

2020 LEGISLATIVE AND REGULATORY PLATFORM



MISSION STATEMENT:

To represent local government interests and the three California Chapters' membership in developing and advocating environmentally and technically sound, economical solid waste policy at the most appropriate government level.

SWANA[®]



Legislative Task Force
CALIFORNIA CHAPTERS

Created by the SWANA California Chapters Legislative Task Force



2019 Report

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2019 Report

Message from the Chair

January 1, 2020

Over the last 29 years, the SWANA Legislative Task Force (LTF) has been representing the interests of local governments and publicly-owned solid waste facilities during the legislative and regulatory development processes. The LTF is represented by a diverse group of solid waste industry professionals with a combined experience of over 29 years. The LTF continues to advocate for environmentally sound and sustainable solid waste policies. The LTF also advocates for the State to support and provide financial assistance to help build the vast new infrastructure needed to fulfill the recently enacted recycling mandates and expansion of existing recycling/MRF facilities necessitated by policies adopted by foreign countries such as China's "National Sword Policy".

Lawmakers in Sacramento must recognize the time and resources necessary to construct new waste management and recycling infrastructure in California to maintain compliance with SB 1383 (Chapter 395 of 2016 Statutes). SB 1383 policies establish methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants. This regulation will require agencies and jurisdictions to provide organics recycling programs for businesses and residents, create mandatory participation policies, increase edible food recovery efforts, and implement enforcement of organics recycling program participation.

Challenges remain in California with siting, permitting, and financing new facilities. SB 1383 sets ambitious near-term diversion goals for organic waste, incorporating significant penalties for noncompliance. These mandates will be extremely difficult to meet within the bill's deadlines and will require several billion dollars of capital investment. In 2019, the LTF continued to engage in the SB 1383 implementation by: (1) actively participating in CalRecycle's rule-making process, (2) supporting legislation that would account for a jurisdiction's good faith efforts and sustainable solutions to meet these new recycling mandates, and (3) communicating our perspective with consultation from industry professionals directly with Legislators, the Governor's office, CalRecycle and other key stakeholders.

Additionally, the largest market for California's recyclables virtually vanished overnight, due to China's imposed "National Sword Policy". Policymakers must recognize the urgent need to develop markets for the recyclable materials recovered from the waste stream.

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While China may be allowing the importation of some types of contaminant-free recyclables we can no longer rely on other countries to manage our waste stream. California must take immediate action to create new local and regional markets for these aggressive recycling mandates in order for jurisdictions to maintain sustainable recycling programs. SB 1383 and the recycling industry will continue to be a high priority for the SWANA LTF in 2020.

With warmest regards,



Eric Zetz, Chair

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2019 Report: Advocacy

The Solid Waste Association of North America (SWANA) is the world's largest association of solid waste professionals (over 11,000 members). SWANA's three California chapters – Founding, Sierra and Gold Rush - represent more than 1,100 members.

The California Chapters Legislative Task Force (LTF) represents the California Chapters on legislative and regulatory issues relating to integrated solid waste management:

- **Collection:** collection, transfer, and hauling solid waste (refuse, organics, recyclables),
- **Recycling:** processing, recycling, and marketing recyclables;
- **Composting:** composting;
- **Disposal:** disposing of refuse and processing residue;
- **Resource Recovery** (such as organics conversion to fuel or power) and
- **Regulatory Compliance:** regulatory reporting and compliance.

The LTF advocates environmentally and economically sound solid waste legislation and regulations. See **LTF Goals and Principles**, which form the basis for establishing LTF's policy positions on legislation and regulation and shape the legislative and regulatory platform. The LTF contracts with Shaw Yoder Antwih Schmelzer Lange (SYASL) for legislative and regulatory advocacy services.

At the end of each year, the LTF prepares this Legislative and Regulatory Report (of the prior year) and Plan (for the coming year). The Report presents the results of the current legislative session and the LTF's activities last year (**2019 Advocacy Report**) and the Plan sets the LTF's advocacy priorities for the coming year (**2020 Work Plan**).

Lobbyist Report. A year-end report that describes in detail the key issues that SYASL worked on in 2019 for the SWANA LTF was prepared by SYASL and is attached in Appendix 1.

LTF Advocacy Documents. LTF comment letters, work platform, white papers and other information can be found on the LTF website, <https://swanacal-leg.org>.

2019 Report

Monthly LTF Meetings

Beginning in February, the LTF held monthly meetings via phone on the first Thursday of each month. Before each meeting members prepare an agenda and review tables of pending legislation and regulation prepared by SYASL. At the meeting they discuss administrative LTF business such as Treasurer's report, preparation for LTF presentation Western at Regional Symposium, platform for Annual Workshop, website updates, scheduling, review and approve minutes from the prior meeting. SYASL reports on the status of pending legislation. Members identify concerns and discuss concerns, vote on positions, give direction to SYASL, create subcommittees for in-depth review, plan for follow-up calls on specific legislation or regulation, and assign topics for position papers (White Papers) to distribute to regulatory agencies and post on the LTF website.

SYASL reports to LTF on changes in legislators after elections, legislative team assignments, chairs of Senate Standing Committees (Labor and Industrial Relations, Appropriations, Health, Education). It also reports on the annual CA state budget / appropriations.

Additional LTF Meetings / Subcommittees

Last year the LTF created subcommittees to review-and-comment on several proposed bills and regulations. In addition to its regular monthly meetings / calls, it held calls for group discussion of, and consensus on, comments that LTF drafted for submission to legislators and regulators.

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Spring Legislative Review Meeting and Capitol Visit

At its March meeting, the LTF met in person and reviewed newly introduced legislation and took positions (support, neutral, oppose-if amended).

LTF officers met with 11 legislators and/or their staff. Their key messages included the LTF's concerns regarding:

- **Organic Waste Recycling:** Many significant bills have been enacted in recent years focusing on diversion of organic waste. Concerns include over-prescriptive regulation, insufficient statewide processing capacity, and insufficient funding to develop the necessary infrastructure and programs. In addition, markets for recycled materials have declined. The LTF advocated for more funding, compliance flexibility and market development.
- **China's National Sword Policy:** Severe restrictions and bans on exported materials have greatly affected the ability for recyclers to market recovered material. Where there is the ability to sell product, prices have fallen significantly. The LTF advocated for funding and permitting assistance, consideration of market conditions when reviewing compliance, and establishing recycled content standards to stimulate markets.
- **Lithium Ion Batteries:** Improperly disposed batteries can lead to fires and explosions. In recent years there have been fires at solid waste facilities with devastating results. The LTF advocated for legislation requiring clear labeling and take back of used batteries.
- **Solar Panels:** Many solar panels are now reaching end of life. Many contain hazardous materials and must currently be disposed of in Class I landfills. Unfortunately, there are no recycling/processing facilities for solar panels in California, only three Class I landfills (two that are active), and disposal is extremely expensive. The LTF advocated for emergency regulations to designate solar panels as universal wastes (less stringent handling and disposal requirements) and clear labeling requirements.

Most legislators were sympathetic to the LTF's concerns and appreciated the white papers provided. Many were unaware of the issues raised. Some suggested that the LTF work to identify what reasonably can be done within the compliance deadlines and the good faith efforts that have been done to date. The officers agreed the visit was effective overall.

2019 Report

Annual Year-End Planning Meeting

At the November year-end planning meeting, the LTF identified the priorities for next year including:

- Beverage Container Recycling Program,
- Lithium ion batteries,
- Conversion technologies,
- Organics management and recycling infrastructure,
- Vaping waste,
- Plastics, and
- PFAS (per- and polyfluoroalkyl substances).

The Chair appointed subcommittees to develop white papers for each of these topics. The LTF officers will distribute the white papers to legislators and their staff at the LTF's Capitol visit in March 2020. These topics are discussed in detail under the 2020 Work Plan.

The LTF will continue to address 2019 identified priorities such as:

- National Sword impacts,
- solar panels, and
- development of SB 212 and SB 1383 regulations.

At the year-end meeting, guest speakers Neil Edgar of the California Compost Coalition and Sean Edgar of CleanFleets gave a presentation on recent CARB and BAAQMD activities, most notably the CARB Diesel Risk Reduction Regulations and BAAQMD methane reduction rules. The LTF will continue to monitor these activities.

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Workshops / Public Hearings / Meetings

SYASL staff and / or LTF representatives actively attend legislative and regulatory hearings and provide comment.

