



A Public Agency

PUBLIC EDUCATION, OUTREACH AND LEGISLATION

STAFF REPORT

To: SBWMA Board Members
From: Julia Au, Sr. Outreach, Education and Compliance Manager
Date: June 23, 2022 Board of Directors Meeting
Subject: Mid-Session Legislative Update

Recommendation:

This staff report is for discussion purposes only and no formal action is requested of the Board of Directors.

Summary

The purpose of this report is to provide a Mid-Session Legislative update to the Board on the current 2022 California Legislative Session and regulatory activities being conducted by our lobbyist, Environmental and Energy Consulting (EEC). All activities conducted the past few months are listed in Attachment A for review.

EEC's focus the last two months has on the Agency's three co-sponsored legislation. SB 1215 (Newman) and AB 2440 (Irwin) are the two Responsible Battery Recycling Act bills co-sponsored by the SBWMA, California Product Stewardship Council and Californians Against Waste. Both bills passed out of their houses of origin and will next be heard this month. EEC and our co-sponsors continue to meet with opposition groups to develop amendments to move opposite to the neutral position.

AB 1985 (R. Rivas), a bill to tackle the SB 1383 procurement requirements co-sponsored by the SBWMA, League of California Cities, and Californians Against Waste, also passed out of its house of origin and will be next heard in the Senate Environmental Quality Committee.

EEC also continues to track conversations around the plastic ballot initiative and SB 54 (Allen). Senator Allen's office is hoping to strike a deal with the three ballot signatories and the plastic industry to remove the initiative from the ballot before the end of June. The Agency has taken a support position on the initiative, but EEC continues to monitor the SB 54 proposed language to ensure, if passed, it would not have negative implications for the Agency and our Member Agencies.

The full list of bills EEC is currently tracking for the Agency is in Attachment B. All policy bills must pass out of their second house's policy committees by July 1.

Analysis

The SBWMA contracts with EEC to act as the Agency's legislative and regulatory lobbyist in California. EEC is a registered lobbying firm in the state of California (Lobbying ID # 1371848) and the Board approved a new and expanded contract with EEC on November 19, 2020. EEC will provide these legislative and regulatory services to the SBWMA during the 2021-2022 Legislative Session.

Attachments:

Attachment A – EEC Legislative Report Update

Attachment B – Bill Tracking for 2022 as of June 12, 2022



RethinkWaste Spring 2022 Legislative Report

I. Key Dates & Updates

- The Legislature must pass an initial budget by June 15.
- All policy bills must pass out of their policy committees by July 1.
- Summer Recess takes places July 1 through August 1.
- SB 1215 (Newman): Responsible Battery Recycling Act will be heard in Assembly Environmental Safety and Toxic Materials on June 14; the Assembly version of the bill, AB 2440 (Irwin), will be heard in Senate Environmental Quality on June 22.
- AB 1985 (R. Rivas), a vehicle to have conversations with CalRecycle about the current SB 1383 procurement requirements, will be heard in Senate Environmental Quality on June 29.

II. Key Legislation

- Bill list attached

III. Spring Activities

- SB 1215 (Newman) and AB 2440 (Irwin), the battery recycling bills, have successfully passed out of their first house and are currently in their second house policy committees. RethinkWaste and the other cosponsors continue to meet with various opposition groups to develop amendments to continue to move opposition to a neutral position.

The California Technology Association and California Retailer Association have proposed expanding the existing Electronic Waste program as a proposal they could go neutral on. The cosponsors are working with the authors offices, committee consultants in both houses, CalRecycle, and the Legislature's leadership to ground truth if this is a viable option.

- Assemblymember Robert Rivas is carrying AB 1985, a vehicle to have conversations with CalRecycle about the current SB 1383 procurement requirements. The cosponsors of AB 1985 have received technical assistance language from CalRecycle on a potential path forward, which includes a 2-year delay on the requirements.
- EEC continues to track conversations around the plastic ballot initiative and SB 54 (Allen). Senator Allen's office is hoping to strike a deal with the ballot signatories and the plastic industry to remove the initiative from the ballot before the end of June. RethinkWaste has taken a support position

on the initiative, but EEC continues to monitor the SB 54 (Allen) proposed language to ensure, if passed, it would not have negative implications for RethinkWaste.

- EEC has been tracking and supporting new legislation moving through the committee process. RethinkWaste is cosponsoring three bills – AB 2440 (Irwin), SB 1215 (Newman), and AB 1985 (R. Rivas) – and supporting five other bills.

RethinkWaste Legislative Update Sunday, June 12, 2022

Priority 1 (High)

[AB 1985](#) (Rivas, Robert D) Organic waste: list: available products.

Status: 6/8/2022-Referred to Com. on E.Q.

