

# HF&H OCTOBER 2020 LEGISLATIVE UPDATE



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# HF&H OCTOBER 2020 LEGISLATIVE UPDATE

## Summary of 2020 Bills

Below is a brief summary list of relevant bills that were signed into law, vetoed, or died during the 2020 legislative year. Please see the next section of the Legislative Update for a full description of each bill. For bills that were chaptered or died in 2019, please refer to HF&H's November 2019 Legislative Update.

### Signed into Law

<b><u>AB 793</u></b> (Ting)	<ul style="list-style-type: none"><li>Requires manufacturers to meet <b>minimum recycled content standards for plastic beverage containers</b>: starting with 15% recycled content per year by 2022, 25% by 2025, and 50% by 2030.</li></ul>
<b><u>AB 2104</u></b> (Cristina Garcia)	<ul style="list-style-type: none"><li>Makes clarifying changes to the <b>Lead-Acid Battery Recycling Act</b></li><li>Updates the Lead Acid Battery Recycling Facility Investigation and Clean Up Program (LABRIC), including timing of Department of Toxic Substances Control (DTSC) review and expanded public input.</li></ul>
<b><u>AB 2287</u></b> (Eggman)	<ul style="list-style-type: none"><li>Updates <b>standards on product labels</b> such as “compostable” and “biodegradable”</li><li>Provides additional time for the <b>Statewide Commission on Recycling Markets and Curbside Recycling</b> to make policy recommendations.</li><li>Extends the <b>AB 827</b> compliance date for zoos, theme parks, amusement parks, etc.</li></ul>
<b><u>AB 3163</u></b> (Salas)	<ul style="list-style-type: none"><li>Expands the <b>definition of biomethane</b> to methane produced from an organic waste feedstock, rather than “biogas”, as it relates to the Public Utilities Commission’s procurement targets.</li></ul>

### Vetoed

- [SB 68](#) (Galgiani) – Handling and disposal of Treated Wood Waste (TWW) and Department of Toxic Substances Control (DTSC) TWW Program.

### Dead/Inactive\*

\*Or changed topics during the year and no longer directly relates to recycling or water/ wastewater programs.

- [SB 54](#) / [AB 1080](#) (Allen, Skinner, Stern, and Wiener) California Circular Economy and Plastic Pollution Reduction Act
- [AB 1567](#) (Aguiar-Curry and Mathis) - Organic Waste Scoping Plan
- [AB 1672](#) (Bloom) Labeling of Nonwoven Disposable Products (regarding flushability)
- [AB 1840](#) (Ting) Beverage Container Recycling Report
- [AB 1952](#) (Stone) Washing Machine Microfiber Filtration
- [AB 2381](#) (Choi) “California Recycling Stabilization Act of 2020”
- [AB 2612](#) (Maienschein) Greenhouse Gas Reduction Fund Recycling Appropriations
- [AB 2680](#) (Aguiar-Curry) Land Application of Green Material
- [AB 3141](#) (Friedman) Plastic Packaging Retail Recycling Program
- [SB 45](#) (Allen, Portantino, and Stern) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020
- [SB 424](#) (Jackson) Single-use Tobacco Products
- [SB 667](#) (Hueso) Recycling and Organic Waste Needs Assessment
- [SB 1152](#) (Skinner) Solar Panels Labeling
- [SB 1191](#) (Dahle) Organic Waste (SB 1383 exemptions related to bear population areas)
- [AB 1506\\*](#) (McCarty) – *Changed Topics*. Previously related to AB 827 exemptions.
- [AB 1839\\*](#) (Bonta, Chiu, Kalra, Reyes, & Weber) *Changed Topics*. Previously the California Green New Deal

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### Description of 2020 Bills

