Date:        April 26, 2017
TO:          Waste Management Authority
FROM:        Wendy Sommer, Executive Director
BY:          Debra Kaufman, Senior Program Manager
SUBJECT:     Legislative Positions for 2017

SUMMARY:    This is the first year of the 2017/2018 legislative session and through our contract lobbyist we are tracking several bills that are in different stages of the legislative process. The report below recommends positions on these bills.

DISCUSSION:
In November, 2016, the Waste Management Authority Board approved two legislative priorities for 2017: extended producer responsibility and organics legislation and regulation. Below is a list of bills, organized by topic category, with a brief description, recommended position, current status, and a link to the bill language. The bills need to pass out of their house of origin by June 2nd. September 15 is the last day for each house to pass bills on to the Governor. We will return to the WMA in June with a status update on these bills.

Extended Producer Responsibility

AB 1158 (Chu) Carpet Recycling
Because the carpet industry stewardship organization (CARE) has had difficulty implementing the program well and because of the challenging market and difficulties in product management, this bill will establish an advisory committee for program improvements.
Position: Support
Sponsor/support: California Product Stewardship Council (CPSC) and others
Status: Assembly Floor
Bill link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1158](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1158)

SB 212 (HB Jackson) Medical Waste
Defines “home-generated pharmaceutical waste” as a prescription or over-the-counter human or veterinary home-generated pharmaceutical waste. This bill contains spot language now but is intended to be the vehicle for pharmaceutical EPR.
Position: Support
Sponsor/support: CPSC
Status: Senate Floor
Bill link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB212](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB212)
Organics/Composting/Food Recovery/Compost Market Development

**AB 1036 (McCarty) Organic infrastructure development**
Main vehicle to expand directive on CalEPA, CDFA and CARB to coordinate and facilitate permitting or organic recycling/compost infrastructure. Follows up on AB 1045 (Eggman) from 2015.
Position: Support
Sponsor: Californians Against Waste (CAW)
Status: Assembly NR
Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1036](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1036)

**AB 954 (Chu) Food Labeling**
Requires Cal Dept of Public Health and Cal Dept of Food and Agriculture to publish guidelines to encourage industry adoption of uniform date label standards in an effort to reduce wasted food. In February, this year the Grocery Manufacturing Association and Food Marketing Institute launched a voluntary labelling program to limit food labels to two: BEST IF USED BY (quality/freshness) and USE BY (safety/perishability).
Position: Support
Sponsor: CAW
Status: Assembly NR
Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB954](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB954)

**AB 1219 (Eggman) Food donations – expansion of Good Samaritan Law**
Expands federal Good Samaritan Law which provides limited liability protection to donors of food to include gleaners. Directs local health regulators to include language in inspection reports to promote donations by retail food facilities.
Position: Support
Sponsor: CAW
Status: Assembly Appropriations
Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1219](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1219)

**SB 557 (Hernandez) School food donations**
Will exempt current prohibition of donating school food to students unless done through a non-profit organization. Allows students to take certain non-potentially hazardous (PHF) food after school meals have been served. Local Environmental Health departments have asked that the bill be amended to limit donation of potentially hazardous foods.
Position: Support
Status: Senate Health

**SB 780 (Wiener) Water Conservation in Landscaping Act**
Still a work in progress but intended to: Authorize CalRecycle to promote the application of compost in urban areas of the state to assist with projects that follow the watershed approach to landscaping and, in coordination with the Department of Water Resources, to develop and implement pilot projects that support the understanding and deployment of compost to meet specified goals. Also develops a greenhouse gas emissions reduction factor for new climate appropriate landscapes.
Position: Support
Status: Senate EQ
Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB780](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB780)

**AB 920: (Aguiar-Curry) California Renewables Portfolio Standard inclusion for Biomass**
Attempts to help the biomass industry, which is a significant market for wood waste from Construction & Demolition (C&D) operations, qualify for the renewable energy portfolio which would make the industry more financially viable.
AB 655: (O’Donnell) California Renewables Portfolio Standard inclusion for incineration of garbage.
Position: Oppose
Status: Assembly Natural Resources
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB655

### Packaging

AB 319 (Stone) Single Use plastic beverage container lids
This is the “leash the lid” bill that will require all single use plastic bottles to tether the lid to the bottle to prevent litter, marine debris and injury to seabirds and, fish and mammals. Plastic bottle cap lids are one of the top marine debris/litter items collected in coastal clean-ups and clog municipal stormwater drains.
Position: Support
Status: Asm. Nat Resources
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB319

AB 567 (Quirk-Silva) Water Bottle refills at schools
Requires school to provide a water bottle refill station at all water fountains. This would promote water consumption vs. sugary beverages and reduce single-use plastic bottle wastage and litter. Cost to schools likely to kill bill or make it more voluntary/goal, not a mandate.
Position: Support
Status: Asm. Education
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB567

