



**DATE:** May 25, 2016  
**TO:** Waste Management Authority Board  
**FROM:** Wendy Sommer, Executive Director  
**BY:** Debra Kaufman, Senior Program Manager  
**SUBJECT:** Legislative Positions for 2016

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## **SUMMARY**

At the May 25 Waste Management Authority Board meeting, staff will ask the Board to adopt the proposed legislative positions that were approved by the Programs & Administration Committee and the Planning & Organization Committee/Recycling Board at their May meetings.

## **BACKGROUND**

On May 12, 2016, the Programs & Administration Committee, and the Planning & Organization Committee/Recycling Board heard a presentation on proposed agency positions for 2016 state legislative bills.

The Committees voted to recommend that the full WMA Board adopt staff recommendations for the legislative positions outlined in the memo linked below, with the addition of a support position on AB 1577, which expands tax credits for donating food to food banks.

The memo that was provided at the May 12, 2016 committee meetings is attached (Attachment A).

A final status on legislation will be provided to the Boards in October. Staff will also bring back an item in July to discuss the most efficient protocol to establish agency legislative positions.

## **RECOMMENDATION**

The P&A and the P&O/RB Committees recommend that the Authority Board approve the legislative positions for the 2016 session of the California legislature.

Attachment A: Legislative Positions for 2016 (May 12, 2016 memo to committee)

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**DATE:** May 12, 2016

**TO:** Programs & Administration Committee  
Planning & Organization Committee/Recycling Board

**FROM:** Wendy Sommer, Executive Director

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

**SUBJECT:** Legislative Positions for 2016

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**SUMMARY**

2016 is the second year of the 2015/2016 legislative session and through our contract lobbyist we are tracking several bills that are in different stages of the legislative process. To date we have identified 24 bills of possible interest to StopWaste. We are recommending a position of support on 17 bills (two of which have already died), a watch position on 6 bills and an oppose position on one bill. The attached excel spreadsheet lists the bills, provides a short description, identifies the status of the bills, and includes recommended positions. Several bills are still in “spot” language form and will only be able to be analyzed once operative language is inserted.

**DISCUSSION**

In November, 2015, the Waste Management Authority Board approved these three legislative priorities for 2016: 1. Extended Producer Responsibility (EPR); 2. Organics regulation and legislation; and 3. Environmentally Preferable Purchasing. The following provides a discussion on our priority areas and a list of the bills we are recommending positions on. The attached spreadsheet contains more detail on the bills.

**1. Extended Producer Responsibility**

**AB 45 (Mullin) Household hazardous waste (oppose)** This bill prioritizes curbside household hazardous waste programs over other programs. AB 939 already requires local governments to have a plan for recycling HHW. Local governments should have the authority to determine whether drop off or curbside is the most efficient program. Curbside programs in the Bay Area have a lower participation rate than the Alameda County drop-off facilities. This bill takes attention away from the real need which is shared manufacturer responsibility for disposal costs of HHW and places all the burden of costs on local governments. This is being considered an anti-EPR bill. California Product Stewardship Council (CPSC) has an oppose position as do many other local governments.

**AB 2039 (Ting) Sharps (support).** This bill would create an EPR system for used sharps. It died in committee, however Assembly member Ting is dedicated to addressing this issue, and may look for another vehicle to bring this forward.

## **2. Organics**

After several bills passed in the last two years related to organics, including phasing out diversion credit for green waste used as alternative daily cover (ADC) at landfills, requiring commercial businesses to recycle their organics and requiring local governments to identify processing capacity needed for their organics generation, this legislative year has been quieter on the topic of organics diversion. On the regulatory front, however, CARB has proposed developing a state regulation to get organics out of landfill by 2025 as a way to reduce short lived carbon pollutants, or more specifically, in the case of landfills, methane. The BAAQMD is including support for more sustainable landscaping in their Regional Clean Air Plan. The bills that do address organics this year, (SB 367 and AB 2525) focus on the use of compost for its multiple greenhouse gas reduction benefits including carbon storage and water conserving features.

## **3. Environmentally Preferable Purchasing**

The only bill addressing environmentally preferable purchasing this year is AB 2530 which requires plastic bottle manufacturers to indicate through labeling the percentage of postconsumer recycled content in the container.

### **Other Relevant Bills:**

The following lists the bills that we are recommending positions on. The detail for these bills, including a link to the text of the bill, is contained in the attached spreadsheet.

