

# ESJPA Legislative Summary

July 27, 2021

## Budget

### Cleanup California Funding

- \$1.1 billion for trash removal and litter cleanup from state highways and for local cleanup projects
- \$418 million for litter abatement over three years
- \$287 million for state projects over two years
- \$296 million over two years in matching grants for local projects on streets and roads, tribal lands, parks, pathways, and transit centers in underserved, rural, and urban communities
- \$33 million in education over two years
- \$62 million in project design, construction, local support, and engagement

### Circular Economy

- \$65 million appropriated for solid and organic waste recycling projects – money included in the enacted budget, but details on expenditure program to be worked out in August

### Department of Toxic Substances Control Reform

- SB 158 is a budget trailer bill that overhauls DTSC's governance and fiscal structure. It significantly increases the fees that DTSC collects to fund its operations and the cleanup of contaminated sites. The legislation keeps intact many of the fee exemptions that local governments have enjoyed over the years, but there will be cost increases for generation and management of hazardous wastes that don't qualify for those fee exemptions
- *Uncertified Used Oil Centers* – While SB 158 retained most of the existing local fee exemptions, uncertified used oil centers will now be subject to the generation and handling fee for used oil they collect. This will likely incentivize many of those centers to become certified by the state, although some could cease collection.
- *Contaminated Site Cleanup Funding* - SB 158 includes \$500 million for expenditure over three years on the discovery, cleanup, and investigation of contaminated properties, response actions at brownfield sites, and a job and development training program

## Legislation

### Solid Waste and Recycling

- **AB 246 (Quirk)** Allows the Contractors State License Board to take disciplinary action against a contractor for violating state or local laws prohibiting illegal dumping. Illegal dumping continues to be a serious problem in many parts of the state, especially in unincorporated rural areas, and local governments spend considerable resources each year responding to and cleaning up illegal

waste disposal. The bill was sponsored by the Contractors State License Board and supported by a broad coalition of contractors and local governments. Earlier this month, Governor Newsom signed AB 246.

- **AB 332 (Environmental Safety and Toxic Materials Committee) – Treated Wood Waste** Reestablishes a statutory pathway for the alternative management and disposal of treated wood waste in a landfill. *Senate Floor*
- **AB 478 (Ting)** Establishes new minimum recycled content requirements for thermoform packaging (clamshells). Reformulates comingled rates under the beverage container recycling act to eliminate thermoform from the calculation, thereby likely significantly reducing revenues for solid waste operators. *Senate Appropriations Committee*
- **AB 1200 (Ting)** Prohibits the sale of food packaging that contains prohibited perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined. Requires a manufacturer to use the least toxic alternative when replacing PFAS chemicals. Requires cookware that contains specified intentionally added chemicals to include a statement disclosing that information. *Senate Floor*
- **AB 1201 (Ting)** Authorizes CalRecycle to adopt regulations for plastic product labeling to ensure that plastic products labeled as compostable or home compostable are clearly distinguishable from no compostable products. Prohibits the sale of a plastic product labeled as compostable, home compostable, or soil biodegradable unless the product meets specified standards. *Senate Appropriations Committee*
- **SB 343 (Allen)** Prohibits the sale of any product or packaging using a deceptive or misleading claim about its recyclability, including using the chasing arrows symbol unless CalRecycle determines the product or packaging is recyclable. Requires CalRecycle to identify the types of plastic products and packaging from which a claim of recyclability may be made. *Assembly Appropriations Committee*
- **SB 619 (Laird)** May provide some flexibility (and relief from penalties) for local governments to come into compliance with the new SB 1383 organic waste regulations by January 1, 2023, provided they self-certify the deficiencies in their programs and correct them by 1/1/23. Unclear whether there will be any resolution of the self-haul issue. *Assembly Appropriations Committee*

## **Beverage Container Recycling**

- **SB 38 (Wieckowski) – Now a Two-Year Bill**
  - Would retool the existing program to one run by industry and where industry retains roughly \$200 million in unredeemed deposits annually
  - Would double CRV from 5&10 cents to 10&20 cents per container
  - Would require all dealers with over \$4 million in annual grocery sales to take containers back from consumers (can no longer pay \$100/day in lieu fee)
- **AB 1311 (Wood) – Senate Appropriations Committee**
  - Provides more flexibility in the operation of beverage container recycling centers, especially in rural areas like Humboldt County with few redemption opportunities and where high demand creates harmful traffic and other impacts.

- AB 1454 (Bloom) – Senate Environmental Quality Committee – may or may not move forward this year
  - Seeks to increase payments for recyclers in underserved and rural areas to make operations pencil out in order to increase consumer access to redemption opportunities
  - Establishes a new forgivable startup loan to incentivize the creation of new recycling centers
- Trailer Bill by Senator Wieckowski - still in formative stages and unclear whether it will materialize
  - Looks to provide additional funding and financial assistance to beverage container recycling centers, including funding many new reverse vending machines and bag drop programs at grocery stores.

## Ballot Measure

- On July 19, the California Secretary of State certified the [California Recycling and Plastic Pollution Reduction Act](#), which will now appear on the November 2022 ballot. The measure is intended to reduce plastic pollution and litter in the terrestrial and marine environments. It is also intended to improve the recyclability and increase the recycling of plastic products and packaging and to fund a broad array of recycling, litter abatement, and environmental restoration programs.
- Under the initiative, CalRecycle must adopt regulations:
  - Requiring manufacturers to ensure that single-use packaging and food-ware is reusable, refillable, recyclable, or compostable by 2030.
  - Restricting or prohibiting packaging and food ware it determines is unnecessary for delivery of the product or food.
  - Requiring manufacturers to reduce the number of packaging and food ware items sold into the state.
  - Establishing mechanisms for convenient consumer access to recycling, including take-back and deposit programs.
  - Prohibiting use of expanded polystyrene food containers by food vendors.
- To accomplish these objectives, the initiative seeks to require manufacturers to pay a fee of up to \$0.01 per item of single-use food ware or packaging sold into the state. Anticipated revenues in the billions of dollars annually would be allocated as follows:
  - 20% (upon appropriation by the Legislature) to local governments for groundwater and drinking water protection, litter cleanup and abatement, and local recycling and composting programs.
  - 50% (continuously appropriated) to CalRecycle for program implementation and enforcement and to support statewide solid waste reduction, recycling, and composting efforts and related infrastructure, including creation of incentives to maintain and increase infrastructure for organic waste composting.
  - 30% (continuously appropriated) to state and local agencies to mitigate the impacts of plastic pollution and protect and restore wildlife and the environment.