



MINUTES

**SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
MEETING OF THE LEGISLATIVE COMMITTEE
September 27, 2021 2:00PM
Via Zoom Tele or Video Conference**

Call To Order: 2:03PM

1. Roll Call

Member	Present	Absent
Michael Brownrigg	X	
Adam Rak	X	
Carole Groom	X	
Fran Dehn	X	

SBWMA Staff Members Present: Joe La Mariana, Julia Au, Cyndi Urman

Others Present: Kayla Robinson, Environmental and Energy Consulting; Nicole Kurian, Californian’s Against Waste

2. Public Comment

Pursuant to Government Code Section 54954.3(a), members of the public wishing to address the Committee may do so, and the comments shall be limited to the Special Meeting notice topic(s). Speakers may join the Zoom meeting via the meeting link and using the “raise hand” feature and the Clerk of the Board will call on people.

None

3. Executive Director’s Welcome

Executive Director La Mariana welcomed everyone to the meeting and gave the following updates: He discussed the four major items that will be up for consideration and approval at Thursday’s (9/30/21) Board meeting:

1. The two compensation applications for a. Recology and b. SBRT
2. The construction and demolition contract that will begin on February 1, 2022 if approved
3. The Operations Agreement RFP documents, which, if approved, will be released to request responses on October 1, which would be due back to the agency in January 2022, with selection of a contractor in the fall of 2022.

4. Approval of Consent Calendar

Consent Calendar item(s) are considered to be routine and will be enacted by one motion. There will be no separate discussion

on these items unless members of the Committee, staff or public request specific items be removed for separate action. *Items removed from the Consent Calendar will be moved to the end of the agenda for separate discussion.*

- A. Approval of the Minutes from the April 23, 2021 Legislative Committee Meeting
- B. Approval of the Minutes from the June 25, 2021 Legislative Committee Meeting
- C. Approval of 2021-2022 Legislative Committee Meeting Calendar

Member Rak commented regarding 4C that the 2nd and 4th Monday of the month are San Carlos council meetings, and it can be hard for him to do both in one day so he asked if they could be moved to the 1st or 3rd Monday.

Member Brownrigg commented that Burlingame meets on the 1st and 3rd Monday, so maybe another day of the week.

The committee discussed other meeting date options and determined to meet the first Monday on the month at 2PM beginning November 1. Member Groom noted she would vote but needed to look at her calendar.

Motion/Second: 4A and 4B Groom/Rak

Roll Call Vote: 4-0-0-0

Member	Yes	No	Abstain	Absent
Michael Brownrigg	X			
Adam Rak	X			
Carole Groom	X			
Fran Dehn	X			

Motion/Second 4C Brownrigg/Dehn

Roll Call Vote: 4-0-0-0

Member	Yes	No	Abstain	Absent
Michael Brownrigg	X			
Adam Rak	X			
Carole Groom	X			
Fran Dehn	X			

5. Old Business: Discussion to Publicly Endorse the California Recycling and Plastic Pollution Reduction Act

- Presentation and Q&A by Nicole Kurian, Policy Analyst, Californians Against Waste (CAW)

Staff Au introduced Nicole Kurian, a policy analyst for Californian's Against Waste (CAW) a nonprofit in Sacramento that RethinkWaste tends to align our lobbying efforts with and invited her to discuss the California Recycling and Plastic Pollution Reduction Act.

Nicole Kurian gave a PowerPoint presentation noting that the slides are geared toward the average citizen or local groups, as they are currently seeking endorsements at this time. The ballot initiative is an extension from

2019's SB 54/AB 1080 that failed in the legislature. Polling showed that voters really support these issues and that voters would want to pass a comprehensive reform solution to the single-use plastics problem. The ballot measure would ban polystyrene (Styrofoam) and replace those products with those that are made of compostable and recyclable materials. It would impose a \$0.01 fee on plastic packaging and single-use foodware items. She also noted that CalRecycle would have the authority for implementing this reform.

Member Brownrigg asked for clarification on CalRecycle's authority regarding this reform. Nicole Kurian answered that if passed CalRecycle would be required to enforce the fines and other mandates outlined in this reform.

Member Rak asked if there is anything included in the mandate that will require CalRecycle/the state to take on recycling, to reduce the reliance on overseas markets. Noting that funds created by the \$0.01 fee are earmarked for infrastructure but wondering if there was an included mandate with those infrastructure funds to create recycling within California rather than shipping it overseas.

Nicole Kurian answered that the measure requires that the money be given to the local governments though this program would have requirements on how it could be spent.

Member Rak then noted that if the ballot measure works, funding will diminish over time as less and less plastic is used and purchased, and he asked if there was a long-term way to ensure a funding source to sustain the programs.

Kayla Robinson answered that part of the goal is to require plastics to be recyclable and compostable and the long-term goal is to create markets for these products, so that long-term local governments would be able to get money for these products.

Member Dehn asked how this affects the CRV program, wondering if it replaces CRV or is in addition to it. She added that with this being a ballot measure it needs to be very clear what happens to CRV.

Nicole Kurian answered that it will not replace CRV.

Executive Director La Mariana explained that CRV money that is collected goes through a separate fund that is managed by CalRecycle and even though related to this bill is distinctly separate from the funds this bill would create.

Member Dehn asked how this would impact things that are manufactured outside of the state that come into the state. Noting that this is important legislation, but if it doesn't have a broad enough umbrella, it won't be successful.