#### Signed into Law

BILLS SIGNED INTO LAW		
Bill	Description	Status
<p><a href="#">AB 793</a> Ting  Plastic Beverage Containers: Minimum Recycled Content.</p>	<p>This bill, on and after January 1, 2022, requires the total number of plastic beverage containers sold by a beverage manufacturer to contain specified amounts of postconsumer recycled plastic content per year pursuant to a tiered plan that would require, on average, no less than 15% postconsumer recycled plastic content per year on and after January 1, 2022, 25% on and after January 1, 2025, and 50% on and after January 1, 2030.</p> <p>The bill imposes annual administrative penalties, calculated as prescribed, on a beverage manufacturer for violating these requirements. The bill would authorize CalRecycle to enforce these provisions and conduct audits and investigations of a beverage manufacturer for the purpose of ensuring compliance. The bill would exempt from the California Public Records Act certain trade secrets and proprietary information resulting from those audits and investigations. The bill requires administrative penalties collected to be deposited in the Recycling Enhancement Penalty Account, which the bill would create. The bill would require moneys in the Recycling Enhancement Penalty Account to be expended upon appropriation for the sole purpose of supporting the recycling, infrastructure, collection, and processing of plastic beverage containers in the state. The bill would authorize the department, if the Legislature makes an appropriation before June 15, 2027, for this purpose, to contract with a research university to study specified markets and would authorize the department to allocate moneys from the California Beverage Container Recycling Fund, upon that appropriation, for the study if certain conditions are met. If that appropriation is made and the department undertakes the study, the bill requires the study to be completed by May 1, 2028.</p> <p>The bill prohibits a jurisdiction from adopting an ordinance regulating the minimum recycled plastic content requirements for plastic beverage containers.</p> <p>This bill requires, beginning March 1, 2024, and annually thereafter, a plastic material reclaimer to report to the department the amount in pounds and by resin type of empty plastic beverage containers subject to the California Redemption Value that the plastic material reclaimer has collected and sold in the previous calendar year. The bill requires, beginning March 1, 2024, and annually thereafter, a manufacturer of postconsumer recycled plastic to report to the department the amount in pounds of food-grade flake,</p>	<p><b>SIGNED INTO LAW</b> (09/24/20)</p> <p>PASSED (08/30/20)</p> <p><b>2 year bill:</b> Introduced 2/20/19</p>



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BILLS SIGNED INTO LAW		
Bill	Description	Status
	<p>pellet, sheet, fines, or other forms that were sold in the previous calendar year and its capacity to produce food-grade material, as specified.</p> <p>This bill exempts rigid plastic containers or rigid plastic bottles that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products from the labeling requirement described above.</p>	
<p><a href="#">AB 2104</a> Cristina Garcia</p> <p>Lead-Acid Battery Recycling Facility Investigation and Cleanup Program (LABRIC)</p>	<p>Existing law requires the Dept. of Toxic Substances Control to establish a <b>Lead-Acid Battery Recycling Facility Investigation and Cleanup Program (LABRIC)</b> to identify areas of the state that are eligible for expenditure of moneys from the Lead-Acid Battery Cleanup Fund for certain purposes. Existing law requires the program to provide public notice of the initiation of the investigation or site evaluation of any area reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility. Existing law provides that expenditure from the fund for purposes of further investigation or evaluation for a site is no longer authorized if, within 2 years of the public notice, the Department is unable to designate a site as determined with reasonable certainty to have been contaminated by the operation of a lead-acid battery recycling facility. Existing law authorizes the department to extend the deadline for the completion of an investigation, with good cause shown and adequate public notice of the basis for that extension, to no more than 3 months after the original 2-year deadline.</p> <p>This bill modifies the time period for public comment and extends the deadline for completion of the investigation additional times in increments of up to 3 months, not to exceed one year after the original 2-year deadline in total.</p>	<p><b>SIGNED INTO LAW</b> (09/29/20)</p> <p>PASSED (09/10/20)</p>
<p><a href="#">AB 2287</a> Eggman</p> <p>Solid Waste</p>	<p>AB 2287 makes changes in the following three areas:</p> <p><b>1. Product Labeling</b></p> <p>Existing law prohibits a person from selling a plastic product in the state that is labeled with the term “compostable,” “home compostable,” or “marine degradable” unless, at the time of sale, the plastic product meets the applicable ASTM standard specification or the Vincotte OK Compost HOME certification. Existing law also prohibits the sale of a plastic product that is labeled as “biodegradable,” “degradable,” or “decomposable,” and prohibits implying that a plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment, unless the plastic product meets one of several specified standards relating to environmental marketing claims.</p>	<p><b>SIGNED INTO LAW</b> (09/29/20)</p> <p>PASSED (09/10/20)</p>