Workshops / Public Hearings / Meetings		
Bill or Regulation	Meeting, Hearing or Workshop	Month
SB 1383 / SLCP (Short Lived Climate Pollutants) CalRecycle	1. Public hearing on regulations 2. CEQA scoping meeting 3. 2 meetings at Governor's office 4. Formal Hearing and Presentation 5. Preparation / talking points for meeting with CalRecycle 6. Public Hearing on Draft EIR	March January February March July August
CalRecycle	Actions / Policies of Organic Materials Management	February
EQ, NWR	Clogging the Ocean with Plastics –informational meeting	March
AB (1583) (Eggman) SWIG	Meeting with Republic Services and Solid Waste Industry Group (SWIG)	May
AB 815 (Aguiar-Curry) Legislative staff	Met with legislative staff to express concerns	May June
AB 901 Regulations CalRecycle	Disposal Facility and Recycling Reporting -Listserve meeting/webcast	June
AB 1080/SB 54 (Gonzalez/Allen)	SYASL meeting/calls with Gonzalez' and Allen's offices	Multiple
AB 1509 (Mullin)	Advisory Group meeting on lithium batteries	October
ACT Regulations	Advanced Clean Truck Rules, SYASL presents at CARB meeting	December
OPC	OPC Ocean Plastics meeting	December

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Comments / Position Letters

SYASL staff and/or LTF representatives prepared position letters on the following legislation and issues, distributed to all members for comment and adoption. They are posted on the LTF website <https://swanacal-leg.org/>

Comments / Position Letters		
Bill or Regulation	Document	Date
CARB	Comments on the Proposed Advanced Clean Trucks Regulation – Large Entity and Fleet Reporting Requirement	December
GGRF (Greenhouse Gas Reduction Fund)	Signed on to a coalition letter urging the legislature to allocate more funding to CalRecycle from GGRF	March
AB 187 (C. Garcia)	Mattress stewardship revisions (sign on with CPSC and NSAC letters): support	Multiple
AB 614 (Eggman)	Income taxes: credits for donations to food banks: support	Multiple
AB 729 (Chu)	Carpet stewardship organization reform (signed on the CPSC letter): support	Multiple
AB 792 (Ting)	Recycling: plastic containers: minimum recycled content and labeling: support	Multiple
AB 815 (Aguiar- Curry)	Mandatory dual stream recycling, sign on with SWIG: oppose unless amended	May
AB 886 (Eggman)	Recommendation to delete sunset provision for at-store recycling programs: support	April
AB 1171 (Chen)	Food packaging requirements / prohibitions: oppose	April
AB 1228 (Calderon)	Income taxes: credits: compostable cutlery: oppose unless amended	May
AB 1236 (Lackey)	GGRF to CalRecycle for the Recycled Fiber, Plastic, and Glass grant program: support	April
AB 1509 (Mullin)	Rechargeable batteries and consumer products (signed on with CPSC): support	Multiple
AB 1583 (Eggman)	The California Recycling Market Development Act: support	September
SB 212 (Jackson)	Pharma & Sharps Stewardship, sign on coalition with CPSC and NSAC	March
SB 424 (Jackson)	Tobacco products: single-use and multiuse components (sign on with CPSC and NSAC letters): support	Multiple
SB 726 (Caballero)	Hazardous waste: public agencies: materials exchange program (signed on the CPSC and NSAC letter): support	Multiple

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SB 1383 (2016)	NOP / Notice of Preparation of EIR for SB 1383 regulations Alternative Compliance Proposed Regulations (2nd draft) Request to Extend Comment Period, with SWIG Comments on EIR Comments on ACT (costs) Comments on Appendix to ACT	January February March June September November December
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2019 Report

White Papers / Fact Sheets

SYASL and /or LTF members drafted and the LTF commented on the following solid waste management topics addressed in proposed legislation and regulation. They are posted on the LTF website <https://swanacal-leg.org/>.

White Papers / Fact Sheets	
Topics	Month
Solar Panels	January
Organics / SB 1383 - Verified Technology Process	February
Lithium Battery Batteries - Fact Sheet	February
Organics Diversion Infrastructure – White paper	December

Outreach

The LTF confers with and provides comments to many other entities interested in solid waste and recycling, such as:

Outreach	
Group	Individuals
Governments- Representative organizations	League of California Cities CSAC / California State Association of Counties RCRC / Rural County Representatives of California
Public interest associations	CRRA / California Resource and Recovery Association CAW / Californians Against Waste NSAC / National Stewardship Action Council CPSC / California Product Stewardship Council CCC / California Compost Coalition ACP / Association of Compost Producers
Industry groups and individual corporations	SWIG / Solid Waste Industry Group CWRA / California Waste and Recycling Association (haulers) Waste Management, Republic, Recology, Western Waste etc.
Elected officials	Legislators and their staff
Regulators and their staff	CalRecycle SWRCB / State Water Resources Control Board (and regional Boards) CARB / CA Air Control Board (and regional Boards) DTSC / Department of Toxic Substances

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Western Regional Symposium

Each year, the LTF reserves a time slot at the SWANA Western Regional Symposium for a discussion of timely legislative or regulatory issues. In 2019, the LTF coordinated a panel discussion that included a meet and greet with lobbyists, a presentation on solar panels, and other legislative discussion. The Solar Panels discussion focused on:

- the lack of options for disposal given its hazardous waste components; and
- new government regulations that would promote less expensive and lower shelf life of solar panels in California.

The panelists included Doug Kobold (LTF Vice-Chair, California Product Stewardship Council), Larry Sweetser (Sweetser & Associates/ESJPA) and Eric Zetz (LTF Chair, City of Clovis), and the discussion was moderated by Herb Cantu (City of Santa Maria). The LTF will provide further updates on this issue as California continues to take the lead on this critical topic.

Website

The LTF reformatted and updated its website, <https://swanacal-leg.org/>, in order to make it more user friendly and useful to SWANA members and local governments. The website provides LTF meeting agendas and minutes, monitored bills and LTF positions (including bill number, sponsor if known and summaries), white Papers and fact sheets, comment letters and more. SWANA members are encouraged to register on the website to access all of its information.

2019-20 State Budget

The Legislature approved and Governor Gavin Newsom signed the Budget Act of 2019, which includes \$147.8 billion in General Fund spending, the biggest revenue in state history. The budget will end the year with total reserves of \$19.2 billion, of which \$16.5 billion is in the Rainy-Day Fund, \$1.4 billion in Special Fund for Economic Uncertainties, \$900 million in the Safety Net Reserve, and nearly \$400 million in the Public-School System Stabilization Account.

SYASL monitored the budget process for SWANA LTF, focusing on conversations held in the Assembly Budget Subcommittee No.3 on Resources and Transportation and the Senate Budget and Fiscal Review Subcommittee No. 2 on Resources, Environmental Protection, Energy & Transportation. SYASL provided regular updates to SWANA LTF on these discussions.

2019 REPORT

LEGISLATION / REGULATION: Policy Drivers

2019 Report: Legislation

The LTF advocated very successfully during the past year. Below is a summary table of legislation on which the LTF took a position or closely monitored during the 2019 legislative session. Additional information on the bills can be found in Appendix 1, *2019 End of Session Report by Shaw, Yoder, Antwih, Schmelzer & Lange*.

Bill No./Author	LTF Position	Final Status
AB 40 (Ting)	Watch	Held in Committee
AB 142 (Garcia, Christina)	Support	Enacted
AB 161 (Ting)	Watch	Held in Committee
AB 187 (Garcia, Christina)	Support	Enacted
AB 257 (Mathis)	Support, if amended	Held in Committee
AB 614 (Eggman)	Support	Enacted
AB 619 (Chiu)	Watch	Enacted
AB 625 (Kalra)	Watch	Vetoed
AB 726 (Caballero)	Support	Enacted
AB 729 (Chu)	Support	Enacted
AB 792 (Ting)	Support	Vetoed
AB 793 (Ting)	Watch	Held in Committee
AB 794 (Ting)	Watch	Held in Committee
AB 815 (Aquiar-Curry)	Removal of Opposition	Enacted
AB 827 (McCarty)	Watch	Enacted
AB 886 (Eggman)	Watch	Held in Committee
AB 1080/SB 54(Gonzalez/Allen)	Watch	Held in Committee
AB 1162 (Kalra)	Watch	Enacted
AB 1163 (Eggman)	Support	Held in Committee
AB 1171(Chen)	Oppose	Held in Committee
AB 1216 (Bauer-Kahan)	Watch	Held in Committee
AB 1228 (Calderon)	Oppose unless Amended	Held in Committee
AB 1236 (Lackey)	Support	Held in Committee
AB 1488 (Burke)	Watch	Held in Committee
AB 1509 (Mullin)	Support	Held in Committee
AB 1583 (Eggman)	Support	Enacted
AB 1672 (Bloom)	Support	Held in Committee
SB 33 (Skinner)	Watch	Held in Committee
SB 68 (Galgiani)	Support	Senate Inactive
SB 210 (Leyva)	Watch	Enacted
SB 372 (Wieckowski)	Watch	Held in Committee
SB 424 (Jackson)	Support	Held in Committee
SB 667 (Hueso)	Support	Held in Committee
SB 724 (Stern)	Support	Held in Committee

2019 REPORT

LEGISLATION / REGULATION: Policy Drivers

CA Solid Waste Legislation & Regulation: Policy Drivers

Increase Recycling and Composting of Solid Waste

Many significant solid waste bills have been enacted since 2011 that have had a significant impact on the solid waste industry and local governments. Some of the more notable include:

- **AB 341 (2011)** - This legislation, among other things, established the State's policy goal that 75% of solid waste generated be source reduced, recycled, or composted by 2020, imposed mandatory commercial recycling (MCR) on businesses and multi-family dwellings, and required jurisdictions to implement MCR programs and include those programs in their annual reports to CalRecycle.
- **AB 901 (2015)** - This law requires recycling, disposal, and compost facilities, as well as exporters, brokers, and transporters of recyclables or compost to submit information directly to CalRecycle on the types, quantities, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state. Civil penalties may be imposed for failure to comply.
- **AB 1594 (2014)** - This statute provides that effective January 1, 2020, the use of green material as alternative daily cover or alternative intermediate cover does not constitute diversion through recycling and would be considered disposal for purposes of AB 939 (1989).
- **AB 1826 (2014)** - This statute requires certain businesses and multi-family dwellings to recycle organic waste (phased in over 4 years beginning in 2016) and jurisdictions to implement organic waste recycling programs. Under this Statute, "organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.
- **SB 1383 (2016)** – This statute required the ARB to develop and implement a strategy to reduce short-lived climate pollutants (SLCP), including methane from landfills. The SLCP Reduction Strategy was approved by the ARB in March 2017. This statute requires CalRecycle to adopt regulations to achieve a 50 percent reduction in the level of statewide organic waste disposal from the 2014 level by 2020, a 75 percent reduction by 2025, and not less than 20 percent recovery of edible food "currently" disposed by 2025. CalRecycle may impose penalties (up to \$10,000/day) on a jurisdiction for noncompliance with CalRecycle's adopted regulations.