1. AB 45 (Mullin) HHW. Oppose
2. AB 761 (Levine) Carbon sequestration. Support
3. AB 1005 (Gordon) Bottle Bill. Support
4. AB 1063 (Williams) Solid Waste Tip Fee. Watch
5. AB 1103 (Dodd) Organics. Watch
6. AB 1239 (Gordon) Tire recycling. Support
7. AB 2111 (Dahle) HHW. Watch
8. AB 2153 (Garcia) Lead Acid Battery EPR. Support
9. AB 2396 (McCarty) Annual Reports for State Agencies. Support
10. AB 2525 (Holden) Water Efficient Landscaping. Support
11. AB 2530 (Gordon) Plastic bottle recycled content labeling. Support
12. AB 2576 (Gray) Market Development for glass. Support
13. AB 2579 (Low) Food service packaging. Watch
14. AB 2812 (Gordon) Recycling in state facilities. Support
15. SB 367 (Wolk) Incentives for farmers to use compost and reduce GHG. Support
16. SB 423 (Bates) Standards for handling of nonprescription drugs. Watch

17. SB 778 (Allen) Oil change frequency information. Support
18. SB 970 (Leyva) GHG grants for in state recycled product manufacturing. Support
19. SB 1043 (Allen) Biogas funding Watch
20. SB 1229 (Jackson) Secure drug take-back bins. Support
21. SB 1233 (McGuire) Water Bill Savings for water efficiency measures. Support
22. SB 1402 (Pavley) Low carbon fuels. Support
23. AB 2039 (Ting) Sharps EPR. Support (dead but may be revived in another format)
24. AB 2725 (Chiu) Food labeling consistency. Support. Dead.

We anticipate bringing an update on legislative activity to the Boards in June.

#### **RECOMMENDATION**

Staff recommends that the Committees recommend the preliminary legislative positions outlined in the staff report to the full Authority Board for the 2016 session of the California legislature.

Attachment A: List of Bills

**Attachment A**

**StopWaste/ACWMA**

**4/28/2016**

<b>Location</b>	<b>Measure</b>	<b>Author</b>	<b>Topic</b>	<b>Brief Summary</b>	<b>Current Text</b>	<b>Status</b>	<b>Calendar</b>	<b>Position</b>
2/4/2016-S. E.Q.	<a href="#">AB 45</a>	<a href="#">Mullin D</a>	<b>Household hazardous waste.</b>	Would require the Department of Resources Recycling and Recovery to adopt one or more model ordinances for a comprehensive program for the collection of household hazardous waste and would authorize a local jurisdiction that provides for the residential collection and disposal of solid waste that proposes to enact an ordinance governing the collection and diversion of household hazardous waste to adopt one of the model ordinances adopted by the department.	Amended: 1/21/2016	2/4/2016-Referred to Com. on E.Q.		Oppose
8/28/2015-S. 2 YEAR	<a href="#">AB 761</a>	<a href="#">Levine D</a>	<b>Carbon sequestration : working lands.</b>	Would require the Department of Food and Agriculture, upon an appropriation of moneys therefor, to establish a grant program to fund voluntary projects that increase carbon sequestration and greenhouse gas emissions reductions on working lands, as defined. The bill would require the department, in consultation with the Department of Conservation, the Department of Resources Recycling and Recovery, the State Air Resources Board, and the Department of Water Resources, to develop and adopt project solicitation and evaluation guidelines for the program, as specified.	Amended: 6/2/2015	8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)		SUPPORT

2/4/2016-S. E.Q.	<a href="#">AB 1005</a>	<a href="#">Gordon D</a>	<b>California Beverage Container Recycling and Litter Reduction Act: market development payments.</b>	Current law authorizes the Department of Resources Recycling and Recovery, until that authorization is repealed on January 1, 2017, to annually expend up to \$10,000,000 from the fund to make market development payments to an entity certified by the department as a recycling center, processor, or dropoff or collection program for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and made usable for the manufacture of a plastic product, or to a product manufacturer for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and used by that product manufacturer to manufacture a product. This bill would postpone that repeal until January 1, 2022.	Amended: 1/4/2016	2/4/2016-Referred to Com. on E.Q.		SUPPORT
8/17/2015-S. E.Q.	<a href="#">AB 1063</a>	<a href="#">Williams D</a>	<b>Solid waste: charges.</b>	Would raise the fee imposed on an operator of a disposal facility to \$4 per ton commencing January 1, 2017. The bill would require a minimum of \$1.50 per ton of the fee collected from each operator, until January 1, 2022, and would authorize some or all of the fee collected thereafter, to be allocated to activities that promote recycling and the highest and best use of materials, as specified. This bill contains other related provisions and other existing laws.	Amended: 8/17/2015	8/19/2015-In committee: Set, second hearing. Hearing canceled at the request of author.		WATCH