Location: 6/8/2022-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/29/2022 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Current law requires, no later than January 1, 2018, the State Air Resources Board to approve and begin implementing a comprehensive short-lived climate pollutant strategy to achieve a reduction in statewide emissions of methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030. Current law requires the methane emissions reduction goals to include a 50% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction by 2025. Current law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve these organic waste reduction goals, including a requirement intended to meet the goal that not less than 20% of edible food that is currently disposed of be recovered for human consumption by 2025. This bill would require the department to compile and maintain on its internet website a list, organized by ZIP Code, of information regarding persons or entities that produce and have available in the state organic waste products and update the list at least every 6 months.

Client	Position	Priority
RethinkWaste	Sponsor	Priority 1 (High)

Notes: Support letter submitted.

[AB 2440](#) (Irwin D) Responsible Battery Recycling Act of 2022.

Status: 6/8/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.

Location: 6/1/2022-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/22/2022 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would make the Rechargeable Battery Recycling Act of 2006 and the Cell Phone Recycling Act of 2004 inoperative as of September 30, 2026, and would repeal those acts as of January 1, 2027.

Client	Position	Priority
RethinkWaste	Sponsor	Priority 1 (High)

Notes: Support letter submitted.

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

Status: 5/5/2022-Referred to Com. on NAT. RES.

Location: 5/5/2022-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the Plastic Pollution Producer Responsibility Act, which would prohibit producers of single-use, disposable packaging or single-use, disposable food service ware products from offering for sale, selling, distributing, or importing in or into the state such packaging or products that are manufactured on or after January 1, 2032, unless they are recyclable or compostable.

Client	Position	Priority
RethinkWaste	Watch	Priority 1 (High)

[SB 1215](#) (Newman D) Responsible Battery Recycling Act of 2022.

Status: 6/8/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.

Location: 5/27/2022-A. E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/14/2022 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND

TOXIC MATERIALS, QUIRK, Chair

Summary: Would make the Rechargeable Battery Recycling Act of 2006 and the Cell Phone Recycling Act of 2004 inoperative as of September 30, 2026, and would repeal those acts as of January 1, 2027.

Client **Position** **Priority**
RethinkWaste Sponsor Priority 1 (High)

Notes: Support letter submitted.

Priority 2 (Medium)

AB 1857 (Garcia, Cristina D) Solid waste.

Status: 6/2/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.

Location: 6/1/2022-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/22/2022 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: The California Integrated Waste Management Act of 1989, except as provided, defines "solid waste disposal," "disposal," or "dispose" to mean the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state. The act, with regard to integrated waste management plans, defines those terms to mean the management of solid waste through landfill disposal, transformation, or engineered municipal solid waste (EMSW) conversion, at a permitted solid waste facility, and for the purposes of certain other provisions of the act, defines those terms to mean the final deposition of solid wastes onto land. This bill would delete those exceptions to the act's general definition of those terms and instead define those terms for purposes of the entire act to mean the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state, including, but not limited to, through landfill disposal, transformation, or EMSW conversion, at a permitted solid waste facility. This bill contains other related provisions and other existing laws.

Client **Position** **Priority**
RethinkWaste Watch Priority 2 (Medium)

AB 1944 (Lee D) Local government: open and public meetings.

Status: 6/8/2022-Referred to Coms. on GOV. & F. and JUD.

Location: 6/8/2022-S. GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

Client **Position** **Priority**
RethinkWaste Support Priority 2 (Medium)

Notes: Support letter submitted.

AB 2026 (Friedman D) Recycling: plastic packaging.

Status: 6/9/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.

Location: 6/8/2022-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/22/2022 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would require an e-commerce shipper, as defined, that ships purchased products in or into the state to reduce from its 2022 calendar year levels the total weight and number of units of single-use plastic shipping envelopes, cushioning, and void fill it uses to ship or transport the products, by no less than unspecified percentages on or before January 1, 2030, and on or before January 1, 2035. The bill would prohibit a manufacturer, retailer, producer, or other distributor that sells or offers for sale and ships purchased products in or into the state from using expanded or extruded polystyrene to package or transport the products. The bill would establish exemptions from these prohibitions.

Client RethinkWaste
Position Watch
Priority Priority 2 (Medium)

AB 2208 (Kalra D) Fluorescent lamps: sale and distribution: prohibition.

Status: 6/9/2022-Read second time. Ordered to third reading.

Location: 6/9/2022-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/13/2022 #60 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Would prohibit, on and after January 1, 2024, a compact fluorescent lamp, as defined, and, on and after January 1, 2025, a linear fluorescent lamp, as defined, from being offered for final sale, sold at final sale, or distributed in this state as a new manufactured product. The bill would exempt various lamps that meet specified criteria from that prohibition, including lamps used for image capture and projection and lamps used for disinfection.

Client RethinkWaste
Position Support
Priority Priority 2 (Medium)

Notes: Sign-on support letter submitted.

AB 2374 (Bauer-Kahan D) Crimes against public health and safety: illegal dumping.

Status: 5/25/2022-Referred to Com. on PUB. S.