2019 REPORT

LEGISLATION / REGULATION: Policy Drivers

Climate Change and Renewable Energy

Likewise, much of solid waste management and legislation in California is driven by state policies related to climate change and renewable energy. Some of the more significant bills and policies enacted in recent years include:

- **SB 32 (2015)** – Extended cap-and-trade program to 2030
- **SB 350 (2015)** – Extended Renewable Portfolio Standard to 50% by 2030
- **SB 1383 (2016)** – Sets goals to reduce Short-Lived Climate Pollutants, including 40% reduction below 2013 levels in methane emissions by 2030
- **Short-Lived Climate Pollutant Strategy (2017)** – ARB strategy to reduce livestock and landfill methane emissions via organic waste diversion
- **SB 100 (2018)** – Sets goal for renewable energy and zero-carbon resources to supply 100% of retail sales of electricity by 2045.

2020 WORK PLAN

This coming year LTF advocacy will focus on the below priority issues. Once new bills are introduced in the 2020 session, additional priorities may be identified.

Organic and Recycling Infrastructure Development

Issue: During the past four years, the LTF has actively engaged with CalRecycle and State lawmakers regarding the urgent and important need for infrastructure and the need to streamline the regulatory process to site and construct organic diversion facilities to comply with the requirements of Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) (SB 1383). CalRecycle estimates 41 percent of the waste disposed annually in California is compostable organics (approximately 16 million tons), half of which is considered food waste. Californians will be required to reduce the amount of organic waste (compostable and non-compostable, e.g. textile, carpet, etc.) from landfill disposal by 50 percent by the year 2020 and 75 percent by the year 2025 compared to 2014 disposal rates.

The State of California Budget, May revision for 2019-20 allocated \$25-Million of Greenhouse Gas Reduction Funds (GGRF) to Waste Diversion and \$28-Million toward the Healthy Soils Program. CalRecycle estimates the cost to construct an anaerobic digester facility is upward of \$50-Million and estimates the cost to construct a compost facility is upward of \$15-Million. It is estimated approximately 100 new facilities will be required, resulting in capital investment among processors of up to \$1 – \$3 billion. The current GGRF allocations are significantly insufficient to provide the necessary financial support and there is limited grant funding sources for the successful development of infrastructure to support the implementation of SB 1383.

Actions: The LTF will continue to engage with CalRecycle to:

1. Identify the current infrastructure status and true processing capabilities of compost facilities and anaerobic digesters to process the anticipated additional compostable organic materials;
2. Implement policy to streamline the permitting process of compost facilities and anaerobic digesters;
3. Increase GGRF allocations for development and expansion for organics diversion solutions; and
4. Advocate for the development and utilization of conversion technologies to divert organic, especially non-compostable, materials.

2020 WORK PLAN

5. Urge California Air Resources Board (CARB) and CalRecycle to support waste diversion and to help fund SB 1383 implementation and the GGRF, especially during the Legislative budget process.
6. Work with Assembly Member Mullin to support his efforts to provide funding through a Bond Measure he is proposing through AB 1298.
7. Track and comment, as necessary, on State Water Resources Control Board regulatory activities that pertain to solid waste and composting facilities (e.g. waste discharge requirements & general permits). Specifically monitor the SWRCB consideration of a proposed Order to amend the Statewide General Permit for Storm Water Discharges Associated with Industrial Activities.
8. Continue to follow and comment on the efforts by the California Air Pollution Control Officers Association (CAPCOA), CARB, and CalRecycle to address air quality permitting and regulatory issues for expanding existing and siting new composting facilities in California.
9. Develop further understanding of and compile additional information on and potential solutions related to, organics management, infrastructure, and SB 1383 compliance. Consider development of materials to share with local elected officials that communicate key messages such as the costs to comply, as well as for noncompliance, and the need for funding.

2020 WORK PLAN

SB 1383 Regulations

Issue:

SB 1383 (Lara, Chapter 395, Statutes of 2016) codified that ARB's Short-Lived Climate Pollutants Reduction Strategy, establishing methane emissions reduction targets in a statewide effort to reduce short-lived climate pollutants. Specifically, the bill established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction by 2025. The bill also established a target of not less than 20% of currently disposed edible food to be recovered for human consumption by 2025.

CalRecycle is completing the process for SB 1383 regulations implementation. The adoption of the regulations is expected early 2020. The third formal draft of the proposed regulations released in October 2019 requires expansion of organic waste collection to all generators, expand definition of organic waste, specify mandatory local enforcement programs, mandate procurement of diverted organic waste products, specify prescriptive standards for collection and outreach programs, prescribe hauler requirements, landfill and MRF performance standards, formulate verification of new technologies for the use and recovery of solid waste, and stipulate enforcement penalties of up to \$10,000/day on jurisdictions for noncompliance. As written, the proposed regulations are contrary to SB 1383 requirements, and do not consider a jurisdiction's "good faith effort" to comply with the regulations when CalRecycle assess a jurisdiction compliance with the regulations.

Action:

1. Continue to review, discuss, and weigh in on this SB 1383 regulatory process which significantly impacts local jurisdictions, their businesses and residents, and solid waste industry across the State.
2. Urge CalRecycle to use a "good faith effort" approach to determine if a jurisdiction has made reasonable and justifiable efforts to comply.
3. Emphasize that achieving organic waste reduction goals for 2020 and 2025 is a shared responsibility between the waste sector, State government, local agencies, business community and the public.
4. Inform Legislature and local officials of the compliance challenges and costs, both to comply and for noncompliance.

2020 WORK PLAN

Single-Use Plastics & Packaging

Issue: China's National Sword policy implemented in 2018 continues to have significant impacts on the market value of recyclable materials. Many materials now have virtually no market value and increasingly have to be landfilled.

Actions:

1. Continue to discuss these marketing challenges with CalRecycle and legislators, including the authors of AB 1080 and SB 54 on Single-Use Plastic Packaging.
2. Develop a connection to the packaging materials and urge CalRecycle to require manufacturers to reduce packaging materials.
3. Watch AB 1298 (listed in the preceding action item). It may also bring organics relief as it currently contains provisions for recycling infrastructure as well, not just organics processing infrastructure.

Plastics Recyclability – Resins. As the Legislature continues to refine AB 1080 and SB 54, the LTF will continue to monitor other possible legislative reforms that could reduce the amount of unrecyclable, single-use packaging or the cost to recycle it. Some form of Extended Producer Responsibility (EPR) may play a role in this reform.

Lithium Ion Batteries

Issue: Lithium batteries continue to pose a public health and safety risk. They pose an even more significant danger to solid waste facilities in California, as the fires caused by batteries of this chemistry can cause significant damage that can be costly, dangerous, and result in insurance liability issues.

Actions:

1. Work with industry to identify solutions to Lithium Ion Battery issues, such as promoting recyclability, EPR, E-waste program inclusion, and/or "Right to Repair" legislation to improve product design.
2. Develop further understanding of and compile additional data on the problems (e.g. number of fires) and potential solutions related to, Lithium Ion batteries. Talk to manufacturers about the problems and brainstorm solutions, such as "Right to Repair" legislation, targeting products where the battery is not removable.
3. Continue to monitor AB 1509 (Mullin) and other related legislation.

2020 WORK PLAN

Vaping Wastes

Issue: Recent deaths and hospitalizations have brought the vaping industry and their products to the forefront of media coverage. The lessor known, but significant, issue related to vaping is the waste left behind by the single use vaping devices. SB 424 introduced by Senator Jackson attempts to address the issues relating to vaping waste. School districts are especially hit hard by these waste products as they inherit them through abandonment or confiscation. The device that has a small lithium-ion battery (universal waste), a small circuit board (e-waste), and a nicotine containing pod (“p-listed” RCRA hazardous waste), along with the other materials that make up the e-cigarettes. Currently, there is no way to process these devices in California due to the variety of components and how those components are regulated.

Action: The LTF will be monitoring closely the progress of SB 424 or any other potential legislation that will be attempting to create solutions to this problematic product.

Per- and Polyfluoroalkyl Substances (PFAS)

Issue: Per- and Polyfluoroalkyl substances (PFAS) are a human-made family of compounds that are resistant to heat, water and oil. They are commonly used for non-stick coatings on paper plates and bowls, pizza boxes and similar products, which often are disposed of in landfills and can potentially be released to the environment. Research indicates the potential for health impacts related to presence of PFAS in the environment, particularly as a contaminant in groundwater. Concerns about PFAS in drinking water have emerged and a number of efforts are underway to understand the extent and severity of groundwater contamination.

Action: The LTF will support efforts to reduce use of PFAS compounds in consumer products and other applications that may have a pathway to the environment via municipal solid waste management practices, as well as track – and comment, as appropriate – on regulatory developments related to PFAS by state agencies.

2020 WORK PLAN

CRV / CA Redemption Value

Issue: California's **California Redemption Value (CRV)** program, also known as the "Bottle Bill," is a \$0.05 or \$0.10 deposit charged at the check stand on eligible beverage containers. Established in 1986 through AB 2020 and currently operated and administered by CalEPA's California Department of Resources Recycling and Recovery (CalRecycle), the deposit system generates approximately \$1.3 billion collected by the state. Since an average of only 80% of containers are returned, CalRecycle uses some of the surplus fees to supplement privately owned and operated redemption centers established in "convenience zones" located near beverage retailers. The CRV program has resulted in an average of 80% of qualified containers being recycled, but to remain fiscally stable, the program has required over 60 legislative amendments in its 30-year existence.

