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**DATE:** June 22, 2016

**TO:** Waste Management Authority

**FROM:** Wendy Sommer, Executive Director

**BY:** Debra Kaufman, Senior Program Manager

**SUBJECT:** Legislative & Regulatory Priorities & Process Review

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## **SUMMARY**

At the May 12 P&A Committee meeting, the Board asked staff to review the current legislative advocacy protocol of having the WMA formally take positions on bills in April of each year. At the June 22 meeting, staff will seek approval from the Board for a legislative protocol to ensure that the Agency is effective and nimble in responding to bills and changes that occur during the legislative session.

## **BACKGROUND:**

Through its input on legislation and regulation, StopWaste has been an influential voice in Sacramento on issues important to the Agency such as recycling, composting, waste prevention, HHW, and green building.

Typical legislative activities throughout the year include:

- November – Board adopts legislative priorities for the upcoming session
- February – Deadline for introduction of bills
- March – Bill authors and organizational sponsors seek letters of support, committee meetings begin
- April – Earliest feasible time for staff to digest bills and recommend positions for the Board, who adopts positions on approximately 15-25 bills. Sometimes by the time the Board takes positions at the end of April, legislative analyses have already been printed including the list of organizations in support/opposition. This is a point of influence that the Agency sometimes misses.
- June—Legislative status update provided to the Board
- October – Status update provided to Board after the Governor signs or vetoes bills to take effect in January of the following year.

In 2016, the Board prioritized Extended Producer Responsibility, organics regulations and Environmentally Preferable Purchasing. In addition to tackling priority issues, staff also works on supporting bills that address other issues of importance to the Agency through letters of support and providing input on bill language. Occasionally, the Executive Director will send a letter of support prior to Board adoption of positions when a bill is clearly in accordance with Agency mission and projects. Most letters, however, are sent after Board

adoption of formal positions. Additionally, bills that clearly are in line with the Agency's mission sometimes come to our attention after the Board has taken formal positions.

This year, two such bills came to our attention after the Board meeting in May, one on supporting Green Business Programs, AB 2293, and another on promoting market development for electronic waste glass, AB 1419. Both are issues of concern to the Agency. As such, the Executive Director did send letters of support.

The legislative process is quite fluid from March through June and taking formal positions in April doesn't allow staff to be as nimble as we could be in response to the shifting language of bills. Some of our jurisdictions address this issue by having their councils adopt "broad priority areas." Bills that fall within these areas are within the discretion of the person designated to support or oppose.

To allow the Agency to more effectively participate in the legislative process, staff is recommending a process of having the Board adopt broader priorities (such as household hazardous waste, organics, food waste, packaging, recycling, composting, solid waste fees, local preemption, sustainable landscaping, and green building), prior to the legislative year and allowing the Executive Director to sign off on support or oppose letters in accordance with those priorities. One historical note for perspective on this recommendation: In the past ten years of taking positions on legislation, there has never been an instance of the Board changing a staff recommended legislative position.

**RECOMMENDATION:**

Staff recommends that the WMA Board authorize the Executive Director to determine positions for bills that are in accordance with Agency priority areas adopted by the Board in November of each year. Staff would continue to bring status updates to the Board in April, June and October.