



DATE: October 27, 2021

TO: Waste Management Authority Board

FROM: Jeff Becerra, Communication Manager

SUBJECT: 2021 Legislative Year End Review

SUMMARY:

The California State Legislature concluded their first year of the 2021-2022 legislative session on September 10. At the October 27 meeting, staff will provide an overview of the session and what to look for in 2022.

DISCUSSION:

StopWaste's legislative priority for 2021 focused on providing reasonable implementation relief for SB 1383.

The Legislature's operations were limited once again due to the COVID-19 environment. Most legislative business was conducted under strict safety protocols. Legislators were limited in the number of bills they could move to the second house, and much of the legislative staff worked from home. Despite these challenges, the Legislature was quite successful at conducting business this year and at no time did they have to completely shut down like they did in 2020. The Legislature sent 835 bills to the Governor, who signed 769 bills and vetoed 66.

Final Disposition of Legislation of Interest to StopWaste

SB 1383 Relief

[SB 619 \(Laird\) Organic waste: reduction regulations](#)

Position: Neutral

Bill Status: Signed into law

This bill authorizes a local jurisdiction facing continuing violations of the regulations adopted pursuant to SB 1383 (Lara, 2016), to submit a notice of intent to comply to CalRecycle. If approved by CalRecycle, the jurisdiction is eligible for administrative civil penalty relief for the 2022 calendar year and a corrective action plan. This measure was approved by the Governor on October 5.

Plastic Pollution Prevention

[AB 478 \(Ting\) Solid waste: thermoform plastic containers: postconsumer thermoform recycled plastic: commingled rates](#)

Position: Support

Status: Dead

This bill would have established minimum recycled content requirements for thermoform plastic containers and redefined “commingled rate” for purposes of California’s Bottle Bill program. This bill was held in Senate Appropriations committee.

[AB 661 \(Bennett\) Recycling: materials](#)

Position: Watch

Status: Two-year bill

This bill would require a state agency, if fitness and quality are equal, to purchase recycled products instead of nonrecycled products, without regard to cost. AB 661 is a two-year bill and is currently sitting in Assembly Appropriations Committee.

[AB 881 \(Gonzalez\) Plastic waste: diversion: recycling: export](#)

Position: Support

Status: Signed into law

This bill establishes standards for mixed plastic waste that is exported for recycling in order to be credited toward a local jurisdiction's solid waste diversion rate. This bill also requires reports on types and quantities of materials from recycling and composting operations and facilities to CalRecycle to include the jurisdiction or region of origin for exported materials that are a mixture of plastic waste, and requires CalRecycle to make that information publicly available. The Governor approved this bill on October 5.

[AB 962 \(Kamlager\) California Beverage Container Recycling and Litter Reduction Act: reusable beverage containers](#)

Position: Support

Status: Signed into law

This bill specifies that reusable glass beverage containers can be included in the California Beverage Container Recycling and Litter Reduction Act if the processor either washes the reusable beverage container or transfers the reusable beverage container to a CalRecycle-approved processor for subsequent washing. This measure was approved by the Governor on October 5.

[AB 1276 \(Carrillo\) Single-use food accessories](#)

Position: Support

Status: Signed into law

This bill prohibits a food facility or a third-party food delivery platform from providing single-use food accessories, such as cutlery, straws and condiment packets, to consumers unless requested by the consumer. The Governor approved this measure on October 5.

[AB 1371 \(Friedman\) Recycling: plastic: packaging and carryout bags](#)

Position: Support

Status: Two-year bill

This bill would prohibit online retailers from using single-use plastic packaging and reinstate the at-store recycling program for plastic bags. It would also require online retailers with at least one physical location in the state with in-person sales to provide a take-back container for plastic film and expanded polystyrene packaging for consumers at each location. This bill failed on the Assembly Floor in June. AB 1371 is a two-year bill and must pass out of the first house by the end of January 2022 to move forward.

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

Position: Watch

Status: Two-year bill

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 for a specified number of beverage containers. AB 1454 is a two-year bill and is currently sitting in the Senate Environmental Quality Committee.

[SB 343 \(Allen\) Environmental advertising: recycling symbol](#)

Position: Support

Status: Signed into law

This bill would prohibit the use of the chasing-arrows symbol or any other suggestion that a material is recyclable, unless the material is actually recyclable in most California communities and is routinely sold to manufacturers to make new products. The Governor signed this measure on October 5.