In the past few years the state's supplemental formula has become outdated, China's recycling policy changes have crippled the global market, scrap value of beverage containers material has plummeted, and operating costs have steadily risen. The cumulative effect of these factors has resulted in a critical reduction in operating revenue for the privately-operated redemption centers and led to the closure of approximately half of the 2,500 CRV convenience zone centers statewide. The CRV program also requires beverage retailers to provide deposit redemption services to customers or pay penalties. Some retailers have attempted to provide service but were unprepared for the volumes and complexity of the program, while other retailers have just chosen to pay the fines associated with non-compliance with the law. Another issue is that with the convenience center closures in recent years, the surviving convenience centers have been overwhelmed with customers trying to redeem their deposits. The shortage of redemption options for citizens, many of which rely on the CRV system as a form of income, has created unanticipated consequences, including those described above.

The SWANA California Chapters Legislative Task Force is participating in legislative efforts to increase the funding formula used by CalRecycle to help re-open the convenience centers and restore the convenience levels of the CRV program back to levels seen four to five years ago.

Action: Participate in legislative efforts to reform beverage container funding, such as adjustments to CRV and recycling-related payments.

2020 WORK PLAN

Conversion Technologies

Issue: Advanced Recovery Technologies (ACT) in California may also be referred to as Waste Conversion Technologies – however that term has become a pejorative term to some. ACTs are non-incineration technologies that are used to convert the non-recyclable portion of the municipal solid waste stream to electricity, fuels, and/or industrial chemical feedstocks. Interest is growing in the demonstration and commercialization of ACTs due to their potential role in addressing renewable energy mandates and green jobs initiatives as well as meeting state and local solid waste management needs. Mostly biogenic waste feedstocks may be used to produce very low carbon fuels, energy and chemicals which are in high demand to meet California GHG reduction goals.

Unfortunately, California has enacted a number of statutory obstacles in the past that have discouraged the development and use of ACTs. The primary problem is that while California has enacted aggressive recycling goals (e.g., 75% recycling by 2025) the California Public Resources Code (PRC) defines most ACTs as a form of “disposal” rather than recycling. Only Composting and Anaerobic Digestion may be considered forms of recycling. This needs to be changed, particularly to open the door for development of low carbon fuels, energy and chemicals. The recent enactment of SB 1383 in the California Health and Safety Code has provided a mechanism through the approval by CalRecycle of technologies that reduce the disposal of organic waste in landfills and achieve equal or greater GHG benefits than attained by composting technologies. ACTs that may be used to support SB 1383 include, but are not limited to:

- Gasification is a commercially proven manufacturing process that converts such hydrocarbons and biomass to a synthesis gas (syngas), which can be further processed to produce chemicals, fertilizers, liquid fuels, hydrogen, and electricity.
- Pyrolysis is a process that involves the thermal decomposition of feedstock at high temperatures in the absence of air. The resulting end product is a mixture of solids (char), liquids (oxygenated oils), and gases (methane, carbon monoxide, and carbon dioxide) that may be further processed in energy, fuels or chemicals.
- Hydrolysis/fermentation (waste-to-ethanol) is an anaerobic biological process through which microorganisms metabolize sugars and produce alcohols to produce such fuel liquids as ethanol and other chemicals.
- Autoclave/mechanical processing subjects the wastes to high temperature (usually with superheated steam) under high pressure for a sufficient length of time to kill all the bacteria and pathogens that might be in the waste. The process may involve several steps to remove plastics, metal and glass if

2020 WORK PLAN

present. After preprocessing, the wastes are shredded and processed to produce an organic product for low carbon fuel and other uses.

There are a number of sound practical reasons to support the expanded use of ACTs in California:

- ACTs offer the potential of generating significantly more revenues than traditional waste-to-energy (WTE) technologies.
- ACTs used to produce low carbon fuels, energy and chemicals can potentially command significant additional revenues under California's Cap & Trade GHG Reduction policies and the Low Carbon Fuel Standard.
- ACTs convert post-recycled MSW to such alternative fuels as syngas or ethanol rather than directly incinerating MSW. These alternative fuels may offer the promise of lower emissions when compared with the emissions associated with the combustion of MSW in traditional WTE facilities.
- ACT project and/or technology developers have proliferated in recent years and have drawn the interest of local elected officials faced with mandated state programs to reduce landfilling of waste.
- The Solid Waste Association of North America (SWANA) has taken an active role in the evaluation and commercialization of ACTs in North America.

Action:

1. Proactively support the development and use of ACTs through amended California statutes and regulations, particularly to enhance the production of low carbon energy, fuels and chemicals needed to achieve California's GHG reduction goals.
2. Advocate for policies that promote and recognize the benefits of producing low-carbon renewable energy from solid waste, particularly from organic waste, to the Legislature and administrative agencies. Monitor and weigh in, as appropriate, regarding energy policies related to biogas, landfill gas, and biomass, and regarding emerging technologies.

2020 WORK PLAN

Heavy Duty Transportation Infrastructure

Issue: At the year-end meeting, guest speakers Neil Edgar of the California Compost Coalition and Sean Edgar of CleanFleets gave a presentation on recent CARB and BAAQMD activities, most notably the CARB Diesel Risk Reduction Regulations and BAAQMD methane reduction rules.

The California Air Resources Board (CARB) is beginning to transition to a position that places the eventual full electrification of the California Heavy Duty Transportation Infrastructure. This will adversely affect the transportation infrastructure utilized by the solid waste and recycling industry in California that has largely transitioned from diesel fueled vehicles to Natural Gas and Renewable Natural Gas. CARB now appears to be heading in a direction to eventually require a further transition to electrification of our HD Transportation Infrastructure. This is currently manifesting itself in at least two areas:

1. Emphasis is no longer being placed on funding transition to a wide variety of low carbon transportation fuels. Grant and loan funding appears to be focused on HD electrification.
2. CARB's Advanced Clean Truck (ACT) regulations currently under development appear to focus almost exclusively to zero emission vehicles and electrification.

SWANA's position is that CARB should continue to promote the lowest carbon fuels for our industry that are available and consistent with the other mandates being imposed by California on our services. While the LTF supports the evaluation and testing of electric vehicles, the LTF believes that CARB should promote a variety of alternative transportation and fueling options including the continued transition to the use of renewable natural gas (RNG).

The Solid Waste & Recycling Industry in California has been a strong partner with CARB in helping develop and deploy low carbon and low emission transportation technology and fuels for California. We were the first industry to commit to a transition from fossil diesel fuels to cleaner and low carbon natural gas and then to even lower carbon renewable natural gas (RNG). Our industry is estimated to have invested well over \$1 billion in California to develop and use low carbon renewable natural gas in the refuse and recycling vehicles we use. As CARB should be well aware, renewable natural gas has the lowest carbon intensity of all available transportation fuels. While zero-emission vehicle (ZEV) transportation currently has a carbon intensity of about 30 gCO₂e/MJ, renewable gaseous and liquid fuels have been shown to have virtually the same or much lower carbon intensity generally as follows:

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	<u>gCO₂e/MJ</u>
Landfill RNG	33.89 – 52.57
Renewable Diesel	19.65 – 39.33
Bio-Diesel	11.76 – 83.25
Wastewater RNG	8.68 – 34.36
Municipal Organic Waste RNG	– 25.48
Dairy Waste RNG	– 281.1

The solid waste and recycling industry has also been experimenting with ZEV refuse and recycling vehicles. However, to date, these vehicles have not been demonstrated to be cost effective or substantially reduce greenhouse gas (GHG) emissions due to weight considerations and the potential need for more ZEV trucks to handle the same amount of refuse and recycling materials. However, the LTF remains committed to continuing to evaluate all possible low carbon and low emission transportation fuels for our industry.

More importantly, California recently enacted SB 1383 to focus on the need to reduce short-lived climate pollutants – such as methane generated by organic waste disposal in landfills. To do this, SB 1383 has mandated that 75% of all organic waste to be recycled and recovered from landfill disposal by 2025 – only 5 years away. One of the most effective ways to divert organic waste from landfills is to use it as feedstock in anaerobic digesters and other advanced technologies to produce very low carbon transportation fuels – that can be used to fuel refuse, recycling and other transportation vehicles. In order to cost-effectively develop waste based anaerobic digestion and other low carbon waste-based fuel technologies, CARB needs to support the continued diversion of organic waste for this purpose – as mandated by SB 1383.

We are deeply concerned that CARB is not considering the progress we have made – and continue to make – by possibly throwing these efforts under the “proverbial ZEV bus”. SWANA is strongly opposed to any efforts to pick a single transportation technology, such as electric powered ZEVs, rather than a technology-neutral approach to encourage the development of alternative transportation fuels suitable for specific purposes based on performance standards rather than a specific technology that picks a winner over losers. CARB should be encouraging the solid waste and recycling industry to develop the lowest carbon and most sustainable transportation fueling options for our industry. The LTF believes this should focus on efforts to continue to develop low carbon waste-based transportation fuels – including renewable natural gas. Not only will this help California and CARB meet its GHG goals, but also its waste reduction and recycling goals as well.

Action: Continue to monitor these activities.