AB 958 (Ting) Ban of Fluorinated Chemicals in Take-out food
Will ban take-out food containers containing fluorinated chemicals. No date for compliance set yet.
Position: Support
Status: Assembly Environmental Safety and Toxic Materials
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB958

AB 1287 (Acosta) Plastic product marketing claims
Extends indefinitely law requirement to ensure truth in advertising around recycled content of plastic food containers. May be spot industry bill.
Position: Watch
Status: Assembly Natural Resources
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1287

AB 1294 (Berman) Plastic product marketing claims
Substantively the same as AB 1287 - extends until 2028 the current law requirement to ensure truth in advertising around recycled content of plastic food containers.
Position: Watch
Status: Assembly Natural Resources
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1294

AB 1594 (Bloom) OPC to make recommendations on reduction of ocean plastic pollution
One of the three plastic/polystyrene take-out or single use reduction/ban bills (Senator Allen’s SB 705 and Asm. Low’s 1659 are other bills). This bill calls for another study which may undermine SB 705 or provide help for AB 1659 – the plastic industry bill.
Position: Oppose unless amended to impose ban or mirror SB 705
Status: Assembly Natural Resources
AB 1659 (Low) Food Service Plastic Packaging Recovery and Recycling
Industry sponsored proposal to counter any ban on single-use plastic/polystyrene food service items. Proposes a recycling program with voluntary goals and voluntary CalRecycle regulations. Will undermine efforts to ban/phase out these items.
Position: Oppose
Sponsor: Plastics industry
Status: Assembly Committee on Natural Resources
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1659

SB 705 (Allen) Disposable Food Service Containers – restrictions on polystyrene
Stronger version on effort to ban/phase out plastic and polystyrene single-use food containers. Modeled after Santa Monica ordinance. Not absolute ban.
Position: Support
Sponsors: Clean Water Action
Status: Senate EQ
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB705

Bottle Bills

SB 168 (Wieckowski) CA Beverage Container Recycling and Litter Reduction Act.
This bill seeks to change the bottle bill to a producer run system, but without the important elements that a successful bottle bill needs to make it highly successful. While some of the elements of this bill are certainly worthwhile such as including wine and spirits, many important elements are missing which is likely to lead to a lower recovery rate for containers statewide. Producer run bottle bills in other states, lacking the proper consumer incentives and infrastructure, have experienced significantly lower beverage container recovery rates than California has.

While we support and prioritize effective extended producer responsibility bills, without the proper incentives, specified responsibilities and infrastructure, such bills can and have faltered.
Position: Oppose unless amended to include CAW amendments which would maintain current incentives, responsibilities and infrastructure needed for high recovery rates.
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB168

Other bottle bills, for which we propose a watch position include:
AB 178 (Eggman) CA Beverage Container Recycling and Litter Reduction Act
AB 1417 (Cunningham) CA Beverage Container Recycling and Litter Reduction Act
AB 1522 (Limon) CA Beverage Container Recycling and Litter Reduction Act
AB 1579 (Daly) CA Beverage Container Recycling and Litter Reduction Act
SB 60 (Glazer) Beverage containers recycling convenience zones

Materials Flow/Franchise/Enforcement/Fees

AB 1147 (Salas) Solid Waste management enforcement
Position: Watch
Sponsor: Waste hauling industry
Status: Assembly NR
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1147

**AB 1288 (Eggman) Solid Waste disposal fees**
This bill would require the department (CalRecycle), in adopting regulations to reduce organic waste in landfills, required in SB 1383, to conduct at least one public workshop to discuss funding strategies for new and expanded organic waste reduction infrastructure, including, but not limited to, existing public and private funding models and opportunities for new statewide funding sources.
Position: Support
Status: Asm. NR
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1288

**AB 1572 (Aguiar-Curry)**
AB 939 Biennial Reviews by CalRecycle. Extends CalRecycle’s ability to review annual reports every two or four years.
Position: Watch
Sponsor: CalRecycle
Status:
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1572

**Additional Bills of Interest**

**AB 262 (Bonta) GHG disclosure for state contracts**
Would require a bidder for certain state contracts to complete a standard form that states the cumulative amount of specified greenhouse gas emissions that were produced in the material extraction and processing, transport to the manufacturing site, and the manufacturing of eligible materials. The bill significantly advances material transparency and accountability.
Position: Support
Sponsor: Sierra Club
Status: Assembly Natural Resources
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB262

**AB 509 (Frazier) Tire Recycling Program**
AB 509 will direct CalRecycle to develop an incentive payment program that pays directly for recycling, which in turn will allow recyclers to outcompete other end-of-life alternatives.
Position: Support
Sponsor: CAW
Status: Asm. NR
Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB509

**RECOMMENDATION:**
Staff recommends that the Board adopt the positions recommended for the Agency for the 2017 session of the California Legislature.
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