



Date: October 8, 2020

TO: Programs & Administration Committee
Planning Committee/Recycling Board

FROM: Jeff Becerra, Communication Manager

SUBJECT: 2020 Legislative Year in Review

SUMMARY:

The California State Legislature concluded the 2019-2020 legislative session on August 31, ending one of the most tumultuous years of legislative business in recent history. At the October 8 meetings, staff will provide an overview of the session and what to look for in the 2021-2022 session.

DISCUSSION:

StopWaste's legislative priorities for 2020 emphasized plastic pollution/packaging, climate change, and organics to landfill (via implementation of SB 1383).

Legislative business ground to a halt with the onset of the COVID-19 pandemic and the legislature went into recess from the middle of March until early May. Legislative business resumed under new procedures intended to mitigate the risk of COVID-19 transmission, but progress was slow and new procedures and technologies created challenges. Ultimately, the legislature managed to effectively conduct business, but sent just over 400 bills to Governor Newsom for consideration (substantially fewer than the typical 1000). While the legislature effectively addressed some issues related to COVID-19, the budget, and wildfires, there was minimal action taken on key environmental policies.

Status of Significant Legislation of Interest to StopWaste

AB 793 (Ting) Recycling: plastic beverage containers: minimum recycled content

Position: Support

This bill establishes minimum recycled content requirements for plastic beverage containers, and makes California's standards the strongest in the world. Specifically, AB 793 would require that beverage containers contain, on average, no less than 50 percent postconsumer recycled plastic content by January

1, 2030. The legislation is intended to develop domestic markets for recycled materials and take a critical step towards a circular economy. The Governor approved this measure on September 24.

SB 54/AB 1080 (Allen, Gonzalez): California Circular Economy and Plastic Pollution Reduction Act

Position: Support

These bills would have established a framework to address the pollution and waste crisis and set a statewide goal of ensuring that manufacturers reduce the waste generated by single-use plastic packaging and food ware products by 75% by 2032 through source reduction and recycling and composting.

In August the authors significantly amended both bills, which narrowed their scope to plastic and plastic coated fiber. Even though the authors attempted to address the concerns of the opposition, in the end many groups continued to oppose these measures and both failed. There has been no indication yet if the authors plan to reintroduce the measures next year.

AB 1672 (Bloom) Solid waste: premoistened nonwoven disposable wipes

Position: Support

This bill would have established standardized labeling practices for single-use wet wipes. Specifically, AB 1672 would have required certain single-use wet wipes to be clearly labeled with “DO NOT FLUSH” and establish a consumer education and outreach program. The bill, however, died in Senate Appropriations.

AB 2287 (Eggman) Solid waste: plastic products certification

Position: Support

This bill authorizes the use of agricultural mulch film plastic labeled “soil degradable” if it meets specified standards. AB 2287 also gives the Statewide Commission on Recycling Markets and Curbside Recycling an additional six months to make certain market development policy recommendations. The bill will help support the development and use of truly degradable alternatives to traditional plastics by updating California’s existing “Truth in Environmental Advertising” law to reflect updated standards, certifications, and best practices for labeling products. This measure received bipartisan support in the legislature and was signed into law by the Governor on September 29.

Additional Policy-Related Activities

Statewide Commission on Recycling Markets and Curbside Recycling

This new group was modeled after the National Sword Task Force that StopWaste organized, and formed as a result of AB 1583. It is designed to provide policy and messaging recommendations to CalRecycle, along with identifying which items are truly recyclable or compostable. A number of close connections to StopWaste are on the commission, which held their first meeting in June and have been meeting twice a month. They have developed four committees that cover market development, organics, recycling, and

labeling and media. The commission is required to submit preliminary policy recommendations to the legislature by January 1, 2021.

CalRecycle and SB 1383

In response to the COVID-19 pandemic, StopWaste joined the League of California Cities, California State Association of Counties, and Rural Counties Representatives of California, requesting state officials and CalRecycle to grant limited grace periods and temporary relief from SB 1383 implementation requirements, until at least six months after the COVID-19 emergency is deemed over by the State. Since the solid waste and recycling industry services are part of essential infrastructure, under Governor Gavin Newsom's March 19, 2020 [Executive Order N-33-20](#), the coalition is concerned with their ability to meet specific statutory obligations during the COVID-19 pandemic.

The coalition met with CalRecycle several times and discussed the development of a guidance document that outlines the compliance program for SB 1383, which was subsequently released on August 11. In regard to the delayed implementation for SB 1383, CalRecycle expressed the dates could only be delayed if there is legislation. The coalition is currently discussing if there should be legislation introduced next year that will delay implementation of SB 1383.

California Recycling and Plastic Pollution Reduction Act

Led by Recology, this voter initiative closely matches the provisions of SB 54/AB 1080, and was designed to be a fallback should that legislation not pass. This initiative appears to have the needed number of signatures to have it placed on the 2022 ballot.

At the November Waste Management Authority meeting, staff will share and discuss with the Board a proposed list of legislative priorities for the 2021-2022 session.

RECOMMENDATION

This item is for information only.