



DATE: March 22, 2023

TO: Waste Management Authority and Energy Council

FROM: Jennifer West, Program Manager

SUBJECT: Legislative Positions for 2023

SUMMARY:

On December 5, 2022, the California State Legislature convened and began the two-year 2023-24 legislative session. The Legislature introduced 2,634 bills for this session between both the Senate and Assembly. Legislative policy committees will begin to hear these new bills in late March and April. At the March 22, 2023, meeting, staff will present proposed bill positions for the WMA and Energy Council Boards to consider for adoption.

DISCUSSION:

At its January 2023 meeting, the Waste Management Authority adopted five legislative priorities for 2023:

1. Common sense adjustments to SB 1383 requirements
2. Decarbonization/electrification in the built environment to reduce reliance on carbon-intensive energy and materials in our communities
3. Circular economy solutions and plastic pollution prevention
4. Clear product information for consumers
5. Building healthy food systems

Working with Jason Schmelzer and Priscilla Quiroz of Shaw Yoder Antwih Schmelzer and Lange (our contract lobbyist in Sacramento), we are tracking and contributing input on priority bills throughout the legislative process.

Of the total 2,634 new bills introduced, hundreds are considered “spot bills,” containing no substantive change to an existing law or only expressing the “intent of the legislature” to enact legislation later. Spot bills must have amendments in the next month or they will not move through the legislative process until the following year.

Substantive bills will be referred to a policy committee(s) based on their subject matter. Policy committees hold bill hearings from late March until May 5, 2023. The bills with costs to the state must be heard by the appropriations committee, which could hold the bill if the state cost is deemed too significant, before heading to the floor for consideration by the full body. Bills must move out of their house of origin by June 2, and the bills that do, repeat the same process in the other house and must be passed to the Governor by September 14, 2023.

Costs to local governments are generally not known at this point in the session, as it is still early and financial analyses are completed later. Staff will address cost implications to local governments with more detail when we come back to the Board in May.

StopWaste bill positions:

Support	Support positions can range from signing joint support letters, submitting our own support letters, testifying in committees, and/or providing input on bill language
Watch, Support if Amended	Letters of support with recommended amendments; indicates that bill language and details are still evolving, and we will continue to watch and provide input and take a support/oppose position where appropriate
Oppose Unless Amended	Letters of opposition unless the measure includes recommended amendments to address concerns
Oppose	Opposition to bill

RELEVANT BILLS AND PROPOSED STOPWASTE BILL POSITIONS

Plastic Pollution Prevention:

[AB 1290 \(L. Rivas\) Product safety: plastic packaging: substances](#)

This bill eliminates several problematic forms of plastics that contaminate recycling or pose a risk to human health, by prohibiting the use of PVC, PVDC, PET-G, or pigmented PET packaging, as well as prohibiting the addition of PFAS, carbon black, and oxo-degradable additives in plastic packaging.

Agency position: Support

Support: Breast Cancer Prevention Partners, Californians Against Waste, Clean Water Action & Natural Resources Defense Council, National Stewardship Action Council

Opposition: None listed

Cost to local governments: Unknown at this time

[AB 1489 \(Wood\) Solid waste: plastic food service ware](#)

Exempts from the definition of “plastic” food service ware made from polyhydroxy butyrate (PHB) and naturally occurring polymers made by living organisms, including, but not limited to, alginate, beeswax, chitin, natural rubber, polysaccharides, polyhydroxy butyrate, and proteins.

Agency position: Watch

Support: Californians Against Waste

Opposition: None listed

Cost to local governments: Unknown at this time

[SB 414 \(Allen\) Drought-tolerant landscaping: local incentive programs: synthetic grass: artificial turf](#)

This bill would prohibit a city, including a charter city, county, city and county, or special district, from issuing a rebate, voucher, or other financial incentive for the use of synthetic grass or artificial turf that contains contaminants, including zinc, plastic, or perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Agency position: Support

Support: National Stewardship Action Council, Environmental Working Group

Opposition: None listed

Cost to local governments: None

[SB 552 \(Newman\) Solid waste: single-use foodware accessory and single-use food packaging](#)

This bill requires food facilities to offer food and beverages on reusable foodware for those customers that dine in. This measure is intended to resemble the Berkeley ordinance and our model ordinance.

Agency position: Watch

Support: Californians Against Waste, Clean Seas Lobbying Coalition & Surfrider Foundation

Opposition: None listed

Cost to local governments: Unknown at this time

[SB 665 \(Allen\) Plastic Waste: single-use plastics alternatives: working group](#)

Establishes a working group to create a framework for evaluating new material types as they are developed to inform state policy decisions related to marketing, handling, and disposal of those products. The working group includes CalRecycle, Department of Toxic Substances Control, State Water Resources Control, and the Office of Environmental Health Hazard Assessment.

Agency position: Support if amended to include local government representatives in the working group.

Support: None listed

Opposition: None listed

Cost to local governments: None

Climate/Energy

[AB 43 \(Holden\) Greenhouse gas emissions: building materials: embodied carbon trading system](#)

This bill would require the State Air Resources Board to establish an embodied carbon trading system and would make it applicable to building materials providers, developers, architectural and engineering firms, and construction companies. The bill would require the state board to integrate the embodied carbon trading system into the framework on or before December 31, 2026, and to implement the system on and after January 1, 2029.

