



DATE: June 28, 2017
TO: Waste Management Authority Board
FROM: Wendy Sommer, Executive Director
BY: Jeff Becerra, Communications Manager
SUBJECT: Legislative Positions for 2017 – June Update

SUMMARY:

This is the first year of the 2017/2018 legislative session and through our contract lobbyist we are tracking several bills. This memo provides an update on the legislative positions adopted by the Board in April.

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 needed to pass out of their house of origin by June 2 to be able to advance to the next house. September 15 is the last day for each house to pass bills on to the Governor.

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 would establish an advisory committee for program improvements.

Position: Support

Sponsor/Support: California Product Stewardship Council (CPSC) and others

Status: Senate Environmental Quality Committee

Bill link: 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: Assembly Environmental Safety and Toxic Materials Committee

Bill link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB212

AB 1036 (McCarty) Organic Infrastructure Development

Main vehicle to expand directive on CalEPA, CDFA and CARB to coordinate and facilitate permitting of organic recycling/compost infrastructure. Follows up on AB 1045 (Eggman) from 2015.

Position: Support

Sponsor: Californians Against Waste (CAW)

Status: Senate Environmental Quality

Link: 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 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: Senate Health Committee

Link: 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: Senate Health Committee

Link: 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 food after school meals have been served.

Position: Support

Status: Assembly Education Committee

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB557

SB 780 (Wiener) Water Conservation in Landscaping Act

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: Has become a two-year bill

Link: 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. Committee amendments removed the procurement mandate and instead required the portfolio to be addressed in the integrated resource management plans.

Position: Support

Status: Senate Energy, Utilities and Communications Committee

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB920

AB 655: (O'Donnell) California Renewables Portfolio Standard Inclusion for Incineration of Garbage

Would have allowed incineration to be eligible under the RPS.

Position: Oppose

Status: Has become a two-year bill

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, 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: Has become a two-year bill

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB319

AB 567 (Quirk-Silva) Water Bottle Refilling Stations at Schools

Requires schools to provide 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 was reason for bill being held in committee.

Position: Support

Status: Has become a two-year bill

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB567

AB 958 (Ting) Hazardous Materials: Perfluoroalkyl and Polyfluoroalkyl Substances

Will ban take-out food containers containing long-chain perfluorinated chemicals. Will subject the short-chain perfluorinated chemicals to the Safer Consumer Products process beginning in 2020.

Position: Support

Status: Senate Environmental Quality Committee

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB958

AB 1287 (Acosta) Plastic Product Marketing Claims

Extends indefinitely requirement to ensure truth in advertising around recycled content of plastic food containers. May be spot industry bill.

Position: Watch

Status: Has become a two-year bill

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1287

AB 1294 (Berman) Plastic Product Marketing Claims

Extends indefinitely law requirement to ensure truth in advertising around recycled content of plastic food containers.

Position: Watch

Status: Senate Appropriations Committee

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1294

AB 1594 (Bloom) Ocean Plastic Pollution Data

The only one of the three plastic/polystyrene take-out or single use reduction/ban bills remaining (Senator Allen's SB 705 and Asm. Low's 1659 are the other bills that have been held). This bill calls for the Ocean Protection Council to compile existing data identifying primary sources and types of plastic pollution.

Position: Watch

Status: Senate - waiting for committee assignment

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1594

AB 1659 (Low) Food Service Plastic Packaging Recovery and Recycling

Potentially 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

Status: Has become a two-year bill

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

Status: Has become a two-year bill

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. 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.

Status: Has become a two-year bill

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB168

Other bottle bills, for which the Board adopted watch positions, include:

AB 178 (Eggman) CA Beverage Container Recycling and Litter Reduction Act – Status: Assembly Natural Resources Committee

AB 1417 (Cunningham) CA Beverage Container Recycling and Litter Reduction Act – Status: Has become a two-year bill

AB 1522 (Limon) CA Beverage Container Recycling and Litter Reduction Act – Status: Has become a two-year bill

AB 1579 (Daly) CA Beverage Container Recycling and Litter Reduction Act – Status: Dead

SB 60 (Glazer) Beverage containers recycling convenience zones – Status: Senate Environmental Quality Committee

Materials Flow/Franchise/Enforcement/Fees

AB 1147 (Salas) Solid Waste Management Enforcement

Waste hauling/management industry bill to expand existing penalties for unauthorized removal of recyclables to unauthorized removal of solid waste. Exempts those without vehicles. Attempts to reduce collections of recyclables and solid waste by unauthorized/illegal operations.

Position: Watch

Sponsor: Waste hauling industry

Status: Has become a two-year bill

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1147

AB 1288 (Eggman) Solid Waste Disposal Fees

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: Becoming a two-year bill

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1288

AB 1572 (Aguiar-Curry) Integrated Waste Management Plans

Extends CalRecycle's ability to review annual reports every two or four years. Also aims to have CalRecycle provide recommendations on making the compliance review process more streamlined.

Position: Watch

Sponsor: CalRecycle

Status: Senate Environmental Quality Committee

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: Senate Governmental Organization Committee

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: Senate Environmental Quality Committee

Link: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB509

AB 444 (Ting) Home-Generated Medical Waste

Will authorize CalEPA to develop a statewide program for the collection, transportation, and disposal of home-generated medical waste.

Position: Support

Status: Senate - waiting for committee assignment

Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB444

SB 258 (Lara) Cleaning Product Right to Know Act of 2017

Would require a manufacturer of a cleaning product that is manufactured or sold in the state to disclose ingredients or contaminants of concern contained in and health impact information on the product label, and post ingredient information on product's website.

Sponsors: Environmental Working Group, Breast Cancer Prevention Partners, Women's Voices for the Earth

Position: Support

Status: Assembly Environmental Safety and Toxic Materials

Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB258

SB 564 (McGuire) Water Bill Savings Act.

This bill enacts the Water Bill Savings Act, which allows joint powers authorities to finance water conservation improvements to private property paid for by charges collected through water bills.

Position: Support

Status: Assembly Local Government

Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB564

RECOMMENDATION:

This item is for information only.