§57004. Scientific Peer Review

(a) For purposes of this section, the following terms have the following meanings:

(1) "Rule" means either of the following:
   (A) A regulation, as defined in Section 11342.600 of the Government Code.
   (B) A policy adopted by the State Water Resources Control Board pursuant to the Porter-
        Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of
        the Water Code) that has the effect of a regulation and that is adopted in order to
        implement or make effective a statute.

(2) "Scientific basis" and "scientific portions" mean those foundations of a rule that are
    premised upon, or derived from, empirical data or other scientific findings, conclusions, or
    assumptions establishing a regulatory level, standard, or other requirement for the
    protection of public health or the environment.

(b) The agency, or a board, department, or office within the agency, shall enter into an agreement
    with the National Academy of Sciences, the University of California, the California State
    University, or any similar scientific institution of higher learning, any combination of those
    entities, or with a scientist or group of scientists of comparable stature and qualifications that
    is recommended by the President of the University of California, to conduct an external
    scientific peer review of the scientific basis for any rule proposed for adoption by any board,
    department, or office within the agency. The scientific basis or scientific portion of a rule
    adopted pursuant to Chapter 6.6 (commencing with Section 25249.5) of Division 20 or
    Chapter 3.5 (commencing with Section 39650) of Division 26 shall be deemed to have
    complied with this section if it complies with the peer review processes established pursuant
    to these statutes.

(c) No person may serve as an external scientific peer reviewer for the scientific portion of a rule
    if that person participated in the development of the scientific basis or scientific portion of
    the rule.

(d) No board, department, or office within the agency shall take any action to adopt the final
    version of a rule unless all of the following conditions are met:

   (1) The board, department, or office submits the scientific portions of the proposed rule, along
       with a statement of the scientific findings, conclusions, and assumptions on which the
       scientific portions of the proposed rule are based and the supporting scientific data,
       studies, and other appropriate materials, to the external scientific peer review entity for its
       evaluation.

   (2) The external scientific peer review entity, within the timeframe agreed upon by the board,
       department, or office and the external scientific peer review entity, prepares a written
       report that contains an evaluation of the scientific basis of the proposed rule. If the
       external scientific peer review entity finds that the board, department, or office has failed
       to demonstrate that the scientific portion of the proposed rule is based upon sound
       scientific knowledge, methods, and practices, the report shall state that finding, and the
       reasons explaining the finding, within the agreed-upon timeframe. The board, department,
       or office may accept the finding of the external scientific peer review entity, in whole, or in
       part, and may revise the scientific portions of the proposed rule accordingly. If the board,
       department, or office disagrees with any aspect of the finding of the external scientific
       peer review entity, it shall explain, and include as part of the rulemaking record, its basis
       for arriving at such a determination in the adoption of the final rule, including the reasons
       why it has determined that the scientific portions of the proposed rule are based on sound
       scientific knowledge, methods, and practices.

(e) The requirements of this section do not apply to any emergency regulation adopted pursuant
    to subdivision (b) of Section 11346.1 of the Government Code.

(f) Nothing in this section shall be interpreted to, in any way, limit the authority of a board,
    department, or office within the agency to adopt a rule pursuant to the requirements of the
    statute that authorizes or requires the adoption of the rule.