2020 WORK PLAN

Photovoltaic Modules (Solar Panels)/ Universal Waste

Issue: Calendar Year 2018 brought little movement on promulgation of regulations by the Department of Toxic Substances Control (DTSC). There was more progress in 2019 to develop the regulations and the LTF has been closely monitoring the process as it continues to urge DTSC to move quickly to adopt regulations to designate end-of-life photovoltaic modules as universal hazardous waste. Without a universal waste designation, the panels must be managed as hazardous waste, which is very expensive. This will become a significant issue in the coming years as more of these products enter the waste stream and California begins putting solar panels on every new rooftop in accordance with Governor Brown's executive order to the California Public Utilities Commission (CPUC).

Action:

1. The LTF will continue to engage with DTSC to ensure that these important regulations are completed promptly.
2. Continue to identify solutions for the management of solar panels, such as improvement in labeling to reduce need to test. Assess the scope and cost of problem and discuss these details with solar manufacturers. Watch DTSC efforts and urge DTSC to seek authority from EPA to regulate the items, or a nearer-term solution for household panels
3. Track and comment on Department of Toxic Substances Control regulations regarding management of used solar panels, as appropriate.
4. Work to develop further understanding of, and communicate the problems related to, management of solar panels and advocate for potential solutions.

2020 WORK PLAN

Recyclables Market Change / China National Sword Policy

Issue: In 2017, China announced that 24 categories of materials including recovered mixed paper, recycled plastics, textiles and other materials, would be banned from import into the country later in the year. In January 2018, China confirmed strict contamination standards of 0.5% for plastic, ferrous metals, and other materials, that took effect March 1, 2018. The changes have resulted in significant challenges for statewide recycling industry and local governments as each year, California exports approximately one-third of its recyclable material – most of that to China. In July 2018 China declared its intent to ban all recyclable scrap imports entirely by 2020.

In 2018, proposed legislation AB 3178 would have made finding related to the impacts from the policy and required CalRecycle to consider jurisdictions' good faith efforts to recycle. While the bill passed, it was vetoed by the Governor whose veto message stated that CalRecycle already has the authority to do that.

The crucial need for local markets, resources to support necessary diversion infrastructure, new technologies to recover energy, fuels and chemicals, and support for producer responsibility will dominate the LTF's 2020 efforts.

Actions:

1. Engage with CalRecycle and other stakeholders to address challenges associated with market uncertainties and downturns for recyclable materials, such as China's restrictions on importation of paper and plastics. Increase awareness of these issues through communication with Legislature (e.g. Lobby Day), regulators, and local government.
2. National Sword Awareness: Continue to interpret the impacts to CA markets, advocate for actions that would help develop alternative markets, and communicate with legislators and regulators.
3. Compile additional information on the impacts on local governments as well as what can be done in response to the National Sword impacts, emphasizing the need for local markets. Education / Outreach

2020 WORK PLAN

Miscellaneous

Action: AB 901. Monitor AB 901 implementation to assure that it balances development of robust data with the administrative burden on haulers, facilities and jurisdictions.

Action: E-Waste. Watch and support CalRecycle efforts to add more products to the E-waste program. Watch and participate in proposed legislation related to the expansion of CalRecycle's E-waste program.

Action: Greenhouse Gas. Track and comment as appropriate on implementation of new greenhouse gas reduction programs and requirements as well as air quality monitoring and reduction programs pursuant to AB 617 (2017).

Action: CARB. Track and comment, as necessary, on Air Resources Board and regional air control/management districts regulatory activities that impact solid waste facilities permitting and operation.

General Actions:

- **Principles:** Apply LTF principles listed on the last page of this report to comments in rulemaking activities.
- **Monitoring.** Monitor relevant, proposed CA legislation and regulations.
- **Comments / Advocacy:** Take and advocate positions on that legislation and regulation (support, neutral or oppose, or support/oppose with modifications) with CA state legislators and regulators (such as CalRecycle, CA EPA, CA (and regional) Water Quality Management Boards, and the CA (and regional) Air Quality Management Districts).
- **Local Government Discretion:** Promote local government discretion in legislation and program selection and seek amendments to legislation and regulations that impede local government discretion.

2020 WORK PLAN

Ongoing Outreach and Education

The LTF will increase awareness in the Legislature and the Administration, SWANA chapters, and other groups that the SWANA California Chapters represent the majority of the publicly-owned and operated solid waste management facilities in the state, and educate them about the LTF's activities, concerns and interests. Promote the LTF and chapters as authorities on solid waste issues.

Relationships

1. **Visibility:** Maintain an active advocacy presence in the Legislature and at state agencies that oversee the management, recycling, and disposal of municipal solid waste, household hazardous waste, and pertinent special wastes, through involvement in the legislative and regulatory processes.
2. **Legislators, Governor and Regulators.** Develop relationships with key members of the Legislature and their staff, and with the appropriate staff in the Governor's office and at CalRecycle, the Department of Toxic Substances Control, Air Resources Board, State Water Resources Control Board, and other agencies as appropriate.
3. **Solid Waste Organizations.** Reach out to and engages other solid waste organizations (such as CAW, CRRA, SWIG; see further examples in the 2019 Report). Meet regularly with their representatives to develop opportunities for collaboration.
4. **Local Government Organization:** Coordinate advocacy efforts with other local government groups, particularly for issues impacting local authority, governance and discretion.
5. **Inclusion in LTF Meetings:** Include CSAC, CA League of Cities, and RCRC in LTF activities, such as the in-person meetings. (See list of additional entities in the 2019 Report above.)
6. **SWANA International:** Support SWANA International in advocacy and policy areas that apply to California, such as product stewardship policy, disposal bans, "Pushing the Envelope" documents, and applied research on emerging technologies.

2020 WORK PLAN

Education

1. **Communication.** Further enhance education and awareness of key legislation and regulations to SWANA membership through communications such as fact sheets, targeted communications such as the annual legislative platform, discussions at Chapters, and presentations at the Western Regional Symposium.
2. **Lobby Day Fact Sheet** to communicate the LTF's priority issues and potential solutions to legislators.
3. **Videos.** Consider development of short videos to provide additional awareness of key issues.
4. **Website.** Improve and enhance the convenience and effectiveness of the LTF website to better serve and inform SWANA members of LTF activities. Ensure mobile compatibility of the website.
5. **White Papers.** In addition to submitting comment or position letters, develop new or updated White Papers, position papers, or fact sheets, as needed, to educate legislators, regulators and other stakeholders about SWANA's perspective on key new or emerging policy issues.

LTF OFFICERS & MEMBERSHIP

LTF Officers and Membership

Nominated Officers

Eric Zetz, MCRWMA, Chair
Doug Kobold, California Product Stewardship Council, Vice Chair

Appointed Officers

Christina Hanson, Placer County/WPWMA, Secretary
Hans Kernkamp, Riverside County Dept. of Waste Resources, Treasurer

Membership

GOLD RUSH CHAPTER:

Doug Kobold, California Product Stewardship Council
Christina Hanson, Placer County
Larry Sweetser, Sweetser & Associates, Inc.
Mark Bowers, City of Sunnyvale
Charles White, Manatt, Phelps, & Phillips, LLC
Joe La Mariana, South Bayside Waste Management Authority (Alternate)

SIERRA CHAPTER:

Eric Zetz, Merced County Regional Waste Authority
Curtis Larkin, Fresno County
Herb Cantu, City of Santa Maria
Chuck Magee, Kern County
Nicole Riley, Kings Waste and Recycling Authority
Brooks Stayer, Clovis (Alternate)
Dawyne Balch (Alternate)

FOUNDING CHAPTER:

Brian Probolsky, Orange County Waste and Recycling
Hans Kernkamp, Riverside County Dept. of Waste Resources
Sharon Green, Sanitation Districts of Los Angeles County
Mike Mohajer, P.E., So. California Waste Management Forum
Lisa Wood, City of San Diego
Frank Caponi, P.E., Sanitation Districts of Los Angeles (Alternate)
Constance Hornig, Esq., Law Offices (Alternate)

SWANA

LTF: Goals and Principles

LTF Advocacy Goal

Ensure, through active participation in the development and review process, that proposed laws and regulations protect health, safety and the environment, and are economically and technically feasible.

LTF Principles

The basis for establishing LTF's policy positions on legislation and regulation are based on the following principles:

- **Local Authority.** Oppose state regulations and legislation that undermine or preempt local authority or discretion. Support local government control of solid waste policy and operations. Promote legislation that provides opportunities for local government stakeholder participation in regulatory and policy matters proposed for adoption by state and regional agencies.
- **State funding:** Increase State funding for mandated activities and regulations.
- **CalRecycle Review of IWMPs.** Push for transparency, consistency, and consideration of reasonable and realistic "best efforts" in CalRecycle's review of Integrated Waste Management Plan and Annual Reports.
- **Due process:** Develop regulatory frameworks that provide the regulated community with independent due process in State agency enforcement proceedings.
- **EPR:** Extended Producer Responsibility: Foster product stewardship. Shift the financial burden of managing hazardous and difficult-to-handle products from local government to the producers of those products
- **Organics Management:** Develop cost-effective organics management programs and infrastructure that best fits each jurisdiction's demographics, waste characteristics and facility availability.
- **Recyclables Market Development:** Encourage the development of domestic markets for recycled materials, including organics; and increase of recycled content requirements for specific products.
- **Emerging technology:** Develop local and state regulatory framework, and create incentives, that encourages development of emerging technology to recover resources such as energy, fuels and chemicals from all waste streams (garbage, C&D, yard waste, organics, etc.). Eliminate legislative and regulatory barriers.
- **Worker Safety:** Protect workers' safety in the solid waste industry
- **Stakeholders:** Foster opportunities for meaningful stakeholder input in the development of platforms, policies and regulations.
- **Regulatory clean-up:** Streamline redundant and overlapping regulations and oppose underground regulations.

