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**DATE:** March 24, 2021

**TO:** Waste Management Authority

**FROM:** Jeff Becerra, Communications Manager

**SUBJECT:** Legislative Positions for 2021

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**SUMMARY:**

The 2021-2022 legislative session began in January and more than 2,300 bills met the February deadline for introduction. At the March 24 meeting, staff will review proposed bill positions for the WMA Board to consider for adoption.

**DISCUSSION:**

The WMA Board adopted as its legislative priority for 2021 joining efforts with other partners to introduce and support legislation seeking to modify SB 1383 implementation timelines as long as the relief is not prolonged or excessive in nature. We will continue to monitor proposed bills that will have a direct impact on our agency, however the focus of our time will be on SB 1383 legislation.

Working with Jason Schmelzer and Priscilla Quiroz of Shaw Yoder Antwih Schmelzer and Lange (our contract lobbyist in Sacramento), we are tracking multiple bills in the legislative process. Several bills are still in “spot” language form and will only be able to be analyzed once more language is included. As it is early in the session, many bills do not yet have support/oppose designations or committee analyses, and therefore we are not yet aware of the potential fiscal implications to our member agencies. We plan to return to the Board in June with an updated list of bill analyses and positions.

Due to the COVID-19 pandemic, policy committees anticipate they will have limited hearings in order to adhere to social distancing guidelines. A few committees, such as Assembly Natural Resources, have asked legislators to provide justification as to why their bill needs to move forward this year. Additionally, Assembly Speaker Anthony Rendon alerted Assemblymembers that they will only be able to transfer over 12 bills each to the Senate, further limiting legislators' bill packages for the session.

StopWaste bill positions include:

**Support:** Support positions can range from signing on to joint support letters, submitting our own letters, testifying in committees, and/or providing input on bill language

Support If Amended: Letters of support with recommended amendments  
Oppose: Opposition  
Watch: 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

### **SB 1383 Relief**

#### [SB 619 \(Laird\) Organic waste: reduction regulations](#)

This bill seeks to provide local governments with additional flexibility to fulfill the requirements of SB 1383. Although the current iteration of the bill contains only sparse language, we and other partners like the League of Cities, expect this bill to be the vehicle for any proposed relief for our member agencies on SB 1383 implementation timelines.

Agency position: Likely support, but language still under development

Support: None listed

Opposition: None listed

### **Plastic Pollution Prevention**

#### [AB 818 \(Bloom\) Solid waste: premoistened nonwoven disposable wipes](#)

AB 818 would require certain single-use wet wipes to be clearly labeled with “DO NOT FLUSH” labeling. This bill would also establish a public education program to minimize flushing of wipes.

Agency position: Support

Sponsor/Support: National Stewardship Action Council, California Association of Sanitation Agencies, INDA – Association of the Nonwoven Fabric Industry

Opposition: None listed

#### [AB 1276 \(Carrillo\) Single-use food accessories](#)

This bill would prohibit a food facility or a third-party food delivery platform from providing single-use food accessories, such as cutlery, straws and condiment packets, to consumers unless requested by the consumer, or unless necessary to protect public health.

Agency position: Support

Support: None listed

Opposition: None listed

[AB 1454 \(Bloom\) The California Beverage Container and Litter Reduction Act](#)

AB 1454 is intended to modernize and increase funding for the State's Beverage Container Recycling infrastructure, including targeted payment increases for redemption centers and financing to help open new centers in unserved areas.

Agency position: Support

Support/Sponsor: Californians Against Waste

Opposition: None listed

[AB 881 \(Gonzalez\) Plastic waste: diversion: recycling: export](#)

This bill would prohibit the export of plastic waste from counting as diversion for purposes of AB 939 unless the plastic waste is a mix of polythene (PE), polypropylene (PP), or polyethylene terephthalate (PET), is destined for separate recycling of each material, and complies with the Basel Acord and other agreements.

Agency position: Support

Co-sponsor/support: Californians Against Waste

Opposition: None listed

[AB 962 \(Kamlager\) California Beverage Container Recycling and Litter Reduction Act: reusable beverage containers.](#)

This bill authorizes CalRecycle to allow returnable bottles to flow through the state's Bottle Bill program. By making returnable bottle washing/filling facilities eligible for the same payments as other recyclers, this bill would allow for glass bottles to remain intact for reuse rather than crushed for recycling.

Agency position: Support

Support: Californians Against Waste, Clean Seas Lobby Coalition

Opposition: None listed

[SB 343 \(Allen\) Environmental advertising: recycling symbol.](#)

The bill would ban the use any misleading symbol, including the chasing arrow symbol, or statement claiming recyclability of a product if it is not truly recyclable (as determined by CalRecycle).

Agency position: Support

Support/Sponsors: Californians Against Waste, National Stewardship Action Council

Opposition: Plastic Industry Association

## Climate/Energy

### [SB 32 \(Cortese\) Energy: general plan: building decarbonization requirements.](#)

This bill would require a city or county to amend, by January 1, 2023, the appropriate elements of its general plan to include goals, policies, objectives, targets, and feasible implementation strategies to decarbonize newly constructed commercial and residential buildings.

Agency position: Watch

Support: None listed

Opposition: None listed

### [SB 68 \(Becker\) Building decarbonization](#)

This bill would require the Energy Commission to develop and publish on its website a guide for electrification of buildings and to submit to the Legislature a report on barriers to electrifying existing buildings and to adding energy storage or vehicle charging equipment to existing buildings.

