eliminates a crime or infraction, or changes the penalty for a crime
or infraction, within the meaning of Section 17556 of the
Government Code.

However, if the Commission on State Mandates determines that
this act contains other costs mandated by the state, reimbursement
to local agencies and school districts for those costs shall be made
pursuant to Part 7 (commencing with Section 17500) of Division
4 of Title 2 of the Government Code.