Location: 5/25/2022-S. PUB. S.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/14/2022 9:30 a.m. - State Capitol, Room 112 SENATE PUBLIC SAFETY, BRADFORD, Chair

Summary: Current law prohibits the dumping of waste matter upon a road or highway or in other locations, as specified. A violation of this prohibition, generally, is an infraction punishable by specified fines that escalate for subsequent convictions. Under current law, the court may, as a condition of probation, order the convicted person to remove, or pay for the removal of, the waste matter. This bill would increase the maximum fine for the dumping of commercial quantities of waste by a business that employs more than 10 employees from \$3,000 to \$5,000 for the first conviction, from \$6,000 to \$10,000 for the second conviction, and from \$10,000 to \$20,000 for the third and any subsequent convictions. The bill would require a court, when imposing a fine, to consider the defendant's ability to pay, as specified.

Client RethinkWaste
Position Watch
Priority Priority 2 (Medium)

AB 2638 (Bloom D) School facilities: drinking water: water bottle filling stations.

Status: 6/10/2022-6-16-2022 hearing rescheduled by committee to 6-15-2022

Location: 6/1/2022-S. ED.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/15/2022 9 a.m. - 1021 O Street, Room 2100 SENATE EDUCATION, LEYVA, Chair

Summary: Would require a new construction or modernization project submitted to the Division of the State Architect by a school district or the governing body of a charter school to include water bottle filling stations, as specified. The bill would require, for modernization projects, a minimum of one water bottle filling station for each school undergoing modernization, and for new construction projects, a minimum of one water bottle filling station per 350 people at each school being constructed. The bill would require water bottle filling stations to be placed in or near high traffic and common areas and to meet specified requirements, including dispensing drinking water that meets primary drinking water standards and secondary drinking water standards, as defined. The bill would provide that these requirements only apply to new construction and modernization projects submitted to the Division of the State Architect 3 months after voters approve a statewide general obligation bond that provides funds for school facilities for kindergarten or any of grades 1 to 12, inclusive, at a statewide election occurring on or after November 1, 2022.

Client
Position
Priority

AB 2779 (Irwin D) Beverage containers: wine and distilled spirits.

Status: 6/8/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 8). Re-referred to Com. on APPR.

Location: 6/8/2022-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/20/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: The California Beverage Container Recycling and Litter Reduction Act, requires that every beverage container sold or offered for sale in this state have a minimum refund value. A beverage distributor is required to pay a redemption payment to the Department of Resources Recycling and Recovery for every beverage container sold or offered for sale in the state to a dealer, and the department is required to deposit those amounts in the California Beverage Container Recycling Fund. Current law defines the term "beverage" to include certain types of products in liquid, ready-to-drink form and excludes, among other things, wine or wine from which alcohol has been removed. This bill would revise this definition of beverage to include wine, or wine from which alcohol has been removed, sold in an aluminum beverage container and distilled spirits sold in an aluminum beverage container. Since the additional payments for the beverage containers that this bill would make subject to the act would be deposited in a continuously appropriated fund, the bill would make an appropriation.

Client	Position	Priority
RethinkWaste	Watch	Priority 2 (Medium)

AB 2784 (Ting D) Solid waste: thermoform plastic containers: postconsumer thermoform recycled plastic.

Status: 6/8/2022-Referred to Coms. on E.Q. and JUD.

Location: 6/8/2022-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/22/2022 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires a rigid plastic packaging container, as defined, sold or offered for sale in this state, to meet, on average, at least one of 5 specified criteria, including that the container be made from 25% postconsumer material. This bill, commencing January 1, 2025, would require the total thermoform plastic containers sold or imported by a food or beverage producer, as defined, to, on average, contain specified amounts of postconsumer thermoform recycled plastic, as defined, per year pursuant to a tiered plan that would require the total thermoform plastic containers to contain, on average, and depending on the recycling rate, no less than 20% or 30% postconsumer recycled plastic per year on and after July 1, 2030. The bill would require, on or before March 1 of each year, a food or beverage producer to report to the department, under penalty of perjury, the amount in pounds and by resin type of virgin plastic and postconsumer thermoform recycled plastic used to manufacture the thermoform plastic containers sold or offered for sale in the state in the previous calendar year. The bill would require certain importers and manufacturers of thermoform plastic containers to register and pay a fee to the department and would require those entities and certain purchasers and exporters to report to the department specified sales and other information. This bill contains other related provisions and other existing laws.

Client	Position	Priority
RethinkWaste	Watch	Priority 2 (Medium)

SB 38 (Wieckowski D) Beverage containers.

Status: 2/14/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on NAT. RES. (Amended 2/14/2022)

Location: 7/14/2021-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require beverage manufacturers, as defined, in the state to form a beverage container stewardship organization. The organization would be required to develop and submit to the department a plan, annual report, and budget for the recovery and recycling of empty beverage containers in the state similar to that described in the Used Mattress Recovery and Recycling Act. The bill would require the organization to establish a stewardship fee, to be paid by beverage manufacturer members of the organization, to assist in covering the costs of implementing the beverage container stewardship program. The bill would require the organization to reimburse the