Agency position: Watch

Support: None listed

Opposition: None listed

### [SB 99 \(Dodd\) Community Energy Resilience Act of 2021](#)

This bill would require the Natural Resources Agency and the State Energy Resources Conservation and Development Commission to develop and implement a grant program for local governments to develop community energy resilience plans.

Agency position: Support

Support: None listed

Opposition: None listed

### [SB 345 \(Becker\) Energy programs and projects: nonenergy benefits](#)

This bill would require the Public Utilities Commission to (1) establish common definitions of nonenergy benefits (such as improved public health, an increase in property values) and attempt to determine consistent values for use in all distributed energy resource programs, (2) incorporate nonenergy benefits in distributed energy resource programs and projects, and (3) track the nonenergy benefits produced in distributed energy resource programs during program evaluations.

Agency position: Watch

Support: None listed

Opposition: None listed

## **Extended Producer Responsibility (EPR)/Circular Economy**

### [SB 289 \(Newman\) Recycling: batteries and battery-embedded products](#)

This bill would create a statewide, producer-run collection and recycling program for loose and product-embedded batteries at retail locations across the state.

Agency position: Support

Sponsor/Support: California Product Stewardship Council, ReThink Waste, Californians Against Waste  
Opposition: None listed.

### [SB 38 \(Wieckowski\) Beverage Containers](#)

Replaces the existing Beverage Container Recycling Program (Bottle Bill) with a new recycling program administered by beverage container manufacturers and increases the CRV from \$0.05 to \$0.10 per container if the state fails to achieve specified recycling rates.

Agency position: Watch

Support: None listed

Support in concept: California Product Stewardship Council, National Stewardship Action Council

Oppose Unless Amended: Waste Haulers Council, Athens Services, Republic Services, Waste Connections, Waste Management

### [SB 54 \(Allen\) Plastic Pollution Producer Responsibility Act.](#)

This bill would prohibit producers of single-use, disposable packaging or single-use, disposable food service ware products from offering for sale packaging or products that are not recyclable or compostable.

Agency position: Watch (language under development)

Support: None listed

Opposition: None listed

## **Organics/Composting**

### [AB 1201 \(Ting\) Solid waste: plastic products labeling: composability and biodegradability](#)

This bill would ban the sale of plastic products labeled as compostable, home compostable, or soil biodegradable unless the product meets specified standards. It also requires CalRecycle to adopt regulations to ensure that products so labeled are clearly distinguishable from non-compostable products by consumers and solid waste processing facilities.

Agency position: Support

Support: None listed

Opposition: None listed

## Other

### [AB 1 \(Garcia\): DTSC Reform](#)

A reintroduction of AB 901, which would have implemented a variety of DTSC reforms, including the creation of a new Board, but was vetoed by Governor Newsom.

Agency position: Watch (We expect to provide input on language in conjunction with County HHW staff)

Support: None listed

Oppose: None listed

### [AB 332 \(ESTM\) Hazardous waste: treated wood waste: management standards](#)

This bill would re-establish statutory changes to simplify the process for handling and disposal of treated wood waste. This bill would declare that it is to take effect immediately as an urgency statute.

Agency position: Support

Support: California Product Stewardship Council, Solid Waste Association of North America, Republic, California Rural Counties

Opposition: None listed

### [AB 339 \(Lee\) State and local government: open meetings](#)

This bill would require all meetings of public bodies (including post Covid) such as the Waste Management Authority to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services. The bill requires translation services to be provided for the 10 most-spoken non-English languages in California.

Agency position: For discussion with the Board

Support: None listed

Opposition: California Special Districts Association

### [AB 1035 \(Salas\): Road Maintenance and Rehabilitation: Recycled Material Standards](#)

This bill would promote the use of recycled content materials in road maintenance. Requires cities and counties, when receiving funds from the Caltrans Road Maintenance and Rehabilitation program, to utilize available recycled content materials such as reclaimed asphalt and fly ash in concrete to reduce greenhouse gases.

Agency position: Support

Support: None listed

Opposition: None listed

[SB 240 \(Eggman\) Income tax: credits: food banks](#)

This bill would extend the Farm to Food Bank Tax Credit until January 1, 2026.

Agency position: Support

Support: California Association of Food Banks

Opposition: None listed

[SB 244 \(Archuleta\) Lithium-ion batteries: illegal disposal: fire prevention.](#)

This bill would require CalRecycle to create a guidance document promoting the proper disposal of lithium-ion batteries, as well as require the Department of Forestry and Fire Protection to develop a model protocol for lithium-ion battery fire detection, handling, and suppression for the solid waste industry.

Agency position: Support

Support: California Product Stewardship Council, Rethink Waste, Californians Against Waste

Opposition: None listed.

**Ballot Initiatives:**

[The CA Recycling and Plastic Pollution Reduction Act](#)

This ballot measure would (1) require CalRecycle to undertake a rulemaking process to require single-use plastic packaging to be recyclable, compostable, or reusable by 2030; (2) bans expanded polystyrene foodware and mandates source reduction below a threshold established by CalRecycle; (3) creates a new tax on all single-use plastic packaging and foodware sold in California.

Agency position: Support

Support: Recology

Opposition: None listed

**RECOMMENDATION:**

Adopt positions on the bills and ballot initiative listed above.