

DATE: October 26, 2022

TO: Waste Management Authority Board

FROM: Jennifer West, Program Manager

SUBJECT: 2022 Legislative Year End Report

SUMMARY

The California State Legislature concluded their second year of the 2021-2022 legislative session on August 31, passing a total of 1,166 individual pieces of legislation. Governor Gavin Newsom had until September 30 to either sign or veto bills. The Governor signed 997 and vetoed 169 bills.

Several bills were signed by the Governor that are consistent with the Board's adopted 2022 legislative priorities. Most notably, SB 54, signed into law at the end of June, will prepare the state for eliminating confusion around what is recyclable, and will reduce single-use plastic packaging over the next 10 years. In 2032, all packaging in California must be recyclable or compostable, with source reduction and reuse and refill mandates included as well. The mitigation of pollution due to plastic packaging is intended to be paid for by plastic producers.

The 2023-2024 Regular Legislative Session kicks off in earnest in January 2023. When they return, legislators will have until late February to introduce new legislation and then policy committee meetings will occur March through June.

At the October 26 meeting, staff will provide an overview of the most recent legislative session and ask Board members about key legislative priorities for 2023.

DISCUSSION

The Board adopted the following legislative priorities for the recent 2022 cycle:

1. Common sense adjustments to SB 1383 procurement requirements
2. Clear product labeling to reduce customer confusion
3. "Circular economy" solutions that advance source reduction of problematic materials such as low-grade plastics
4. Decarbonization/electrification of our built environment to reduce reliance on carbon emitting forms of energy

During this past legislative session, several bills addressed these priorities, notably:

- AB 1985 phases in the requirements on jurisdictions' procurement of recycled organic waste under SB 1383. Although AB 1985 addresses some concerns about the state requirements on SB 1383 procurement, it did not address all of our concerns, and we continue to work toward a better solution for our member agencies.
- SB 54 requires that all forms of single-use products be recyclable or compostable by 2032 and sets mandates for source reduction of problematic materials.
- AB 2446 reduces carbon emissions in construction materials.

- Significant funds in the state budget encourage the electrification of existing buildings and funding to help local jurisdictions comply with SB 1383.

StopWaste advances our legislative priorities by working with other agencies to find common ground and building coalitions to engage with state agencies and legislators, as we have a stronger voice together. We contract with a lobbyist team in Sacramento (Shaw Yoder Antwih Schmelzer and Lange) that works with bill authors, represents StopWaste at committee hearings, supports on written letters of support, and engages directly with state agencies and coalition partners. StopWaste staff consult with the Board, the Technical Advisory Group and Committee and other city staff, and our staff, and update partners on our legislative positions periodically.

Below is a more detailed summary of passed bills that are relevant to the Board's legislative priorities.

Plastic Pollution Prevention

[SB 1046 \(Eggman and Lena Gonzalez\) Solid waste: pre-checkout bags](#)

Starting on Jan. 1, 2025, this bill prohibits stores from distributing pre-checkout bags that do not meet compostability and recyclability requirements. The measure ensures that bags are made from compostable or recyclable materials, and requires that the bags be clearly identifiable as compostable to avoid contamination issues, and provides consumers with bags that will facilitate residential food scrap collection to help the state achieve its SB 1383 (Lara, 2016) goals. No local government fiscal impact expected.

Agency position: Support

Extended Producer Responsibility (EPR)/Circular Economy

[SB 38 \(Wieckowski\) Beverage Containers](#)

This bill requires the Department of Resources Recycling and Recovery to study and develop a system or process to address the issue of glass contamination and, for purposes of the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill program), requires a processor to pay certified recycling centers, curbside programs, and drop-off or collection programs electronically or by check. No local government fiscal impact expected.

Agency position: Watch

[SB 54 \(Allen\) Plastic Pollution Producer Responsibility Act](#)

This bill establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which would cover certain single-use packaging and plastic single-use food service ware and would require producers, through a producer responsibility organization, to (1) source reduce plastic covered material, (2) ensure covered material sold, offered for sale, distributed, or imported in or into the state after January 1, 2032, is recyclable or compostable, and (3) ensure that plastic covered material offered for sale, distributed, or imported in or into the state meets specified recycling rates. No direct local government fiscal impact expected, although StopWaste will actively participate in the rulemaking process to help ensure that local government interests inform the regulations.

Agency position: Watch

[SB 1013 \(Atkins\) Beverage container recycling: reports: electronic submittal: wine and distilled spirits](#)

This bill adds wine and distilled spirits to the Beverage Container Recycling Program (BCRP) and make other changes to the program. No local government fiscal impact expected.

Agency position: Support

[SB 1215 \(Newman\) Electronic Waste Recycling Act of 2003: covered battery-embedded product](#)

This bill expands the Electronic Waste Recycling Act to include battery-embedded products.

Agency position: Support

[AB 2440 \(Irwin\) Responsible Battery Recycling Act of 2022](#)

This bill enacts the Responsible Battery Recycling Act of 2022, which would require producers of covered batteries and covered battery-embedded products to establish a stewardship program for the collection and recycling of covered products. No local government fiscal impact expected.