Appendix 1

2019 End of Session Legislative Report

Shaw Yoder Antwih Schmelzer & Lange



1415 L Street
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916-446-4656

DATE: November 7, 2019

TO: Solid Waste Association of North American Legislative Task Force

FROM: Jason Schmelzer, Partner
Priscilla Quiroz, Legislative Advocate
Shaw Yoder Antwih Schmelzer & Lange

SUBJECT: SWANA LTF 2019 Year-End of Session Report

On behalf of all the employees of Shaw Yoder Antwih Schmelzer & Lange (SYASL), we'd like to thank the Solid Waste Association of North America Legislative Task Force (SWANA LTF) for once again entrusting our firm with the important task of providing legislative and regulatory advocacy services to the California chapters of SWANA.

This report highlights key legislation that SYASL worked on in 2019 for the SWANA LTF. We also discuss significant state budget developments and major legislative actions taken by the legislature this year. Furthermore, we highlight other policy objectives we pursued on behalf of SWANA LTF this year.

Attachment 1 to this memo displays a summary of the **36 bills we actively lobbied or monitored**.

The following is a **brief summary of relevant major actions taken by the Legislature** this year:

2019-20 STATE BUDGET REPORT

2019-20 State Budget

The Legislature approved and Governor Gavin Newsom signed the Budget Act of 2019, which includes \$147.8 billion in General Fund spending, the biggest revenue in state history. The budget will end the year with total reserves of \$19.2 billion, of which \$16.5 billion is in the Rainy-Day Fund, \$1.4 billion in Special Fund for Economic Uncertainties, \$900 million in the Safety Net Reserve, and nearly \$400 million in the Public-School System Stabilization Account.

SYASL monitored the budget process for SWANA LTF, with a particular focus on conversations held in the Assembly Budget Subcommittee No.3 on Resources and Transportation and the Senate Budget and Fiscal Review Subcommittee No. 2 on Resources, Environmental Protection, Energy & Transportation. SYASL provided regular updates to SWANA LTF on these discussions.

Greenhouse Gas Reduction Fund

SYASL advocated on behalf of SWANA LTF in support of GGRF dollars for CalRecycle to support waste diversion and recycling infrastructure, which ultimately amounted to \$25 million. Additionally, the budget towards the Healthy Soils Program received \$28 million.

2019 REGULATORY REPORT

Short-Lived Climate Pollutants

SB 1383 (Lara, Chapter 395, Statutes of 2016) codified that ARB's Short-Lived Climate Pollutants Reduction Strategy, establishing methane emissions reduction targets in a statewide effort to reduce short-lived climate pollutants. Specifically, the bill established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction by 2025. The bill also established a target of not less than 20% of currently disposed edible food to be recovered for human consumption by 2025.

On January 18th, 2019, the Office of Administrative Law (OAL) published to the California Regulatory Notice Register a notice of the regulations to implement the department's responsibilities as established by SB 1383. This notice began the formal 45- day public comment period of the rulemaking process. CalRecycle held a public hearing to receive public comments on the draft regulatory text of the proposed regulations on June 18, 2019. Among other things, the regulation would require expanded jurisdiction collection programs, expanded definition of "organic waste" that must be diverted, and very burdensome requirements on mixed organic waste processing facilities, including the requirement to achieve 50 and 75 percent diversion of organic waste by 2022 and 2030 respectively.

On July 30, 2019, CalRecycle released their draft Programmatic Environmental Impact Report (EIR) for SB 1383 regulations. An EIR is a document that provides public agencies and the general public with detailed information about the effect a proposed project is likely to have on the environment. SYASL worked with SWANA LTF to submit comments to CalRecycle expressing concerns with the draft EIR, stating that the goals and objectives outlined in the draft are too narrow and the EIR fails to provide realistic alternatives that would assist local governments in their role of trying to implement the regulations. CalRecycle is scheduled to release the final EIR on December 6, 2019.

CalRecycle released their third, and potentially last, formal draft regulation for comments on October 3, 2019 and is now considering all submitted comments. Throughout 2019, SYASL worked with SWANA LTF to submit comments to CalRecycle on the proposed regulations. SYASL will continue to review, discuss, and weigh in on this regulatory process on behalf of SWANA LTF.

AB 901 Reporting Regulations

AB 901 was signed by Governor Brown in 2015. The purpose was to change how disposal and recycling data is reported to CalRecycle and provide CalRecycle with a better understanding of statewide recycling. Waste, recycling, and compost facilities, as well as exporters, brokers, and transporters of recyclables or compost will be required to submit information directly to CalRecycle. Throughout 2016 and 2017, CalRecycle released several informal drafts of the regulation and SWANA LTF has submitted comments on the drafts.

Formal workshops and rulemaking began in 2018, and CalRecycle concluded the rulemaking process on December 31, 2018. The AB 901 Recycling and Disposal Reporting System (RDRS) regulations were submitted to the Office of Administrative Law for approval and publication in the California Code of Regulations on January 18, 2019. On March 5, 2019, [RDRS](#) regulations were approved by the Office of Administrative Law and the regulations have gone into immediate effect. The regulations have significantly expanded the existing disposal reporting system to also include recyclable materials. SYASL has and will continue to monitor the AB 901 regulatory process and relevant developments, discuss the impacts on SWANA LTF members, and provide comments and participate in regulatory hearings on behalf of SWANA LTF.

China's "National Sword" Policy

Since 2017, China has been heightening restrictions on imports of certain recyclable materials, including plastics and mixed paper. China has been the predominant market for recycling such materials generated in California. CalRecycle reports that each year California exports about a third of the recyclable material it collects. Historically, majority of that material—particularly unsorted mixed paper and mixed plastics—went to China for processing and manufacturing into new products.

In June 2019, China released a proposed revision to the Solid Waste Management and Pollution Prevention Law in China. The proposal could affect the operations of brands and recyclers. In the proposal it states that there "should be a complete solid waste import ban by 2020." While the United States has been speculating that whether or not China will implement a total waste import band by late 2020, as declared in 2017, it is clear that China plans to move ahead with this.

Additionally, on March 6, 2019, the Indian government announced a full country ban of all scrap plastic imports by August 31, 2019. India is one of the world's top 10 plastic scrap importers, and since China implemented its waste import ban and contamination standard, the country has grown as an importer as recyclers attempt to find new marketer for materials. However, this isn't the first time India has banned scrap plastic imports. In 2016, India banned scrap plastic import, but later that year, the country announced certain exceptions.

CalRecycle has held multiple workshops on this issue and has been coordinating with local enforcement agencies in order to address challenges and provide guidance around storage of processed recyclable material. SYASL will continue to discuss this issue with CalRecycle and members of the legislature to address the significant impacts these market restrictions will present to processing facilities. SYASL will continue to discuss this issue with SWANA LTF and the members apprised of relevant updates.

2020 Preview

The following is a brief preview of potential issues that could surface next year.

SB 212 Regulatory Process

On September 30, 2018, Governor Brown signed SB 212 (Jackson, Ting, and Gray), a bill to create a statewide takeback program for pharmaceutical medications and sharps products from households. The bill requires manufacturers of these products to create, fund, and operate a stewardship program that provides for the takeback of covered drugs and home-generated sharps waste from households. CalRecycle is required to adopt implementing regulations by January 1, 2021, with full implementation of stewardship by June 1, 2021.

CalRecycle held informal rulemaking workshops on May 17, 2019 and June 17, 2019 to present draft regulatory concepts and solicit stakeholder feedback. The formal rulemaking for the regulations is scheduled to begin Fall of 2019.

SYASL will continue to monitor and engage in the SB 212 regulatory process on behalf of SWANA LTF.

Solar Panel Regulations

In 2015, Senate Bill 489, Monning, authorized DTSC to designate solar panels as Universal Waste and promulgated regulations for the processing of these panels, similar to the existing eWaste processing existing today. In May 2018, the California Energy Commission mandated that all new homes under three stories will have solar systems installed. This mandate takes effect on January 1, 2020.

Solid waste facilities have begun to receive solar panels that have reached the end of their useful life and they expect to receive many more in the future. Large electricity generating solar panels are made of a variety of components, one of which is the photovoltaic cells themselves. Some cells exhibit the hazardous waste characteristic of toxicity, and some do not. Unless a determination can be visually made on the extent of toxicity, they must be managed as hazardous wastes, meaning they can only be legally disposed of in a Subtitle C lined Class I landfill, which can be very costly (up to \$1,300 per ton). If the DTSC designates solar panels as Universal Waste, it would provide a simpler, alternative management option and enable them to be managed similar to electronic wastes and in a way that is commensurate to their low risk.

On March 25, 2019, the DTSC held a public informational seminar on California's Universal Waste Program and the proposed regulations to included waste photovoltaic modules (PV modules) on the list of hazardous waste eligible to be managed as universal waste. SYASL will continue to monitor and engage in public hearings on the proposed regulation on behalf of SWANA LTF.

Attachment 1 contains a list and descriptions of bills on which the SWANA LTF took a position or closely monitored during the 2019 legislative session, along with their final status, organized by issue area. Please note that in 2019, 1,042 were sent to the Governor for his consideration; he signed 870 of them and vetoed 172.

Please do not hesitate to contact us if you have any questions about this material.

Key Legislation by Issue Area***Air Quality*****AB 40 (Ting) Air Quality Improvement Program: Clean Vehicle Rebate Project- Watch**

Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing statutory authority, the state board has established the Clean Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles. This bill would declare it is the policy of the state to place at least 5,000,000 zero-emission vehicles on state roads by 2030 and 10,000,000 zero-emission vehicles on state roads by 2035.

Status: Held in Assembly Transportation Committee.