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BILLS SIGNED INTO LAW		
Bill	Description	Status
	<p>This bill repeals the provision that conditionally prohibits the sale of a plastic product that is labeled “marine degradable.” The bill authorizes the Director of CalRecycle to issue guidelines for determining whether a plastic product is not compliant with these labeling requirements, and whether a plastic product is designed, pigmented, or advertised in a manner that is misleading to consumers. The bill authorizes CalRecycle to adopt the European Committee for Standardization’s standard specification for biodegradable mulch film plastic, or a standard that is equivalent to, or more stringent than, that standard, as specified. The bill authorizes the sale of commercial agricultural mulch film, as defined, labeled with the term “soil biodegradable” only if the department adopts the European Committee for Standardization’s standard specification, or an equivalent or more stringent standard, and the commercial agricultural mulch film is certified to meet both that standard and the ASTM standard specification for compostability. The bill updates the name of a specified certification for home compost, the name of the organization that developed that certification, and the names of two ASTM standard specifications, and would make other conforming changes.</p> <p><b>2. Statewide Commission on Recycling Markets and Curbside Recycling</b> Existing law requires CalRecycle, by July 1, 2020, to convene a Statewide Commission on Recycling Markets and Curbside Recycling. Existing law requires the commission, by January 1, 2021, to, among other things, issue policy recommendations to achieve specified market development goals and waste reduction goals, and to identify products that are recyclable or compostable, as defined, and regularly collected in curbside recycling programs. This bill instead requires the commission to issue preliminary recommendations on or before January 1, 2021, and extends the deadline for issuing final policy recommendations and identify the products described above until July 1, 2021. The bill would require the commission to provide an opportunity for the public to review and provide comment before finalizing a recommendation or identifying a product described above. The bill would authorize the commission to share the recommendations and identifications with the Legislature or any state or federal agency.</p> <p><b>3. Extension of AB 827 Implementation for Certain Entities</b> Existing law requires a business that generates 4 cubic yards or more of commercial solid waste or organic waste per week to arrange for recycling services, and requires those business to provide customers access to a recycling container for that waste stream.</p>	



## HF&H OCTOBER 2020 LEGISLATIVE UPDATE

BILLS SIGNED INTO LAW		
Bill	Description	Status
	This bill specifies that, for a theme park, amusement park, water park, resort or entertainment complex, zoo, attraction, or similar facility that is subject to either of those requirements, the requirement to provide customers with a recycling bin or container applies on and after January 1, 2022 rather than July 1, 2020.	
<a href="#">AB 3163</a> Salas  Biomethane procurement	Existing law defines “biomethane” (as it relates to the Public Utilities Commission’s ability to adopt specific biomethane procurement targets or goals for gas corporations) as “biogas” that meets specified standards adopted by the commission for injection into a common carrier pipeline. This bill would instead define “biomethane” for that purpose as methane produced from an organic waste feedstock, rather than biogas that meets those specified standards and is either produced from the anaerobic decomposition of organic material or produced from the noncombustion thermal conversion of specified materials.	<b>SIGNED INTO LAW</b> (09/30/20)  PASSED (09/04/20)

### Vetoed

BILLS VETOED		
Bill	Description	Status
<a href="#">SB 68</a> Galgiani	Under existing law, Treated Wood Waste (TWW) may be disposed at a Class I landfill or composite-lined portion of a landfill, per AB 1353 (2004) and related legislation. This bill would repeal the sunset date (January 1, 2021) for those provisions and make other changes to the TWW program at DTSC.  <u>Summary of reasons cited for Governor’s veto:</u> <ul style="list-style-type: none"> <li>• Would create additional mandates and cost burden for DTSC to perform regular inspections of generators and disposal sites, especially considering the Hazardous Waste Control Account has a structural deficit.</li> <li>• Removing the sunset date may effectively exempt this hazardous material from hazardous waste law and regulation.</li> <li>• While alternative management standards may be justified for this material, it should still be reviewed periodically.</li> </ul>	<b>VETOED</b> (09/29/20)  PASSED (09/09/20)



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### Dead/Inactive\*

*\*Or changed topics midway through the year and are no longer directly related to solid waste or water/waste water programs.*

