



October 1, 2014

TO: Programs and Administration Committee
Planning and Organization Committee/ Recycling Board

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director

BY: Debra Kaufman, Senior Program Manager

SUBJECT: Legislative Status for 2014

BACKGROUND:

The 2013-2014 regular session of the California Legislature has adjourned. In November 2013, the Waste Management Authority Board approved three legislative priorities for 2014: extended producer responsibility, organics processing, and other areas of concern such as strengthening green building codes. At the upcoming November 13 Programs and Administration Committee and Planning and Organization Committee/Recycling Board meetings, staff will lead a discussion of priorities for the upcoming legislative session.

This memo serves as an update on the status of the eighteen bills the Agency took a position on in 2014.

DISCUSSION:

StopWaste works in Sacramento to support its priorities and protect against legislation or regulations that would be detrimental to the agency. Staff prioritizes its time analyzing and working closely with partner organizations to support or oppose those bills that have the greatest potential to impact—either positive or negative—our waste-reduction goals. This typically amounts to 3-5 priority bills each legislative session with additional monitoring of 10-20 bills.

The Agency's lobbyist, Justin Malan, advocates our positions on a daily basis in the legislature. Staff provides testimony on the Agency's position for priority bills on an as-needed basis, and sends letters on all bills that we support and oppose to the author and local legislators. In addition to advocating legislative positions through our lobbyist, we also advocate policies that support our mission within the purview of California regulatory agencies (e.g., CalRecycle, the California Air Resources Board, etc.).

In both legislative and regulatory work, we collaborate with multiple partners, recognizing that we are much likelier to be successful when we are part of coalitions rather than acting on our own.

The Agency worked closely this year with Californians Against Waste and the California Product Stewardship Council, providing financial support to both. In November, staff will report on legislative priorities for these two organizations, as part of the discussion of Agency legislative priorities for the 2015 legislative year.

Below is the final status of bills the agency took a position on this year. Of special note are the passage of two important organics bills, AB 1594 (Chesbro) which prohibits counting green waste used as daily cover at landfills as diversion, and AB 1826 (Williams) which requires businesses generating a high volume of organics to obtain organics recycling service. Also, of special note is passage of SB 270, the single use bag bill, which closely models our own Agency reusable bag ordinance, but applies to stores statewide. Our Agency provided important feedback on the bag bill to ensure that existing ordinances were not preempted. We also worked to ensure that the state bill would be parallel, and complementary to our own.

Final status of tracked bills:

Extended Producer Responsibility

- **AB 1893 (Stone-Eggman) Home-generated Sharps:** Would require all sharps sold to the general public in California in quantities of 50 or more to include a free sharps waste container that meets applicable state and federal standards for collection and disposal of medical sharps waste.
Sponsor/Support: CA Product Stewardship Council
Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1893&search_keywords=
Position: Support
Status: Dead. Failed to get off Assembly floor.
- **AB 2284 (Williams) Single-use household batteries:** The bill was amended to remove all manufacturer responsibility. The bill would have required the state to provide for 3 local grants for pilot battery recycling programs. Since many of our communities already have curbside battery recycling, funding of 3 more pilot collection programs, statewide, this would have been of very limited use. There is a need for manufacturer responsibility to address end of life costs of proper battery disposal. This bill was amended to remove all manufacturer responsibility aspects.
Sponsor/Support: CA Product Stewardship Council
Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2284
Proposed Agency Position: watch (bill got significantly weakened during the leg session)
Status: Dead
- **AB 2748 (ESTM Committee) Used Paint Recovery: Business Plans:** This bill encourages the take-back of used paint by eliminating duplicative reporting requirements on business that are part of Cal Recycle's approved paint stewardship program. This should make it easier for smaller stores to participate in the PaintCare program.
Sponsor/Support: PaintCare
Bill Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2748
Position: Support
Status: Signed into law
- **SB 1014 (Jackson) – Home-generated Pharmaceutical Waste:** This bill would require the department to adopt regulations to authorize a participant to establish a program to collect and

properly dispose of home-generated pharmaceutical waste, based upon the model guidelines developed by the department pursuant to those repealed provisions and to include specified requirements and provisions in those regulations.

Sponsor/Support: Alameda County; CPSC; Clean Water Action and others

Bill Link:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1014

Position: Support

Status: Dead

- **SB 1274 (Hancock) Mattress Recovery and Recycling:** Follow-up legislation to fix elements of last year's mattress legislation (SB 254- Hancock) to ensure that urban and rural local governments and participating solid waste facilities that accept mattresses may do so at no cost.

Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1274

Position: Support

Status: Signed into law

Plastic Bags/Single use take-out containers

- **SB 1194 (Hueso) Plastic pollution:** Amended 4/21/14 to require manufacturers of plastic products to provide a report on whether the manufacturer has established a sustainability policy. There is no definition of what the sustainability policy should include, and no requirement for a sustainability policy, making the requirement vague and the purpose unclear.

Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1194

Position: Support (would have recommended change to "watch" if the bill was still alive)

Status: Dead.