Beverage- Container Recycling & Packaging Reform**AB 792 (Ting) Recycling: plastic containers: minimum recycled content and labeling. - Support**

This bill would, on and after January 1, 2021, would require the total number of plastic beverage containers filled with a beverage by a beverage manufacturer, as specified, to contain, on average, specified amounts of postconsumer recycled plastic content per year pursuant to a tiered plan that would require the total number of plastic beverage containers to contain, on average, no less than 50% postconsumer recycled plastic content per year on and after January 1, 2030, except as specified. The bill would impose civil penalties, in specified amounts, on a beverage manufacturer for a violation of these requirements, except as specified.

Status: Vetoed by the Governor on October 12, 2019.

AB 794 (Ting) Beverage container recycling: report to the Legislature. - Watch

This bill would require the Department of Resources Recycling and Recovery to conduct a study on the changes to the international recycling market since January 1, 2018, and provide, by January 1, 2021, recommendations to the Legislature on how to foster more recycling of beverage container materials within the state.

Status: Held on the Assembly Appropriations Committee's Suspense File.

SB 724 (Stern) The California Beverage Container Recycling and Litter Reduction Act. - Support

Current law authorizes the Department of Resources Recycling and Recovery to grant a convenience zone an exemption from certain redemption requirements, including certain dealer and recycling center redemption requirements, based on certain factors. Current law limits the total number of exemptions that may be granted to 35% of the total number of convenience zones identified as having one or more of those factors applicable. This bill would increase the total number of exemptions that may be granted to 50% of the number identified as eligible. The bill would require the department to review exemptions every 5 years to determine if each exemption still meets the prescribed exemption criteria.

Status: Held on the Senate Appropriations Committee's Suspense File.

Compost

AB 1228 (Calderon) Income taxes: credits: compostable cutlery. - Oppose Unless Amended

The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2020, and before January 1, 2025, to a qualified taxpayer, as defined, in an amount equal to 20% of the costs paid or incurred during the taxable year by the qualified taxpayer for the purchase of compostable cutlery.

Status: Held in the Assembly Revenue and Taxation Committee.

Environmental Quality

AB 886 (Eggman) Plastic bags. - Support

Current law, until January 1, 2020, requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store, and requires a manufacturer of plastic carryout bags to develop educational materials to encourage the reduction, reuse, and recycling of plastic bags and make those materials available to those stores. This bill would extend the operation of those requirements to January 1, 2021.

Status: Held in the Assembly Natural Resources Committee.

AB 1672 (Bloom) Solid waste: flushable products. - Support

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. This bill would, among other things, on or after January 1, 2021, prohibit a covered entity, as defined, from labeling a covered product as safe to flush, safe for sewer systems, or safe for septic systems, unless the product is a flushable wipe that meets certain performance standards. The bill would require nonflushable products to be labeled clearly and conspicuously to communicate that they should not be flushed, as specified.

Status: Held in the Assembly Appropriations Committee.

AB 1236 (Lackey) Public resources: greenhouse gases: recycling: California Environmental Quality Act. - Support

This bill would, no later than January 1, 2022, require the State Air Resources Board for a market-based compliance mechanism applicable from January 1, 2021, to December 31, 2030, to investigate the potential for a carbon offset compliance protocol for recycled product manufacturing.

Status: Held on the Assembly Appropriations Committee's Suspense File.

Hazardous Waste Regulations

AB 142 (Garcia, Cristina) Lead-acid batteries. - Support

The Lead-Acid Battery Recycling Act of 2016 requires, until March 31, 2022, a manufacturer battery fee of \$1 to be imposed on a manufacturer of lead-acid batteries for each lead-acid battery it sells at retail to a person in California, or that it sells to a dealer, wholesaler, distributor, or other person for retail sale in California. The act requires the manufacturer battery fee to be paid to the California Department of Tax and Fee Administration and requires dealers and manufacturers of lead-acid batteries to register with the department. The act defines “manufacturer” for these purposes. This bill would, on and after April 1, 2022, increase the amount of the manufacturer battery fee to \$2 and would provide that the fee would continue indefinitely.

Status: Signed into law by the Governor on October 13, 2019.

AB 1509 (Mullin) Solid waste: lithium-ion batteries. - Support

This bill would establish the Lithium-Ion Battery Recycling Program in the Department of Resources Recycling and Recovery. AB 1509 would require a covered entity, as defined, on or before March 1, 2021, to provide a list of covered products that it sells or offers for sale in the state to the department and the total number of each covered product it sold in the state during the prior year, and to update those lists annually. The bill would define “covered product” to mean a lithium-ion battery sold separately or sold with a product, or a product containing a lithium-ion battery or battery pack that is not designed to be removed from the product by a consumer.

Status: Held in the Senate Environmental Quality Committee.

SB 68 (Galgiani) Hazardous waste: treated wood waste. - Support

Current law requires each wholesaler and retailer of treated wood and treated wood-like products to conspicuously post information that contains a specified message, including a certain internet website address at which more information can be found, at or near the point of display or customer selection of treated wood and treated wood-like products, as provided. Current law requires the wood preserving industry, as defined, to, jointly and in consultation with the Department of Toxic Substances Control, make information available to generators of treated wood waste that describes how to best handle, dispose of, and otherwise manage treated wood waste. Current law repeals these requirements on January 1, 2021. A violation of the hazardous waste control laws is a crime. This bill would extend the operation of those provisions, as recast by this bill, until January 1, 2023. The bill would authorize the message to be posted at the point of sale, in addition to at the point of display or customer selection.

Status: Held on the Senate Inactive File.

SB 726 (Caballero) Hazardous waste: public agencies: materials exchange program. - Support

Current law authorizes a public agency to conduct a materials exchange program as a part of its household hazardous waste collection program if the public agency determines which reusable household hazardous products or materials are suitable

and acceptable for distribution to the public in accordance with a quality assurance plan prepared by the public agency. Current law imposes certain requirements for a quality assurance plan. Current law requires a public agency to instruct a recipient to use the product in a manner consistent with the instructions on the label. This bill would define “materials exchange program” for these purposes to mean a program conducted at a household hazardous waste collection facility that makes reusable household hazardous products or materials available to recipients.

Status: Signed into law by the Governor on October 2, 2019.

Miscellaneous

AB 161 (Ting) Solid waste: paper waste: proofs of purchase. - Watch

Current law prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale and prohibits full-service restaurants from providing single-use plastic straws to consumers unless requested by the consumer. This bill would require a business, as defined, that accepts payment through cash, credit, or debit transactions, subject to certain exceptions, to provide a proof of purchase to a consumer only at the consumer’s option and would prohibit a business from printing a paper proof of purchase if the consumer opts to not receive a proof of purchase, unless otherwise required by state or federal law.

Status: Held on the Senate Appropriations Committee's Suspense File.

AB 257 (Mathis) Solid waste: woody biomass: collection and conversion. - Support if Amended

This bill would create a 5-year woody biomass rural county collection and disposal pilot program, to be administered by the department, consisting of awarding funding to participating counties with a total population of less than 250,000 for the purpose of conducting community collection days at which individuals can dispose of woody biomass free of charge. The bill would require a county awarded funding under the program to contract with a local biomass conversion facility to collect and convert the biomass in a way that results in fewer greenhouse gases emitted than if the biomass had been disposed of.

Status: Held on the Senate Appropriations Committee's Suspense File.

AB 815 (Aguiar-Curry) Integrated waste management plans: source reduction and recycling element and household hazardous waste element: dual stream recycling programs. - Removal of Opposition

Current law requires a city, county, or regional agency to submit an annual report to the Department of Resources Recycling and Recovery summarizing its progress in reducing solid and household hazardous waste. Current law requires the department to review a jurisdiction’s compliance with the diversion requirements every 2 or 4 years, as specified, and requires the department to issue an order of compliance if the department finds, after considering specified factors, the jurisdiction failed to make a good faith effort to implement its source reduction and recycling element or household hazardous waste element. This bill would require the department to consider whether the jurisdiction has implemented a dual stream recycling program, as defined, when considering if the jurisdiction has made a good faith effort to implement its source reduction and recycling element or household hazardous waste element.

Status: Signed into law by the Governor on September 30, 2019.

AB 793 (Ting) Solid waste: biomass. - Watch

The California Integrated Waste Management Act of 1989, defines “biomass conversion” to mean the production of heat, fuels, or electricity by the controlled combustion of, or the use of other noncombustion thermal conversion technologies on, specified materials when separated from other solid waste. This bill would revise that definition of “biomass conversion” and would define “biomass” for purposes of the act. The bill would also update cross references to those definitions.

Status: Held in the Senate Environmental Quality Committee.

AB 1163 (Eggman) Consumer warranty protection: express warranties. - Watch

Under current law, every manufacturer making an express warranty with respect to an electronic or appliance product, including, among others, televisions, radios, audio or video recording equipment, major home appliances, antennas, and rotators, with a wholesale price to the retailer of not less than \$50 nor more than \$99.99 is required to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of the product for at least 3 years after the date a product model or type was manufactured, regardless of whether the 3-year period exceeds the warranty period for the product. Current law also requires every manufacturer making an express warranty with respect to an electronic or appliance product, as described above, with a wholesale price to the retailer of \$100 or more, to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of the product for at least 7 years after the date a product model or type was manufactured, regardless of whether the 7-year period exceeds the warranty period for the product. This bill would instead require the manufacturer, in the above-described circumstances and timeframes, to make available sufficient service literature, at no charge, and functional parts, on fair and reasonable terms, as defined, to owners of the equipment or products, service and repair facilities, and service dealers.