### BILLS DEAD/INACTIVE

Bill	Description	Status
<b>2020</b>		
<p><a href="#">SB 54 / AB 1080</a> Allen, Skinner, Stern, and Wiener</p> <p>California Circular Economy and Plastic Pollution Reduction Act</p>	<p>This bill would enact the California Circular Economy and Plastic Pollution Reduction Act, which would impose a comprehensive regulatory scheme on producers, retailers, and wholesalers of single-use packaging and priority single-use products made partially or entirely of plastic, to be administered by CalRecycle. Part of the regulatory scheme includes requiring producers to source reduce single-use packaging/products and ensure those products are recyclable or compostable by 2032. The bill would require CalRecycle to achieve a statewide 75% reduction in single-use packaging/products by 2032 through source reduction, recycling, or composting. The bill would also require CalRecycle to adopt regulations by January 1, 2025 to implement the act; and, conduct research and create a Circular Economy and Waste Pollution Reduction Panel prior to adopting the regulations.</p> <p>The bill would require a manufacturer of single-use plastic packaging or priority single-use plastic products to demonstrate a recycling rate of not less than 30% on and after January 1, 2028, not less than 40% on and after January 1, 2030, and not less than 75% on and after January 1, 2032, as a condition of sale, and would authorize CalRecycle to impose a higher recycling rate as a condition of sale, as specified. The bill would require CalRecycle to establish the California Circular Economy Regulatory Fee for producers, and adopt regulations containing specified provisions authorizing the establishment of a stewardship program.</p> <p>The bill would require CalRecycle to develop criteria to determine which types of single-use packaging or priority single-use plastic products are reusable, recyclable, or compostable. The bill would require local governments, solid waste facilities, recycling facilities, and composting facilities to provide information requested by the department for purposes of developing that criteria.</p> <p>This bill would prohibit local jurisdictions from requiring a grocery store, as defined, to use a certain type of food packaging 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 also prohibit those local agencies from requiring a grocery store to use a food packaging container that does not meet specified criteria. The bill would repeal these provisions as of January 1, 2032.</p>	<p>Last Status: <b>AB 1080</b> Held at Desk (Assembly) pursuant to Joint Rule 51(b)(3) (09/04/20)</p> <p><b>SB 54</b> Read third time. Refused passage &amp; died on call. (09/01/20)</p> <p><b>2 Year bill</b> Introduced 12/11/18</p>



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BILLS DEAD/INACTIVE		
Bill	Description	Status
<a href="#">AB 1506</a> McCarty  Solid waste: Commercial and Organic Waste: Recycling Bins	<p><i>Bill description prior to topic change in June, 2020:</i></p> <p>This bill would provide certain exemptions/modifications for the requirement for businesses with 4 cubic yards or more of commercial solid waste or organic waste to subscribe to recycling and organic waste collection service and provide a recycling bin for that waste stream (recycling and organic waste) to customers (AB 827).</p> <p>This bill would specify that for a theme park, amusement park, water park, resort or entertainment complex, zoo, attraction, or similar facility subject to those requirements, that the requirement to provide containers for customers would only apply to permanent, non-mobile food service facilities with dedicated seating areas that are not full-service restaurants. The bill would also authorize such a facility to implement an alternative process that yields results comparable to or greater in volume and quality to results attained by providing an organic waste recycling bin or container. The bill would also make other revisions to these provisions, including revising the definition of “full-service restaurant,” as specified, deleting obsolete provisions, and making conforming changes.</p>	AB 1506 was signed into law, but it changed topics in June, 2020. AB 1506 is now a bill regarding police use of force.
<a href="#">AB 1567</a> Aguiar-Curry and Mathis  Organic Waste: Scoping Plan	<p>This bill, on or before December 31, 2021, would require the Strategic Growth Council, in consultation with stakeholders and relevant permitting agencies, to prepare and submit to the Legislature a report that provides a scoping plan for the state to meet its organic waste, climate change, and air quality mandates, goals, and targets. It would require the scoping plan to include, among other things, recommendations on policy and funding support for the beneficial reuse of organic waste.</p>	Last location: Referred to Senate Com. N.R. & W. (06/23/20)  <b>2 Year Bill</b> Introduced 02/22/19
<a href="#">AB 1672</a> Bloom  Solid waste: nonwoven disposable products.	<p>This bill would require, commencing January 1, 2021, except as provided, certain nonwoven disposal products to be labeled clearly and conspicuously to communicate that they should not be flushed, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those nonwoven disposal products, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per violation to be imposed on a person who violates the bill’s provisions.</p>	Last location: Senate Com. on APPR. (08/20/20)  <b>2 Year Bill</b> Introduced 02/22/19