Kayla Robinson noted that typically the language would require products that are sold or distributed into California to meet the requirement set forth in the law.

Member Groom asked if opposition to this reform has emerged, and if there is enough money for the measure to battle that opposition through the 2022 election.

Nicole Kurian answered that they haven't seen opposition yet as they are in the gathering endorsements phase, but they are anticipating that the same opposition that opposed CAW's other plastics bills earlier this year will come out in opposition, mainly plastics producers. Regarding the funding for the measure, she noted that there

is a large coalition of groups working on the initiative, but because this isn't going to be on the ballot until November 2022, and they are currently in the gathering support phase, the funding isn't well-established yet.

Member Brownrigg asked for clarification on whether this was a tax just on packaging, but not on all plastics.

Nicole Kurian answered that the fee is on single-use packaging and foodware.

Member Brownrigg asked what CAW thinks the best argument is that the opposition will use.

Nicole Kurian answered that she's seen arguments that this will hurt small business, and that they will tell consumers there will be an increased cost to them based on the increased cost of products. CAW is framing it as a cost to producers and those producers are in turn then investing in programs that pay for cleaning up their pollution.

Member Brownrigg thought these were not strong opposition arguments, and that there were very good counter examples in the marketplace. He also noted that this is a universally popular subject with the public and that it's on RethinkWaste/CAW/CalRecycle etc. to get this done and it has to happen.

The committee then discussed arguments to support the bill including making sure people understand that plastics are in our bodies, explaining what microplastics are and why they are harmful.

Nicole Kurian concluded her presentation by noting where to go to endorse the bill: bit.ly/plasticsendorse, and that she could send over a packet of information and slides to committee members to increase support for their bill in their networks.

Member Brownrigg asked staff to share all of those details with the committee members.

Member Brownrigg made a motion to recommend to the Board RethinkWaste's agency endorsement of this ballot measure.

Member Groom seconded the motion.

Roll Call Vote: 4-0-0-0

Member	Yes	No	Abstain	Absent
Michael Brownrigg	X			
Adam Rak	X			
Carole Groom	X			
Fran Dehn	X			

C

6. Legislative Updates from Environmental and Energy Consulting (EEC) and Committee Discussion

Kayla Robinson gave an overview of the current legislative session. She noted that September 10 was the last day for the legislature to pass legislation, and the governor has until October 10 to sign legislation into law that will go into effect January 1, 2022 unless there is an urgency clause. She also emphasized that Governor Newsom signed two pieces of budget language that is helpful for the waste industry. 1) \$170M for SB1383 related funding, which is a really big win, and a pretty substantial pot of money. And 2) \$90M for organic waste infrastructure. She then gave the following updates:

- Industry-specific legislation that passed at the close of session included:
 - **AB332** has been signed by the Governor with an urgency clause and allows for treated wood waste to be treated in an alternative way from hazardous waste and allows local governments to treat treated wood waste as they had previously before the previous legislation sunset.
 - **SB343** which puts limitations on what the chasing arrows symbol can go on for packaging, which will be phasing in over 4 years as CalRecycle determines what is truly recyclable.
 - **SB619** allows local governments to apply for a delay in penalties for SB1383 implementation. Local governments can apply for a delay with a plan for how they plan to achieve the 1383 mandates over the next 6 months and allows for a delay in penalties for a year. She noted that the governor has not signed this bill yet, but she thought he would. She also noted that this was a compromise, and ultimately it doesn't solve the problem RethinkWaste has around procurement. EEC is still exploring avenues to help find a legislative fix to help solve that issue.
- Lastly, she noted that EEC has heard that there might be a circular economy event in the next two weeks where Governor Newsom will act on all the bills mentioned in the plastics presentation and that they would keep staff updated if that event does happen.

Member Brownrigg commented that he appreciated the legislators who pushed the deceptive recycling symbol legislation, but noted that the reality is not every recycling center can recycle the same things and asked how that would be handled.

Executive Director La Mariana noted that CalRecycle would be the arbiter for that symbol, and it will be a challenge for CalRecycle to determine what is recyclable based on differences in facilities' capabilities. But there are a lot of categories of materials that don't have markets so the focus will likely be on those categories.

Kayla Robinson added that she thought there would likely be a waste characterization study, and then enough facilities likely 60% across the state percentage wise would have to accept it in order for it to receive the symbol. She noted she would follow up on exact details.

Member Brownrigg commented that if there is some broad category of product that receives the symbol, but can't be recycled at the Shoreway facility that we either figure out how to recycle or mandate that we ship it to a facility that can recycle it.

Member Dehn commented that AB818 that requires wipes to be labeled "Do not flush" is huge for sewage and is really important for the West Bay Sanitary District.

Kayla Robinson concluded the meeting with what is next. She noted that the legislature is on recess until January, new bills will start to be introduced on January 3, and during that time EEC will be working with RethinkWaste to plan for the battery collection and recycling bill. They are working with Senator Newman to re-introduce the bill along with the California Product Stewardship Council and CAW.

Executive Director commented that he wanted to have the firefighters' unions supporting this bill. He asked committee members to use their networks to reach out to the firefighters' communities to get them on board with this bill over the next 8-10 weeks.

Member Rak thought reaching to the firefighter's labor union would be a good start.

7. Legislative Committee Member Comments

8. **Adjourn 3:09PM**