



DATE: May 24, 2023
TO: Waste Management Authority and Energy Council
FROM: Jennifer West, Program Manager
SUBJECT: Legislative Positions for 2023 – Mid Session Update

SUMMARY:

This memo, accompanied by a staff presentation at the May meeting, provides an update on the status of bills WMA took positions on in March, and includes several new bills with recommended positions for the Board’s consideration.

DISCUSSION:

At its January 2023 meeting, the Waste Management Authority Board 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

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 |

At its March 2023 meeting, the WMA board considered positions on 16 bills outlined in the [March 2023 board memo](#). We have included those bills in this memo only if the bill or our position has changed.

UPDATE ON BILLS WITH ESTABLISHED POSITIONS:

Plastic Pollution Prevention, Circular Economy Solutions and Upstream Waste Prevention, including Extended Producer Responsibility

[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. These requirements would apply for three years after the date a product model or type was manufactured for products that have a wholesale price of \$50 to \$99.99 and seven years for products of \$100 or more, regardless of whether the specified time period exceeds the warranty period for the product.

***Revised position** Agency position: Support (currently we have adopted a Watch position)

Support: Californians Against Waste, CalPIRG, iFixit, Natural Resources Defense Council

Opposition: California Chamber of Commerce, California Manufacturers and Technology Association, Internet Coalition, TechNet

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

This measure is now a two-year bill.

SUMMARY OF NEW BILLS AND PROPOSED POSITIONS:

Plastic Pollution Prevention, Circular Economy Solutions and Upstream Waste Prevention, including Extended Producer Responsibility

[AB 1238 \(Ward\) Hazardous waste: solar panels](#)

This bill requires the Department of Toxic Substances Control (DTSC) to develop alternative management standards (AMS) for the management of photovoltaic (PV) modules. The bill specifies that the AMS should (1) Promote the safe collection, reuse, and recycling of PV modules; (2) Ensure that the AMS do not pose a significant potential hazard to human health and safety or the environment; (3) Provide flexibility and administrative convenience for persons collecting and recycling PV modules; (4) Seek to streamline the process for persons collecting and recycling PV modules; (5) Allow for the safe landfilling of PV modules, if there are no recycling or reuse option; (6) Allow a person, when following the AMS, to collect, reuse, or recycle PV modules without a hazardous waste permit.

Agency position: Support

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

Opposition: Association of National Advertisers

Cost to local governments: None

[AB 1347 \(Ting\) Solid waste: paper waste: proofs of purchase](#)

This bill bans the use of the chemicals bisphenol A (BPA) and bisphenol S (BPS) in printed receipts. In addition, it prohibits businesses from printing any information on a receipt, other than information strictly related to the transaction. In addition, it requires businesses to offer all customers a choice between an email, text, or paper receipt, or no receipt at all.

Agency position: Support

Support: A Voice for Choice Advocacy

Opposition: None listed

Cost to local governments: None

[AB 1659 \(Gabriel\) Sale of small electronic devices: charging devices](#)

This bill creates a single charging hardware standard for small electronic devices, such as cell phones.

Agency position: Support

Support: California Product Stewardship Council, Californians Against Waste, Climate Equity Policy Center, Natural Resources Defense Council

Opposition: None listed

Cost to local governments: None

[SB 271 \(Dodd\) Powered wheelchairs: repair](#)

This bill requires an original manufacturer of a powered wheelchair to provide a wheelchair owner or independent repair provider the necessary parts and equipment used to inspect, diagnose, maintain, and repair the wheelchair. The bill also prohibits the Department of Health Care Services from requiring prior authorization for the repair of a powered wheelchair under Medi-Cal or a treatment authorization request.

Agency position: Support

Support: Californians Against Waste, Consumer Reports, iFixit, California Foundation for Independent Living Centers

Opposition: California Association of Medical Product Suppliers, National Coalition for Assistive & Rehab Technology

Cost to local governments: None

[SB 353 \(Dodd\) Beverage containers: recycling](#)

This bill would expand the Beverage Container Recycling Program (BCRP) to include all sizes of containers of 100% juice. It would also authorize CalRecycle to adjust certain recycling payments based on either the applicable preceding 12-month or 3-month average scrap

value, whichever is lower.

Agency position: Support

Support: Californians Against Waste, Berkeley Recycling/Community Conservation Centers INC, Republic Services

Opposition: None listed

Cost to local governments: None

[SB 615 \(Allen\) Vehicle traction batteries](#)

This bill would require vehicle traction batteries (for EVs) to be recovered and reused, repurposed, or remanufactured and recycled at the end of their useful life. This bill would also require vehicle manufacturers, dealers, dismantlers, repair dealers, or other secondary users to be responsible for ensuring responsible end-of-life management of vehicle traction batteries.