Agency position: Support

Organics/Composting

[AB 1985 \(R.Rivas\) recovered organic waste product procurement targets](#)

This bill creates a delayed and ramping enforcement timeline for penalties for local jurisdictions to meet their organic waste procurement targets, gives CalRecycle the authorization to create an adjusted recovered procurement target schedule at its discretion, and allows renewable gas procured from a publicly owned treatment works to count toward 50% of a jurisdiction's procurement target until 2025.

Agency position: Neutral

Other

[AB 649 \(Bennett\) Department of Resources Recycling and Recovery: Office of Environmental Justice and Tribal Relations](#)

This bill creates an Office of Environmental Justice and Tribal Relations under the California Department of Resources Recycling and Recovery.

Agency position: Support

[AB 1857 \(C. Garcia\) Solid Waste](#)

This bill will remove the diversion credit for municipal solid waste incinerators and redefine the practice of incineration as disposal.

Agency position: Support

[AB 2208 \(Kalra\) Fluorescent lamps: sale and distribution prohibition](#)

Bans the offer for final sale or distribution of compact fluorescent lamps (CFLs) starting January 1, 2024, and linear fluorescent lamps (LFLs) starting January 1, 2025, and makes exemptions for relevant products and applications.

Agency position: Support

[AB 2374 \(Bauer-Kahan\) Crimes against public health and safety: illegal dumping](#)

This bill increases fines against those caught illegally dumping garbage and waste and provides judges flexibility to add penalties against the violator.

Agency position: Support

[AB 2446 \(Holden\) Embodied carbon emissions: construction materials](#)

This bill requires the California Air Resources Board (ARB), to develop a framework for measuring and reducing carbon emissions associated with new building construction. No local government fiscal impact expected.

Agency position: Support

[AB 2481 \(Smith\) Household hazardous waste facilities: transportation and acceptance](#)

This bill makes a variety of changes to the laws related to transportation of household hazardous waste (HHW) and operations of household hazardous waste collection facilities. Allows an individual who is not a resident of a household that generated HHW to transport those wastes to a HHW facility on behalf of the generator who is unable or unavailable to transport the wastes.

Agency position: Support

BILLS THAT DIED OR WERE VETOED

Plastic Pollution Prevention

[AB 1690 \(Luz Rivas\) Tobacco products: single-use electronic components](#)

This bill will prohibit the sale of single-use electronic cigarette.

Agency position: Support

Status: Died

[AB 1724 \(Stone\) State-owned Washing Machines: Microfiber Filtration](#)

This bill requires all state-owned washing machines to contain a microfiber filtration system with a mesh size of 100 microns or smaller.

Agency position: Support

Status: Died

[AB 1953 \(Maienschein\) Drinking water: accessible water bottle refill stations](#)

This bill will mandate refillable water bottle stations in public areas like transit stations, local park, shopping mall, golf course, and publicly owned buildings.

Agency position: Watch

Status: Died

[AB 2026 \(Friedman\) Recycling: plastic packaging](#)

This bill requires an e-commerce shipper that ships products in or into the state to reduce the total weight and number of units of single-use plastic it uses to ship or transport products.

Agency position: Support

Status: Died

[AB 2784 \(Ting\) Solid waste: thermoform plastic containers: postconsumer thermoform recycled plastic](#)

Establishes minimum content standards for thermoform food containers, ultimately requiring 30% recycled materials in such packaging.

Agency position: Watch

Status: Vetoed

Veto Message: *I strongly support efforts to advance California's transition to a circular economy. Earlier this year, I signed SB 54, which is the most significant overhaul of California's plastic and packaging recycling policy in state history, and goes further than any other state on cutting plastics production at the source. However, I am concerned this bill imposes confusing requirements in conflict with some of SB 54's key provisions, which could unfairly result in duplicative fees and penalties for the same material. SB 54 was specifically designed to create a comprehensive regulatory framework for all recycled materials, in lieu of piecemeal approaches for individual products. With this objective in mind, we should allow CalRecycle to begin its work to implement the reforms required by SB 54 before contemplating any new recycling requirements for individual materials.*

[AB 2787 \(Quirk\) Microplastics in products](#)

This bill would prohibit the sale or distribution of products containing intentionally added microplastics.

Agency position: Support

Status: Died

[SB 1255 \(Portantino\) Single-use products waste reduction: Dishwasher Grant Program for Waste Reduction in K–12 Schools and Community Colleges](#)

This bill would establish the Dishwasher Grant Program for Waste Reduction in K–12 schools. The Department would award grants of up to \$40,000 per kitchen of a school.

Agency position: Support

Status: Vetoed

Veto Message: *I appreciate the author's intent to be responsive to both the need to improve school water conservation and reduce waste in schools. However, the 2021 and 2022 Budget Acts included \$750 million Proposition 98 General Fund for schools to purchase and upgrade school kitchen equipment and infrastructure to support universal meals. Purchasing commercial dishwashers is an allowable use of these funds, making a new grant fund for this purpose unnecessary. Schools can and should use these funds to purchase and install these dishwashers as they deem appropriate. Additionally, establishing a statutory new grant fund creates additional cost pressure in the tens of millions of dollars for future budgets.*

Recycling

[AB 1454 \(Bloom\) The California Beverage Container and Litter Reduction Act](#)

This bill authorizes CalRecycle to establish regional convenience zones, expands the payment options for the California Redemption Value (CRV) and increases processing payments for certified recycling centers.