Climate/Energy

[SB 32 \(Cortese\) Energy: general plan: building decarbonization requirements](#)

Position: Watch

Status: Dead

This bill would require a city or county to make a one-time amendment to any of its general plan, action or greenhouse gas emissions reduction plan, or building or other codes, occurring after January 1, 2023, to identify goals and strategies to decarbonize newly constructed commercial and residential buildings. This bill was held in Senate Appropriations committee.

[SB 68 \(Becker\) Building decarbonization](#)

Position: Support

Status: Signed into law

This bill requires the Energy Commission to develop and publish guidance on best practices to help reduce barriers for building owners to transition to electric equipment and appliances and install electric vehicle (EV) charging equipment. This measure also authorizes the award of moneys under the EPIC program for projects that will benefit electricity ratepayers and lead to technological advancements that reduce the costs of building electrification. The Governor signed this bill on October 8.

[SB 99 \(Dodd\) Community Energy Resilience Act of 2021](#)

Position: Support

Status: Dead

This bill would require the California Energy Commission (CEC) to develop and implement a grant program for local governments to develop “community energy resilience plans” and expedite permit review of distributed energy resources by local governments. This measure was held in Assembly Appropriations Committee.

[SB 345 \(Becker\) Energy programs and projects: nonenergy benefits](#)

Position: Watch

Status: Dead

This bill would have required the California Public Utilities Commission (CPUC) to establish common definitions of non-energy benefits, and attempt to determine consistent values for use in all distributed energy resource programs. This measure was held in Senate Appropriations Committee.

Extended Producer Responsibility (EPR)/Circular Economy

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

Position: Watch

Bill Status: Two-year bill

This bill would require distributors of beverage containers to form a stewardship organization to develop and submit a plan and budget for the recovery and recycling of empty beverage containers. SB 38 is a two-year bill and is currently sitting on the Assembly Natural Resource committee.

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

Position: Watch

Status: Two-year bill

As currently written, this bill prohibits producers of single-use, disposable packaging or single-use, disposal food service ware from offering for sale, selling, distributing, or importing in or into the state those

products manufactured after January 1, 2032, unless it is recyclable or compostable. SB 54 is a two-year bill and is currently sitting on the Senate Floor.

[SB 289 \(Newman\) Recycling: batteries and battery-embedded products](#)

Position: Support

Status: Dead

The bill would have enacted the Battery and Battery-Embedded Product Recycling and Fire Risk Reduction Act of 2021, which would have required producers to establish a stewardship program for batteries and battery-embedded products. This measure was held in Senate Appropriations Committee.

Organics/Composting

[AB 1200 \(Ting\) Plant-based food packaging: cookware: hazardous chemicals](#)

Position: Support

Status: Signed into law

This bill bans the toxic “forever chemicals” known as PFAS from paper, paperboard or plant-based food packaging, utensils and paper straws, effective January 1, 2023. The measure also requires manufacturers to label cookware that contains toxic chemicals on product handles or coatings, starting January 1, 2024. AB 1200 was approved by the Governor on October 5.

[AB 1201 \(Ting\) Solid waste: plastic products labeling: composability and biodegradability](#)

Position: Support

Status: Signed into law

This bill expands content and labeling requirements for compostable products. Specifically, this measure ban products from being labeled “compostable” if they contain PFAS and requires products marked “compostable” to meet established performance standards, meet California Department of Food and Agriculture’s organic standards, and be certified by a third-party. AB 1201 was approved by the Governor on October 5.

Other

[AB 1 \(Garcia\): Department of Toxic Substances Control Reform](#)

Position: Watch

Status: Two-year bill

A reintroduction of AB 901, which would have implemented a variety of DTSC reforms, including the creation of a new Board within the California Environmental Protection Agency to provide policy direction to and oversight of DTSC. AB 1 became a two-year bill after the Governor's state budget package included A DTSC reform package containing three major components: establishing a Board of Environmental Safety, fee reform, and programmatic reform.