- **SB 270 (Padilla) Single-use Carryout Bags:** Would, as of July 1, 2015, prohibit a specified set of stores (the same set of stores covered under the Alameda County ordinance) from providing a single-use carryout bag to a customer. The bill would also prohibit those stores from selling or distributing a recycled paper bag or reusable bag at the point of sale unless the store makes that bag available for purchase for not less than \$0.10. The bill would also allow those stores, on or after July 1, 2015, to distribute compostable bags at the point of sale only in jurisdictions that meet specified requirements and at a cost of not less than \$0.10. The bill allows jurisdictions who have adopted a bag ordinance prior to September, 2014, to continue to enforce that ordinance. It allows those jurisdictions to expand their ordinance to a broader set of stores and/or to increase the minimum charge for bags, but limits other changes, to be consistent with the specifications in the bill.

Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB270

Position: Support. Staff have verified that the use of RMDZ funds will no longer be used as the source of funding.

Status: Signed into law

Medical Waste

- **AB 333 (Wieckowski) Medical Waste Management Act Reform:** Would provide for technical amendments to the Medical Waste Management Act. The bill is intended to harmonize California law with federal law. Some concerns over proposed draft language that may preempt local government authority and limit small quantity generator exemption. Staff will review more fully when substantive amendments are added.

Sponsor: Stericycle

Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB333

Position: Watch

Status: Signed into law

Green Buildings and Construction

- **AB 1918 (Williams) Title 24 and HVAC Compliance:** Calls for the establishment of an incentive program for local building agencies and operators through the CPUC to promote verification of compliance and benchmarking of HVAC and other Title 24 energy efficiency.

Sponsor/Support: US Green Building Council and NRDC. Amended 3/26.

Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1918

Position: Support

Status: Dead

- **AB 2282 (Gatto) Recycled Water Infrastructure:** Directs the Building Standards Commission to establish mandatory dual plumbing to be installed in new buildings in certain areas and dwellings in the state, based on local need and capacity determination.

Sponsor/support: US Green Building Council and Pipefitters Union

Bill link:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2282

Position: Support

Status: Signed into law

- **AB 2355 (Levine) Local Use of Recycled Material:** This bill would require, by January 1, 2017, a local government that has jurisdiction over a street or highway to either adopt the standards developed by the Department of Transportation for recycled paving materials and for recycled base, subbase, and pervious backfill materials, or discuss why it is not adopting those standards at a public hearing.

Sponsor/Support: CA Construction and Industrial Materials Association; Marin Builders Association

Bill Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2355

Position: Support

Status: Signed into law

Cap and Trade Revenues

- **AB 1970 (Gordon) Community Investment and Innovation program:** Would award Cap and Trade funds to local agencies that submit plans to develop and implement integrated community-level greenhouse gas emissions reduction projects in their region.
Sponsor: Author
Bill Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1970
Position: Support
Status: Dead.

Recycling: Market Development

- **AB 1021 (Eggman) Alternative Energy: Recycled Feedstock:** This bill expands sales and use tax credits to manufacturers using recycling feedstock, as defined, that is intended for the production of another product or soil amendment.
Sponsor/Support: Californians Against Waste
Bill link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1021
Position: Support
Status: Dead. Held in Senate Appropriations Committee from 2013
- **AB 1022 (Eggman) Electronic Waste: CRT Glass Market Development Payments:** This bill directs the Department of Toxic Substances Control to spend up to \$10 million of their surplus e-waste funds for direct incentive payments for value-added processing of CRT glass in California.
Sponsor: Californians Against Waste
Bill link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1022
Position: Support
Status: Dead. Held in Senate Appropriations Committee from 2013

Organics Processing

- **AB 1594 (Williams) ADC.** This bill, commencing January 1, 2020, would provide that the use of green material, not including materials left over from the composting process, as alternative daily cover does not constitute diversion through recycling and would be considered disposal for purposes of the act.
Sponsor: CAW and Compost Coalition
Bill Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1594
Position: Support
Status: Signed into law
- **AB 1826 (Chesbro) Commercial organic waste recycling:** This bill requires businesses generating 8 cubic yards of organic waste per week to arrange for organics recycling service by April 1, 2016. This threshold is reduced to 4 cubic yards of organics as of January 1, 2017, and 4 cubic yards of solid waste as of January 1, 2019.
- **Sponsor:** CAW
Bill link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1826

Position: Support
Status: Signed into law

Governance

- **AB 2170 (Mullin) Joint Powers Authority:** Would clarify that joint powers authorizes may exercise any power common to the contracting parties, including levying fees and taxes.
Sponsor: Author
Bill link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2170&search_keywords=
Position: Support
Status: Signed into law

Electricity: Community Choice Aggregation

- **AB 2145 (Bradford):** Would make it harder for our local governments to implement Community Choice Aggregation, one strategy for implementing climate action plan goals.
Position: Oppose
Status: Dead

RECOMMENDATION:

Staff recommends that the Boards receive this information report on the status of legislation the Agency tracked this year.