7/17/2015-S. 2 YEAR	<a href="#">AB 1103</a>	<a href="#">Dodd D</a>	<b>Solid waste: organic waste.</b>	Would require a person who transports a certain amount of food waste to be registered by the Department of Resources Recycling and Recovery, except as specified. The bill would require a registered transporter to maintain a record of food waste transported that contains specified documents and information, and to certify, under penalty of perjury, to the accuracy of the record. By expanding the application of the crime of perjury, the bill would impose a state-mandated local program.	Amended: 7/16/2015	7/17/2015- Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 7/16/2015)		WATCH
7/17/2015-S. 2 YEAR	<a href="#">AB 1239</a>	<a href="#">Gordon D</a>	<b>Tire recycling: California tire regulatory fee and waste tire program.</b>	Would require a waste tire generator, as defined, that is a retail seller of new tires to end user purchasers to pay a California tire regulatory fee. The bill would authorize the Department of Resources Recycling and Recovery to establish the California tire regulatory fee in an amount that is sufficient to generate revenues equivalent to the reasonable regulatory costs incurred by the department incident to audits, inspections, administrative costs, adjudications, manifesting, registration, and other regulatory activities regarding these retail sellers as generators of waste tires , but not to exceed \$1.25 per new tire sold, as provided.	Amended: 5/5/2015	7/17/2015- Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/11/2015)		SUPPORT
2/17/2016-A. PRINT	<a href="#">AB 2111</a>	<a href="#">Dahle R</a>	<b>Household hazardous waste.</b>	Current law authorizes public agencies to operate household hazardous waste collection facilities, as defined, and specifies conditions for the transportation of household hazardous waste. This bill would make nonsubstantive changes to the definitions pertaining to those provisions.	Introduced: 2/17/2016	2/18/2016- From printer. May be heard in committee March 19.		WATCH

4/18/2016- A. APPR.	<a href="#">AB 2153</a>	<a href="#">Garcia, Cristina D</a>	<b>Lead-Acid Battery Recovery and Recycling Act.</b>	Would establish the Used Lead-Acid Battery Recovery and Recycling Act. The bill would require a qualified industry association, as defined, to establish a lead-acid battery recycling organization, as defined. The bill would authorize the Department of Resources Recycling and Recovery to certify that a lead-acid battery recycling organization has been established. The bill would require the lead-acid battery recycling organization to develop, implement, and administer a lead-acid battery recycling program pursuant to the act.	Amended: 4/14/2016	4/18/2016- Re-referred to Com. on APPR.		SUPPORT
4/28/2016- A. CONSENT CALENDAR	<a href="#">AB 2396</a>	<a href="#">McCarty D</a>	<b>Solid waste: annual reports.</b>	The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Current law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on or before May 1 of each year. This bill would require each state agency to include in that annual report a summary of the state agency's compliance with specified requirements relating to recycling commercial solid waste and organic waste.	Amended: 4/13/2016	4/28/2016- Action From SECOND READING: Read second time.To CONSENT CALENDAR.	4/28/2016 #37 ASSEMBLY SECOND READING FILE -- ASSEMBLY BILLS	SUPPORT
4/19/2016- A. APPR.	<a href="#">AB 2525</a>	<a href="#">Holden D</a>	<b>Water-efficient landscaping.</b>	Would require the Department of Water Resources, upon identification of a funding source, to create the California Water Efficient Landscaping Program for the purpose of encouraging local agencies and water purveyors to use economic incentives that promote the efficient use of water, promote the benefits of consistent landscape ordinances, and support and enhance water inefficient grass replacement. This bill would create the Water Efficient Landscaping Fund and provide that moneys in the fund are available, upon appropriation by the Legislature, to the department for certain purposes.	Amended: 4/18/2016	4/19/2016- Re-referred to Com. on APPR.		SUPPORT