Status: Held in the Assembly Privacy and Consumer Protection Committee.

AB 1216 (Bauer-Kahan) Solid waste: illegal dumping. - Watch

This bill would authorize the counties of Alameda and Contra Costa to establish a pilot program to employ 2 law enforcement officers, one from each county, solely for the purpose of enforcing dumping laws in those counties. The bill would require the counties to jointly submit a report to the Legislature evaluating the program on or before July 1, 2021.

Status: Held on the Senate Appropriations Committee's Suspense File.

SB 424 (Jackson) Tobacco products: single-use and multiuse components. - Support

This bill would prohibit a person or entity from selling, giving, or furnishing to another person of any age in this state a cigarette utilizing a single-use filter made of any material, an attachable and single-use plastic device meant to facilitate manual manipulation or filtration of a tobacco product, and a single-use electronic cigarette or vaporizer device. The bill would prohibit that selling, giving, or furnishing, whether conducted directly or indirectly through an in-person transaction, or by means of any public or private method of shipment or delivery to an address in this state.

Status: Held in the Assembly Governmental Organization Committee.

Organic Source Reduction

AB 614 (Eggman) Income taxes: credits: food banks. - Support

The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws, including, for taxable years beginning on or after January 1, 2017, and before January 1, 2022, a credit for qualified taxpayers, defined as the person responsible for planting a crop, managing the crop, and harvesting the crop from the land, in an amount equal to 15% of the qualified value of fresh fruits or vegetables donated to a food bank. This bill, under both laws, would expand the credit to apply to the donation of qualified donation items, defined as raw agricultural products or processed foods.

Status: Signed into law by the Governor on October 2, 2019.

AB 827 (McCarty) Solid waste: commercial and organic waste: recycling bins. - Watch

Current law requires a business that generates 4 cubic yards or more of commercial solid waste or 8 cubic yards or more of organic waste per week to arrange for recycling services, as specified. This bill would require a business subject to either of those requirements, and that provides customers access to the business, to provide customers with a recycling bin or container for that waste stream that is visible, easily accessible, adjacent to each bin or container for trash other than that recyclable waste stream, except in restrooms, and clearly marked with educational signage, as specified. The bill would exempt full-service restaurants, as defined, from its requirements, as specified.

Status: Signed into law by the Governor on October 2, 2019.

Packaging Reform

AB 1080/SB 54 (Gonzalez/Allen) Solid waste: packaging and products. - Watch

This bill would enact the California Circular Economy and Pollution Reduction Act, which would impose a comprehensive regulatory scheme on producers, retailers, and wholesalers of single-use packaging, as defined, and priority single-use products, as defined, to be administered by the department. As part of that regulatory scheme, the bill would require the department, before January 1, 2024, to adopt regulations that require producers, as defined, (1) to source reduce, to the maximum extent feasible, single-use packaging and priority single-use products, and (2) to ensure that all single-use packaging and priority single-use products that are manufactured on or after January 1, 2030, and that are offered for sale, sold, distributed, or imported in or into California are recyclable or compostable.

Status: Held on the Senate/Assembly Inactive File.

AB 1162 (Kalra) Lodging establishments: personal care products: small plastic bottles. - Watch

The California Integrated Waste Management Act of 1989 prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale and prohibits full-service restaurants from providing single-use plastic straws to

consumers unless requested by the consumer. This bill, commencing January 1, 2023, for lodging establishments with more than 50 rooms, and January 1, 2024, for lodging establishments with 50 rooms or less, would prohibit a lodging establishment, as defined, from providing a small plastic bottle containing a personal care product to a person staying in a sleeping room accommodation, in any space within the sleeping room accommodation, or within a bathroom shared by the public or guests.

Status: Signed into law by the Governor on October 9, 2019.

AB 619 (Chiu) Retail food: reusable containers: multiuse utensils. - Watch

Current law requires returned empty containers intended for refilling with food or beverage to be cleaned and refilled in an approved facility, except that consumer-owned containers may be refilled and returned to the same consumer if the container is refilled by an employee of the food facility or the owner of the container and the dispensing system includes a contamination-free transfer process. This bill would instead provide that clean consumer-owned containers provided or returned to the food facility for filling may be filled by either the employee or the owner of the container, and would require the food facility to isolate the consumer-owned containers from the serving surface or sanitize the serving surface after each filling.

Status: Signed into law by the Governor on July 12, 2019.

AB 1171 (Chen) Solid waste: food packaging material: local regulation. - Oppose

This bill would prohibit a city, county, city and county, or other local public agency from requiring a grocery store, as defined, to use a certain type of food packaging for any food sold in the grocery store unless the majority of residential households within the jurisdiction of the local agency have access to a curbside program that accepts the material from which that food packaging is made. The bill would prohibit those local agencies from prohibiting a grocery store from using a certain type of food packaging for any food sold in the grocery store if a majority of residential households within the jurisdiction of the local agency have access to a curbside program that accepts the material from which that food packaging is made.

Status: Held in the Assembly Natural Resources Committee.

Recycling

AB 1488 (Burke) Recycling: plastic beverage containers: reporting. - Watch

This bill would require a reclaimer, on or before March 1, 2020, and annually thereafter, to report to the Department of Resources Recycling and Recovery under penalty of perjury the amount of empty plastic beverage containers that it collected, washed, and processed in the state in the previous calendar year into flake, pellet, sheet, or any other form and into food grade flake, pellet, or sheet, or any other food grade form. The bill would require the department to disseminate standardized forms for these reporting provisions and would require a manufacturer of a beverage sold in a plastic beverage container and a reclaimer to use those forms.

Status: Held on the Assembly Appropriations Committee's Suspense File.

AB 1583 (Eggman) The California Recycling Market Development Act. - Support

Current law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the bottles or containers, with specified numbers and letters placed in relation to a triangle, designed as prescribed. This bill would delete the prescribed description of that triangle.

Status: Signed into law by the Governor on October 9, 2019.

SB 33 (Skinner) Solid waste: reduction and recycling. - Watch

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. This bill would state the intent of the Legislature to enact legislation that would address the collapse of foreign recycling markets by reducing solid waste generation, encouraging transition to compostable or recyclable materials, and fostering domestic recycling markets.

Status: Held in Senate Rules Committee.

SB 372 (Wieckowski) Single-use plastic products: extended producer responsibility. - Watch

This bill would state the intent of the Legislature to enact legislation that would address extended producer responsibility for single-use plastic products, including collecting waste consisting of those products, the transport and treatment of those products, the costs of litter cleanup, and awareness-raising measures.

Status: Held in Senate Rules Committee.

SB 667 (Hueso) Greenhouse gases: recycling infrastructure and facilities. - Support

This bill would require the Department of Resources Recycling and Recovery to develop, on or before January 1, 2021, and would authorize the department to amend, a 5-year needs assessment to support innovation and technological and infrastructure development, in order to meet specified organic waste reduction and recycling targets, as provided. The bill would require, on or before June 1, 2021, the department, in coordination with the Treasurer and the California Pollution Control Financing Authority, to develop financial incentive mechanisms, including, among other mechanisms, loans and incentive payments, to fund and accelerate public and private capital towards organic waste diversion and recycling infrastructure.

Status: Held in the Assembly Appropriations Committee.

Stewardship Organization Reforms

AB 187 (Garcia, Cristina) Used Mattress Recovery and Recycling Act. - Support

The Used Mattress Recovery and Recycling Act, administered by the Department of Resources Recycling and Recovery, authorizes a mattress recycling organization to be established by a qualified industry association to develop, implement, and administer a mattress recycling program in the state. The act requires the organization to develop and submit to the department for approval a plan, including a budget to implement the plan, for the recovery and recycling of used mattresses. This bill would revise and recast provisions of the act, including requiring the organization to review the plan and determine whether amendments to the plan are necessary every 5 years.

Status: Signed into law by the Governor on October 9, 2019.

AB 729 (Chu) Carpet recycling: carpet stewardship. - Support

Current law imposes a carpet stewardship assessment per unit of carpet sold in the state that is remitted by carpet manufacturers to the carpet stewardship organization and may be expended to carry out the organization's carpet stewardship plan. This bill would, among other things, require a carpet stewardship organization to include in the carpet stewardship plan a contingency plan should the carpet stewardship plan expire without approval of a new carpet stewardship plan or should the carpet stewardship plan be revoked. The bill would require a carpet stewardship organization to set up a trust fund or an escrow account, into which the bill would require the organization to deposit all unexpended funds and ongoing consumer assessments, for use in the event that the carpet stewardship plan terminates or is revoked.

Status: Signed into law by the Governor on October 9, 2019.

Transportation

AB 625 (Kalra) Service contracts: public transit: collection and transportation of solid waste: retention of employees. - Watch

Current law imposes requirements on certain local government agencies that award or otherwise enter into contracts for public transit services or for the collection and transportation of solid waste, relating to the retention of employees of the prior contractor or subcontractor. Current law requires such a local government agency letting a contract out to bid to give a 10% preference to a bidder who agrees to retain employees for a specified period, as prescribed. Specific provisions apply only to service contracts for the collection and transportation of solid waste. This bill would expand the application of these provisions to a state agency that enters into such a contract.

Status: Vetoed by the Governor on October 13, 2019.

SB 210 (Leyva) Heavy-Duty Vehicle Inspection and Maintenance Program- Watch

Current law requires the State Air Resources Board, in consultation with the Bureau of Automotive Repair and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Current law requires the state board, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels. This bill would require the state board, in

consultation with the bureau and other specified entities, to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing heavy-duty vehicles into an inspection and maintenance program.

Status: Signed into law by the Governor on September 20, 2019.