DATE: December 21, 2016
TO: Waste Management Authority Board
FROM: Wendy Sommer, Executive Director
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SUBJECT: Legislative Priorities for 2017

SUMMARY
The first year of the 2017-2018 regular session of the California Legislature is about to begin. At the December 21 Waste Management Authority Board meeting, staff will review with the Board and seek approval of proposed legislative priorities for 2017.

DISCUSSION
Each year the Agency picks a few priority legislative/regulatory areas to focus on. These are subject areas that Agency staff and our lobbyist devote more time and attention to. This could come in the form of additional letters of support to committee members, recruiting support from other government agencies and organizations for certain bills, testifying at hearings, proposing changes to regulations and working more closely with a bill’s sponsors or an agency’s regulators. In 2016, StopWaste pursued reducing organics to landfill (compostable and digestible food and fiber materials), extended producer responsibility (EPR) and environmentally preferable purchasing (EPP) as our three legislative priorities.

We propose maintaining two of our three legislative priorities for 2016 into the 2017 legislative year as follows:

- Extended Producer Responsibility
- Organics legislation and regulations

The proposed priorities support the two guiding principles (adopted by the Board in November 2017) that are most relevant to legislative work: shifting towards waste prevention and emphasizing organics. Bills and/or relevant regulations that fall into categories outside the identified priorities such as environmentally preferable purchasing would continue to be monitored, with input and positions on them recommended as appropriate.

The following provides more detail for the top two priorities.
1. **Extended Producer Responsibility**

Support for EPR as a mechanism to deal with problem products continues to grow. For StopWaste, EPR has the potential to reduce the recently adopted residential fee associated with the financial costs of managing hazardous products that are processed via the four in-County Household Hazardous Waste facilities. EPR also has the potential to reduce waste through product redesign. We would support any EPR proposal that would reduce our financial burden locally. We have advocated for the passage of battery and sharps legislation for the past few years and will continue to work on this issue until we achieve success.

This may be an area for the Agency to consider addressing on a countywide level, similar to the County’s pharmaceutical ordinance, if a state solution continues to be unsuccessful, especially if other counties are interested in partnering. This model worked well for several counties on the issue of pharmaceuticals, so the framework for working together is in place. Additionally, we will continue to provide input on existing EPR mechanisms that could be modified to work better, including mattress and carpet EPR, especially through our partnership with the California Product Stewardship Council.

2. **Organics**

The passage of several organics bills over the last few years, as well as the increased statewide focus on organics processing capacity and getting organics out of the landfill as a climate change strategy to reduce methane emissions, raises the importance of prioritizing the development of new organics laws and regulations. SB 1383, adopted in 2016, sets short-lived climate pollutant reduction goals including statewide organic recycling targets. The targets include a 50 percent reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. The bill authorizes the Department of Food & Agriculture in consultation with the California Air Resources Board to develop regulations to achieve these targets. The regulations are also intended to meet the stated goal that not less than 20 percent of edible food that is currently disposed is recovered for human consumption by 2025.

The inclusion of a food recovery goal into SB 1383 demonstrates a growing acknowledgement that one of the best uses of edible food is to feed hungry people. State of California regulators working on SB 1383 have asked StopWaste staff to participate in the discussions on how to achieve that goal, based on our work to date in this area. One of the priority areas for organics will be to support bills that address food labeling and food recovery.

The state is estimating that between 30 and 100 new organics handling facilities will be needed to implement SB 1383. We want to ensure that whatever facilities located in Alameda County is consistent with policies and criteria contained in the Countywide Integrated Waste Management Plan.
In addition to the above priorities, StopWaste will continue to advocate for cap and trade funds to be allocated toward local government energy efficiency programs as well as towards achieving healthy soils through the increased use of compost and mulch and increased organics processing capacity.

In both legislative and regulatory work, we collaborate with multiple partners, recognizing that we are much more likely to be successful when joining coalitions rather than acting on our own. The Agency works most closely with Californians Against Waste and the California Product Stewardship Council (CPSC), providing financial support to both. CAW expects 2017 legislative priorities to include the financial stability of the bottle bill, organics diversion, and food waste recovery. CPSC expects 2017 legislative priorities to include sharps and pharmaceuticals.

As we did last year, we anticipate bringing recommended positions on bills to the Boards in April and an update in June and November.

**RECOMMENDATION:**

Staff recommends that the Boards confirm the above priorities for the upcoming legislative year.