4/19/2016- A. APPR.	<a href="#">AB 2530</a>	<a href="#">Gordon D</a>	<b>Recycling: beverage containers.</b>	Would, beginning January 1, 2018, require a manufacturer of a beverage sold in a plastic beverage container to clearly indicate through labeling the average percentage of postconsumer recycled content in the beverage container and would require a manufacturer to use one or more of several specified methods of determining the average percentage of postconsumer recycled content for labeling or making a claim about the postconsumer recycled content of plastic beverage containers. This bill contains other related provisions and other existing laws.	Amended: 4/18/2016	4/19/2016- Re-referred to Com. on APPR.		SUPPORT
4/12/2016- A. APPR.	<a href="#">AB 2576</a>	<a href="#">Gray D</a>	<b>Recycling: glass container manufacturers: market development payments.</b>	Would provide that up to \$20,000,000 shall be available, upon appropriation by the Legislature, from the Greenhouse Gas Reduction Fund to the Department of Resources Recycling and Recovery for market development payments to glass container manufacturers in an amount of \$50 per ton of state-generated cullet, as defined, utilized for manufacturing in the state to achieve greenhouse gas emissions reductions not otherwise required by statute or regulation.	Amended: 4/11/2016	4/12/2016- Re-referred to Com. on APPR.		SUPPORT
4/19/2016- A. APPR.	<a href="#">AB 2579</a>	<a href="#">Low D</a>	<b>Food service packaging products: study.</b>	The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, regulates the disposal, management, and recycling of solid waste. This bill would require the department, on or before January 1, 2018, to complete a study to establish baseline data relating to food service packaging that contains specified information, including the current and potential markets for recycled and composted food service packaging products.	Amended: 4/13/2016	4/19/2016- From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 9. Noes 0.) (April 18). Re-referred to Com. on APPR.		WATCH

4/19/2016- A. APPR.	<a href="#">AB 2812</a>	<a href="#">Gordon D</a>	<b>Solid waste: recycling: state agencies and large state facilities.</b>	Would require the Department of Resources Recycling and Recovery, on or before July 1, 2017, to adopt requirements for adequate receptacles and staffing for collecting and storing recyclable materials in state buildings and large state facilities. The bill would require a state agency and large state facility, on or before July 1, 2018, consistent with those requirements, to provide receptacles for recyclable materials, provide staff, and establish a collection schedule for collecting recyclable materials.	Introduced: 2/19/2016	4/19/2016- From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 9. Noes 0.) (April 18)		SUPPORT
8/28/2015- A. 2 YEAR	<a href="#">SB 367</a>	<a href="#">Wolk D</a>	<b>Agricultural lands: greenhouse gases.</b>	Would authorize, rather than require, the environmental farming program to provide incentives, including loans, grants, research, technical assistance, or educational materials and outreach, to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat, and reduce on-farm greenhouse gas emissions or increase carbon storage in agricultural soils and woody biomass, or both.	Amended: 8/17/2015	8/28/2015- Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/26/2015)		SUPPORT
9/1/2015- A. DESK	<a href="#">SB 423</a>	<a href="#">Bates R</a>	<b>Retail nonprescription surplus products: determinations for reuse.</b>	Would authorize the State Department of Public Health to adopt regulations as deemed necessary to establish standards for the proper and safe handling of retail nonprescription pharmaceutical surplus products. This bill contains other related provisions and other existing laws.	Amended: 8/31/2015	9/1/2015- In Assembly. Read first time. Held at Desk.		WATCH

1/26/2016- A. DESK	<a href="#">SB 778</a>	<a href="#">Allen D</a>	<b>Automotive repair: oil changes: notification to customers.</b>	Would require an automotive repair dealer to notify a customer, who is purchasing an oil change, of the recommended oil drain interval, oil grade, and viscosity specified in the maintenance schedule of the vehicle's owner's manual. The bill would also require, except as specified, an automotive repair dealer to use the oil drain interval specified in the maintenance schedule of the vehicle's owner's manual if the automotive repair dealer is recommending the date or mileage for the next oil change, as described.	Amended: 1/4/2016	1/26/2016- In Assembly. Read first time. Held at Desk.		SUPPORT
4/25/2016- S. APPR.	<a href="#">SB 970</a>	<a href="#">Leyva D</a>	<b>Greenhouse Gas Reduction Fund: grant program: recyclable materials.</b>	Current law requires certain moneys appropriated by the Legislature from the Greenhouse Gas Reduction Fund to be used by the Department of Resources Recycling and Recovery for a grant program to provide financial assistance to reduce greenhouse gas emissions by promoting in-state development of infrastructure to process organic and other recyclable materials into new, value-added products. This bill would require the department, in awarding a grant under the program, to consider, among other things, the amount of greenhouse gas emissions reductions that may result from the project and the amount of organic material that may be diverted from landfills as a result of the project.	Amended: 4/25/2016	4/25/2016- Read second time and amended. Re-referred to Com. on APPR.		WATCH
4/25/2016- S. APPR.	<a href="#">SB 1043</a>	<a href="#">Allen D</a>	<b>Biogas and biomethane.</b>	Would require the State Air Resources Board to consider and, as appropriate, adopt policies to significantly increase the sustainable production and use of biogas, as defined, and, in so doing, would require the state board, among other things, to ensure the production and use of biogas provides direct environmental benefits and identify barriers to the rapid development and use of biogas and potential sources of funding. This bill contains other related provisions and other existing laws.	Amended: 4/25/2016	4/25/2016- Read second time and amended. Re-referred to Com. on APPR.		WATCH