[AB 332 \(ESTM\) Hazardous waste: treated wood waste: management standards](#)

Position: Support
Status: Signed into law

This bill re-establishes statutory changes to simplify the process for handling and disposal of treated wood waste. The measure received bipartisan support in the legislature and was signed into law by the Governor on August 31. As an urgency bill, it took place upon the Governor's signature.

[AB 652 \(Friedman\) Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances](#)

Position: Support
Status: Signed into law

This bill prohibits, on or after July 1, 2023, a person from selling or distributing in commerce any new juvenile products that contain restricted PFAS chemicals. This measure also requires a manufacturer to use the least toxic alternative when replacing PFAS chemicals in a juvenile product. The Governor approved AB 652 on October 5.

[AB 818 \(Bloom\) Solid waste: premoistened nonwoven disposable wipes](#)

Position: Support
Status: Signed into law

This bill requires certain single-use wet wipes to be clearly labeled with "DO NOT FLUSH" labeling. This bill also establishes a public education program to minimize flushing of wipes. The Governor approved this measure on October 6.

[AB 1035 \(Salas\): Department of Transportation and local agencies: streets and highways: recycled materials](#)

Position: Support
Status: Vetoed

This bill would have required local agencies to apply Caltrans' most recent standards for the use of recycled materials in pavement between January 1, 2023 and January 1, 2026. The Governor vetoed this measure because it may result in increased costs for CalTrans.

[SB 240 \(Eggman\) Income tax: credits: food banks](#)

Position: Support
Status: Two-year bill

This bill would extend the sunset on the Donated Fresh Fruits and Vegetables Credit for five additional years, until January 1, 2027. SB 240 is a two-year bill and is currently sitting on the Senate Floor.

[SB 244 \(Archuleta\) Lithium-ion batteries: illegal disposal: fire prevention](#)

Position: Support

Status: Vetoed

This bill would have required the Department of Forestry and Fire Protection (CAL FIRE) to develop a model protocol to prevent fires caused by lithium-ion batteries in the solid waste stream and require CalRecycle to develop guidance for local governments to increase public awareness about the proper disposal of those batteries. This measure was vetoed by the Governor, who expressed that the bill was duplicative of local government efforts and was not a meaningful solution.

Budget:

On June 28, Governor Newsom signed AB 128 (Ting), which reflected a spending framework agreement between the Legislature and the Governor. This \$262.6 billion spending plan for the fiscal year that began July 1 was fueled by a \$76 billion state surplus and \$27 billion in federal aid. However, there were a few disagreements on some budget items, which led to the introduction of SB 170 (Skinner), representing months of negotiations between the Governor and legislative leaders. SB 170 was signed on September 23. This measure included details of the state's Circular Economy package and allocations for Cap-and-Trade. Details are below:

Circular Economy

- Approves \$75 million in this budget year and \$65 million in 2022-2023 for a combined \$140 million two-year Circular Economy package.
 - \$3 million to CalRecycle for food waste prevention and rescue programs
 - \$5 million to CalRecycle for community composting
 - \$2 million to CalRecycle for Circular Economy development
 - \$10 million to CalRecycle for co-digestion at wastewater treatment plants
 - \$20 million to CalRecycle for organics grants
 - \$25 million to CalRecycle for the Recycling Market Development Zone Loan Program
 - \$10 million to CalRecycle for the Quality Incentive Payment Program for plastic thermoforms

Cap-and-Trade

- Appropriates \$850 million for the Greenhouse Gas Reduction Fund.
 - \$130 million to CalRecycle for waste diversion/recycling infrastructure (\$70 million for organics grants and \$60 million for grants to local jurisdictions to assist in implementation of SB 1383)
 - \$25 million to California Department of Food and Agriculture for the Healthy Soils Program
 - \$15 million to Department of Community Services and Development for the Low-Income Weatherization Program
 - \$30 million to Air Resources Board for small off-road engines (e.g. leaf blowers)

Additional Policy-Related Activities

Statewide Commission on Recycling Markets and Curbside Recycling

The Commission released their final [report](#) on June 25, which included 30 policy recommendations. Some of these recommendations included ways to reconfigure recycling markets to improve effectiveness, eliminate packaging that impedes recycling, and ensure that materials separated for recovery are processed in an environmentally sound manner. The work of the Commission was reported in depth at the [October Committee meetings](#).

RECOMMENDATION

This item is for information only.