Agency position: Support

Support: None listed

Opposition: None listed

Cost to local governments: None

[AB 529 \(Gabriel\) Adaptive reuse projects](#)

This bill would add the expansion of adaptive reuse projects to the list of specified prohousing local policies. The measure would also require the California Building Standards Commission, in consultation with the Department of Housing and Community Development, to update, adopt, approve, codify, and publish building standards in the California Existing Building Code that revise and clarify fire, safety, health, structural, seismic, and environmental elements that apply to adaptive reuse projects.

Agency position: Support

Support: None listed

Opposition: None listed

Cost to local governments: Unknown at this time

[SB 511 \(Blakespear\) Greenhouse gas emissions inventories](#)

This bill would require the State Air Resources Board, before January 1, 2028, to develop and publish on its website a report on greenhouse gas emission inventories for the calendar year 2025 for each city, county, city and county, and special district. The bill would require the state board, consistent with the preparation of the updates to the scoping plan and before January 1, 2033, and every 5 years thereafter, to update the inventories for the subsequent calendar years. The bill would authorize the state board to solicit bids and enter into contracts for the development of the inventories.

Agency position: Support

Support: CivicWell (formerly Local Government Commission), Contra Costa County

Opposition: None listed

Cost to local governments: Unknown at this time

Extended Producer Responsibility (EPR)/Circular Economy

[AB 2 \(Ward\) Recycling: solar photovoltaic modules](#)

This bill states it is the intent of the Legislature to enact legislation that would create a convenient, safe, and environmentally sound system for the end-of-life management of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials.

Agency position: Watch

Support: None listed

Opposition: None listed

Cost to local governments: Unknown at this time

[AB 863 \(Aguiar-Curry\) Carpet recycling: carpet stewardship organizations: fines: succession: procedure](#)

This bill provides additional accountability for carpet stewardship organizations that rely on consumer fees and increases civil penalties for violations of carpet stewardship. Further, this bill ensures that organizations that repeatedly violate carpet stewardships laws are ineligible to design, submit, or administer carpet stewardship plans.

Agency position: Support

Support: National Stewardship Action Council

Opposition: None listed

Cost to local governments: None

[SB 560 \(Laird\) Solid waste: extended producer responsibility](#)

States legislative intent to establish a framework for expended producer responsibility for the end-of-life management of covered gas cylinders.

Agency position: Support if amended for a more robust EPR program.

Support in Concept: California Product Stewardship Council

Opposition: None listed

Cost to local governments: None

[SB 707 \(Newman\) Responsible Textile Recovery Act of 2023](#)

Creates a Responsible Textile Recovery Act to require producers to establish a stewardship program for collection and recycling of apparel and textiles that are unsuitable for reuse by a consumer.

Agency position: Support

Support: California Product Stewardship Council, National Stewardship Action Council

Opposition: None listed

Cost to local governments: Unknown at this time

Organics/Composting

[AB 406 \(Connolly\) Agriculture: Healthy Soils Program: organic production](#)

This bill would authorize the Healthy Soils Program to include the funding of organic farming projects that further the goals of the program and require the department to establish the technical advisory committee if it elects to fund those projects. The bill would require the department to support and incentivize organic production by providing grants of up to 5 years to certified organic farmers and ranchers.

Agency position: Support

Support: None listed

Opposition: None listed

Cost to local governments: Unknown at this time

Other

[AB 57 \(Kalra\) California Pocket Forest Initiative](#)

This bill would establish the California Pocket Forest Initiative, a pilot program that would authorize CAL FIRE to provide demonstration grants for pocket forests to public and nonprofit entities. Pocket forests are small plots of urban land that have been densely planted with native plant species and offer communities access to healthy, self-sustaining natural green areas.

Agency position: Support

Support: ReLeaf, California Institute for Biodiversity

Opposition: None listed

Cost to local governments: None

[AB 660 \(Irwin\) Food labeling: quality dates, safety dates, and sell by dates](#)

This bill mandates streamlined expiration date labels on packaged foods. This measure also prohibits use of consumer-facing "Sell By" dates to reduce confusion stemming from labels intended for food retailers.

Agency position: Support

Support: Californians Against Waste, California Product Stewardship Council, National Stewardship Action Council

Opposition: None listed

Cost to local governments: Unknown at this time

[SB 244 \(Eggman\) Right to Repair Act](#)

Requires manufacturers of consumer electronics to provide replacement parts, diagnostic information, and service literature to consumers and third-party repair businesses.

Agency position: Support

Support: Californians Against Waste, CalPIRG, iFixit

Opposition: None listed

Cost to local governments: Unknown at this time

Next Steps/Key Dates

- April: Committee hearings.
- May: Board receives status update on bills and provides direction as appropriate. Governor's May revision of the budget is released.
- June: The state budget for 2023-24 must be passed.
- September: Deadline for bills to pass the Legislature.
- October: Deadline for Governor to sign or veto bills.
- November: Status update provided to Board after Governor takes action.

RECOMMENDATION

Staff recommend that the Boards adopt the stated positions on the bills listed above.