4/21/2016- A. DESK	<a href="#">SB 1229</a>	<a href="#">Jackson D</a>	<b>Home-generated pharmaceutical waste: secure drug take-back bins.</b>	Under existing law, the Medical Waste Management Act, the State Department of Public Health regulates the management and handling of medical waste, including pharmaceutical waste, as defined. This bill would provide that a collector, as defined, is not liable for civil damages, or subject to criminal prosecution, for maintaining a secure drug take-back bin on its premises if the collector, in good faith and not for compensation, takes specified steps, including that the collector regularly inspects the area surrounding the secure drug take-back bin for potential tampering or diversion, to ensure the health and safety of consumers and employees and the proper disposal in the waste stream of home-generated pharmaceutical waste, as defined, contained in the bins.	Amended: 4/19/2016	4/21/2016- In Assembly. Read first time. Held at Desk.		SUPPORT
4/27/2016- S. GOV. & F.	<a href="#">SB 1233</a>	<a href="#">McGuire D</a>	<b>Joint powers authorities: Water Bill Savings Act.</b>	Would enact the Water Bill Savings Act, which would authorize a joint powers authority to provide funding for a customer of a local agency or its publicly owned utility to acquire, install, or repair a water efficiency improvement on the customer's property served by the local agency or its publicly owned utility. The bill would require the customer to repay the authority through an efficiency charge on the customer's water bill to be established and collected by the local agency or its publicly owned utility on behalf of the authority pursuant to a servicing agreement.	Amended: 4/14/2016	4/27/2016- Action From GOV. & F.: Do pass as amended.		SUPPORT

4/6/2016-S. APPR.	<a href="#">SB 1402</a>	<a href="#">Pavley D</a>	<b>Low-carbon fuels.</b>	Would create the California Low-Carbon Fuels Incentive Program to be administered by the state board and the State Energy Resources Conservation and Development Commission, and would authorize moneys in the fund appropriated to the program to be used to provide incentives for the in-state production of low-carbon transportation fuels from new and existing facilities using sustainable feedstock, with priority to be given to projects benefitting disadvantaged communities.	Amended: 3/28/2016	4/6/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 0. Page 3419.) (April 6). Re-referred to Com. on APPR.		SUPPORT
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**StopWaste/ACWMA - DEAD Bills Update  
4/28/2016**

DEAD BILLS	Measure	Author	Topic	Brief Summary	Current Text Version	Status	Position	Notes 1
4/22/2016-A. DEAD	<a href="#">AB 2039</a>	<a href="#">Ting D</a>	<b>Solid waste: home-generated sharps.</b>	Would require a producer of home-generated sharps or a stewardship organization designated by the producer to submit a home-generated sharps stewardship plan by July 1, 2018, to the Department of Resources Recycling and Recovery. The bill would require the plan to provide for the development and implementation of a recovery program to reduce the generation of, and manage the end of life of, home-generated sharps, and to include specified elements, including provisions to meet specified minimum collection rates for the home-generated sharps subject to the plan. This bill contains other related provisions and other existing laws.	Amended: 4/5/2016 <a href="#">pdf</a> <a href="#">html</a>	4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. E.S. & T.M. on 4/6/2016)	SUPPORT	Support when needle take back is included.  CPSC sponsored.  Expected to be about needle take back.

4/22/2016- A. DEAD	<a href="#">AB 2725</a>	<a href="#">Chiu D</a>	<b>Food manufacturers: food facilities: labels.</b>	Would, among other things, require the State Department of Public Health to identify a list of ready-to-eat foods that have a high level of risk associated with consumption after a specified date and to post that list on its Internet Web site. The bill would, beginning July 1, 2017, require a food manufacturer or retail food facility that chooses to include a quality date, as defined, on foods for sale that are not identified on the department's list to display that date using the phrase "best if used by" in 8-point type size or larger type, as specified.	Amended: 4/5/2016 <a href="#">pdf</a> <a href="#">html</a>	4/22/2016- Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. HEALTH on 4/6/2016)	SUPPORT	CAW sponsored
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