Agency position: Watch

Status: Died

Climate/Energy

[SB 1026 \(Wieckowski\) Residential energy efficiency disclosure statement: requirements](#)

This bill establishes a framework for notifying prospective renters about factors influencing a rental unit's energy consumption and monthly energy costs.

Agency position: Watch

Status: Died

[SB 778 \(Becker\) Buy Clean California Act: Environmental Product Declarations: concrete](#)

This bill adds concrete to the Buy Clean California Act.

Agency position: Support

Status: Died

[SB 1297 \(Cortese\) Low-embodied carbon building materials: carbon sequestration](#)

This bill requires state agencies to encourage the use of low-embodied carbon building materials and requires a public agency to have a preference for those materials in its public projects.

Agency position: Support

Status: Died

[SB 1301 \(Becker\) Corporation Tax Law: Personal Income Tax Law credits: green energy manufacturing](#)

This bill creates a credit equal to 10 percent of the amount paid or incurred for eligible manufacturing costs for a qualified taxpayer.

Agency position: Watch

Status: Died

[SB 1393 \(Archuleta\) Energy: appliances: local requirements](#)

This bill would require city or county to consider guidance from the California Energy Commission (CEC) on building electrification when adopting ordinances that require electrification of existing buildings.

Agency position: Opposed

Status: Died

Extended Producer Responsibility (EPR)/Circular Economy

[AB 2779 \(Irwin\) Beverage containers: wine and distilled spirits](#)

This bill would expand the state's Beverage Container Recycling Program to include wine and distilled spirits sold in aluminum beverage containers.

Agency position: Watch

Status: Died

[SB 1256 \(Wieckowski\) Waste management: disposable propane cylinders](#)

This bill would ban the sale of disposable 1lb propane cylinders in California beginning Jan. 1, 2028, since refillable options have become readily available.

Agency position: Support

Status: Vetoed

Veto Message: *I acknowledge there are several challenges and costs faced by local governments and solid waste management authorities responsible for the disposal of single-use propane cylinders. However, an outright ban without a plan for collection and refill infrastructure could inhibit the success of building a circular system in California.*

California has successfully implemented many reuse and recycling systems, from the Beverage Container Recycling Program to several extended producer responsibility programs. These market-based solutions both significantly reduce waste and create jobs by turning a challenging product into a resource. I encourage the Legislature and stakeholders to work on a similar approach for the collection and reuse of this product that accounts for manufacturer and retail responsibility.

[SB 983 \(Eggman\) Consumer warranty protection: express warranties](#)

This bill requires manufacturers of an electronic or appliance product of more than \$50 to provide sufficient service literature, at no charge, and prescribed functional parts and tools to owners of the product, service and repair facilities, and service dealers for specified timeframes.

Agency position: Support

Status: Died

ADDITIONAL LEGISLATIVE ACTIONS ON SUSTAINABILITY AND CLIMATE CHANGE

The Governor also signed a package of climate-related bills that were agreed to by the legislature at the very end of the session:

- [SB 846 \(Dodd\) Diablo Canyon](#) – The Diablo Canyon nuclear powerplant is operated by the Pacific Gas and Electric Company in the County of San Luis Obispo. On Jan.11, 2018, the Public Utilities Commission (PUC) approved the Pacific Gas and Electric Company's proposal to retire Unit 1 in 2024

and Unit 2 in 2025. This bill now invalidates the PUC's approval of that proposal and requires the PUC to set new retirement dates for the Diablo Canyon powerplant, as provided, conditioned upon the United States Nuclear Regulatory Commission extending the powerplant's operating licenses.

- [SB 905 \(Caballero\) Carbon Sequestration](#) – This measure creates regulations to permit and monitor controversial new technologies that aim to capture carbon from the air and sequester it in underground caverns.
- [SB 1020 \(Laird\) Clean Energy, Jobs, and Affordability Act of 2022](#) – Establishes interim targets to the statewide 100% clean energy policy. Additionally requires state agencies to accelerate their 100% clean energy policy goal by 10 years. Establishes new targets under existing law requiring California to have 100% clean, zero carbon, and renewable energy policy for California's electricity system by 2045.
- [SB 1137 \(Gonzalez\) Oil and Gas Setbacks](#) – This measure bans new oil wells and extraction facilities within 3,200 feet — or more than a half mile — of homes, schools, and parks. Newsom ordered state oil regulators to adopt a similar rule last year, but the bill would make it binding.
- [AB 1279 \(Muratsuchi\) The California Climate Crisis Act](#) – This measure creates a legally binding goal that the state achieves carbon neutrality — meaning the state either eliminates or captures all its greenhouse gas emissions — by no later than 2045. It would also require the state to reduce greenhouse gas emissions by at least 85% below 1990 levels in that period.

RECOMMENDATION

This item is for information only.