Agency position: Support if amended for a more robust end-of-life management.

Support: National Stewardship Action Council, Californians Against Waste, CalStart California Product Stewardship Council, League of California Cities

Opposition: None listed

Cost to local governments: None

Brown Act

[AB 557 \(Hart\) Open meetings: local agencies: teleconferences](#)

This bill eliminates the sunset date on provisions of law allowing local agencies to use teleconferencing without complying with specified Ralph. M Brown Act (Brown Act) requirements during a proclaimed state of emergency.

Agency position: Support

Support: California Special Districts Association, League of California Cities, California State Association of Counties

Opposition: None listed

Cost to local governments: None

[SB 537 \(Becker\) Open meetings: multijurisdictional, cross-county agencies: teleconferences](#)

This bill authorizes an eligible legislative body, which is a board, commission, or advisory body of a multijurisdictional, cross county, local agency with appointed members that is subject to the Brown Act, to teleconference their meetings without having to make publicly accessible each teleconference location under certain conditions and limitations.

Agency position: Support

Support: Peninsula Clean Energy, League of California Cities

Opposition: ACLU California Action, California News Publishers Association

Cost to local governments: None

Decarbonization and Electrification, Low-Carbon Buildings

[AB 593 \(Haney\) Carbon emission reduction strategy: building sector](#)

This bill requires the California Energy Commission to identify an emission reduction strategy for the building sector to support the achievement of the state's 2045 greenhouse gas (GHG) emission reduction goals.

Agency position: Support

Support: Building Decarbonization Coalition, Climate Action California, SPUR

Opposition: California Association of Realtors

Cost to local governments: None

[SB 527 \(Min\) Neighborhood Decarbonization Program](#)

This bill would, until January 1, 2030, require the California Public Utilities Commission, in consultation with gas corporations, to develop and supervise the administration of the Neighborhood Decarbonization Program to cease providing gas utility service in an area within its service territory if the CPUC determines that adequate substitute energy service is reasonably available to support the energy end use of affected gas customers.

Agency position: Support

Support: City of Berkeley Office of Energy and Sustainable Development, Climate Action Campaign, SPUR, Efficiency First CA, Emerald Cities Bay Area, NRDC, Rising Sun, Sierra Club

Opposition: Rural County Representatives of California

Cost to local governments: According to the opposition, "this may shift costs from gas utilities to customers, and do not believe it is sufficient that this bill requires the CPUC to ensure that rates for substitution of service for low-income customers are just, adequate, and reasonable."

[SB 682 \(Skinner\) Low-carbon cement and low-carbon concrete](#)

This bill would make it the policy of the state to purchase or specify at least 10 percent of cement and concrete meet or exceeds a specified benchmark for low-carbon cement by 2030 and to exclude from that 10 percent the purchase of all fossil-based supplementary cementitious materials by 2035.

Agency position: Support

Support: Decarbonized Cement & Concrete Working Group, Institute for Carbon Management

Opposition: None listed

Cost to local governments: None

Organics/Composting

[AB 1567 \(Garcia\) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024](#)

This bill enacts the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024. Specifically, this bill, upon approval by the voters in the March 5, 2024, statewide primary election, enacts the bond to authorize the issuance of \$15 billion in general obligation (GO) bonds to finance projects including: (1) \$1.6 billion for the protection of California's wildlife, biodiversity, and fisheries from climate risks. (2) \$820 million for protecting farms, ranches, and working lands from the impacts of climate change. (3) \$1.8 billion for regional climate resilience projects that address multiple risks.

Agency position: Support if amended to include \$200 million towards organic waste infrastructure

Support if Amended: RethinkWaste, Californians Against Waste, Republic Services

Opposition: None listed

Cost to local governments: No

Building a Healthy Food System

[AB 408 \(Wilson\) Climate-Resilient Farms, Sustainable Healthy Food Access, and Farmworker Protection Bond Act of 2024](#)

This bill enacts the \$3.365 billion Climate-Resilient Farms, Sustainable Healthy Food Access, and Farmworker Protection Bond Act of 2024. Specifically, this bill, upon approval by the voters in the November 5, 2024 statewide general election, enacts the bond to authorize the issuance of \$3.365 billion in general obligation (GO) bonds to finance projects in the following categories: (1) \$950 million for improving agricultural resilience and advancing sustainable agriculture; (2) \$750 million for protecting the health and well-being of California's farmworkers; (3) \$750 million for sustainable healthy food access and nutrition security; (4) \$915 million for strengthening regional food economies.

Agency position: Support

Support: California Compost Coalition, Californians Against Waste, Ecology Center

Opposition: None listed

Cost to local governments: No

Next Steps/Key Dates

- 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 the Governor takes action

RECOMMENDATION

Staff recommend that the Board adopts the stated positions on the bills identified in the staff memo.