



DATE: November 17, 2021
TO: Waste Management Authority Board
FROM: Jeff Becerra, Communications Manager
SUBJECT: Legislative Priorities for 2022

SUMMARY

This January the California Legislature begins its second year of a two-year session. At the November 17 joint board meeting, staff will lead a discussion of current policy issues and ask the boards to adopt legislative priorities for 2022.

DISCUSSION

The 2021 legislative session saw some successes in adoption of a “circular economy package” of bills, and affiliated funding through a budget trailer bill, which was reviewed with the Waste Management Authority at its October meeting. The Legislature will continue moving towards a full slate of business as COVID-related restrictions wane. COVID relief, housing/homelessness and wildfire relief are expected to continue as priorities for the Legislature, as are policies that help address climate change. For StopWaste, we propose to focus our time on four primary areas:

1. Common sense adjustments to SB 1383 procurement requirements
Among the many new requirements of SB 1383, the Short-Lived Climate Pollutant Reduction Act (which goes into effect January 1), is the obligation of each city and county to procure a specified quantity of recovered organic waste products, such as compost and/or mulch. Each city/county has a population-based target to meet for procurement to ensure these products are utilized. As discussed previously this year with the boards via municipal panels, the procurement requirements do not match well with counties like ours that have mature programs in place, making our ability to significantly scale up procurement much more difficult than regions of the state where the market is starting from scratch. Numerous jurisdictions throughout the state feel that the requirements are out of sync with on-the-ground conditions in their communities. We intend to work with partners such as the CA League of Cities to identify, support and advance legislation that promotes common sense solutions to create more realistic procurement requirements.

2. Clear product labeling to reduce customer confusion

The 2021 legislative session demonstrated that the Legislature and Governor are in support of reducing confusion around recycling, supporting “truth in advertising” for manufacturer claims of recyclability that have historically been overly aspirational. Through our own work supporting transparency in waste-related processing, and through that of the Statewide Commission on Recycling Markets and Curbside Recycling, we expect to see more legislation introduced to continue advancing these issues and we plan to actively support this type of policy in the Legislature.

3. “Circular economy” solutions that advance source reduction of problematic materials such as low-grade plastics

Deriving value from waste materials is one goal of a circular economy approach; so is identifying materials that are of low value at their end of life and promoting ways to eliminate these products from our economy. In conjunction with close partners such as the California Product Stewardship Council and National Stewardship Action Council, we will support opportunities for Extended Producer Responsibility to ensure manufacturers will be required to manage their products at end of life, and/or identify products and packaging that no longer are welcome in our economy. An “upstream” approach to reducing waste, such as by assisting restaurants to utilize reusable food ware, means we are working to eliminate having to choose between the lesser of evils when it comes to disposal (such as choosing between plastic and compostable cutlery, both of which are single-use and come with their own set of problems). Building a more circular economy also means supporting policy that facilitates use of materials in the built environment that have fewer embodied emissions, last longer, and are designed for reuse at end of life.

4. Decarbonization/electrification of our built environment to reduce reliance on carbon emitting forms of energy

Through our work implementing market transformation initiatives, StopWaste will identify and support legislation to reduce our reliance on carbon emitting sources of energy such as natural gas. Our East Bay communities and partners have shown leadership in shifting towards widespread electrical appliance adoption (that will increasingly rely on a “green” grid with reduced greenhouse gas emissions), and we intend to support policies that continue this shift for our communities and the rest of the state.

Additional State Policy Related Issues

Focusing on the four areas identified above does not limit the policy areas that we support, but it does help staff focus its time. In addition to the adopted priority areas, staff would continue to monitor and support legislative policy in line with other agency goals like right to repair, minimizing illegal dumping, bottle bill reforms and proper battery disposal.

Next Steps/Key Dates

Staff will return to the Board in March for review of recommended positions on new bills. Key dates for the 2022 session include:

- January: Governor’s proposed 2022-23 budget is released. Committee hearings and floor votes for “two-year” bills introduced in 2021.
- February: Deadline for introduction of new bills.
- March: Bill authors and organizational sponsors seek letters of support for new bills; staff reviews bills and recommends positions for Board adoption.
- May: Governor’s May revision of the budget is released.
- June: Board receives status update on bills and provides direction as appropriate. The state budget for 2022-23 must be passed.
- August: Deadline for bills to pass the Legislature.
- September: Deadline for Governor to sign or veto bills. Status update provided to Board after Governor takes action.

RECOMMENDATION

That the WMA Board discuss legislative priorities for calendar year 2022 and adopt a priority or set of priorities for staff to pursue in conjunction with its partners and the agency’s lobbying team in Sacramento. The Recycling Board is also encouraged to provide input on the Agency’s 2022 legislative priorities.