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<b>BILLS DEAD/INACTIVE</b>		
Bill	Description	Status
<a href="#">AB 1839</a> Bonta, Chiu, Kalra, Reyes, & Weber  Climate Change: California Green New Deal	<p><i>Bill description prior to topic change in May, 2020:</i> With a specified membership appointed by the Governor. The bill would require the California Green New Deal Council to submit a report to the Legislature no later than January 1, 2022 making recommendations on appropriate policies to achieve the goals set forth in the bill. The intent is to adopt a policy framework to implement, through principles and goals, a commitment to reduce severe climate change impacts while protecting the public health and the environment, to overcome systemic racial injustice, and to ensure high standard of living for all California residents. Some goals include protecting workers, creating new green jobs, assisting those impacted by effects of climate change (fires, floods, etc.), increasing affordable housing and public transportation, and reducing air pollution, and more.</p> <p>This bill was later amended to be called the California COVID-19 Recovery Deal in May, 2020.</p>	Last Location: Com. on NAT Res. (05/11/20)  Bill was originally the CA Green New Deal (01/06/20); Updated to “COVID 19 Recovery Deal” (May, 2020)
<a href="#">AB 1840</a> Ting  Recycling: Reports	This bill would require CalRecycle, on or before January 1, 2022, to make recommendations to the Legislature on how to improve the California Beverage Container Recycling and Litter Reduction Act to increase recycling of beverage container materials within the state and increase consumer redemption convenience.	Last Location: Referred to Assembly Com. on NAT RES (01/17/20)
<a href="#">AB 1952</a> Stone  Washing Machines: Microfiber Filters	This bill would require the Department of General Services, in coordination with the California EPA and as soon as feasible, to implement a pilot program for one year to assess the efficacy of microfiber filtration systems in removing microfiber from waste washwater from state-owned laundry facilities. The bill would require the department to monitor the presence of microfiber in waste washwater from 10 state-owned laundry facilities chosen to participate in the pilot program. The bill would require the department, by January 1, 2023, to submit a report to the Legislature on the results of the pilot program. The bill would repeal these provisions on January 1, 2027.	Last Location: Re-referred to Com. on Accountability & Admin. Review (02/25/20)
<a href="#">AB 2243</a> Eggman  Income Tax Credits: Food Banks	This bill would extend sunset date of the “Farm to Food Bank” tax credit from January 1, 2022 to January 1, 2027.	Last Location: Hearing postponed by Assembly Com. on Rev. & Tax. (03/16/20)
<a href="#">AB 2381</a> Choi	CalRecycle is required to calculate the processing fee of each beverage container sold or offered for sale in the state in a specified manner, so that the actual processing fee generally equals 65% of the processing payment that the department is required to pay to processors if the scrap value of the container having a refund value pursuant to the California Beverage Container Recycling and Litter Reduction Act is less than	Last Location: Re-referred to Com on NAT RES. (03/12/20)



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BILLS DEAD/INACTIVE		
Bill	Description	Status
<p>“California Recycling Stabilization Act of 2020”</p>	<p>the cost of recycling. The act establishes the California Beverage Container Recycling Fund and, except for administrative costs, continuously appropriates moneys in the fund to the department for specified purposes, including the amount necessary to pay processing payments to processors and to pay handling fees to certain types of recyclers to provide an incentive for the redemption of empty beverage containers in convenience zones.</p> <p>This bill would require, notwithstanding the provisions establishing the calculation of processing payments and handling fees, until January 1, 2024, processing payments and handling fees to be set at the rate in effect on July 1, 2020.</p> <p>The bill would require the department to expend from the fund the amount necessary to pay supplemental handling fees on a per-container basis to recycling centers in prescribed amounts, thereby making an appropriation. The bill would require the department to suspend usage of surveys and calculations of recycling costs for purposes of calculating processing payments and handling fees until January 1, 2024.</p>	
<p><a href="#">AB 2612</a> Maienschein</p> <p>Greenhouse Gas Reduction Fund: Recycling: Appropriation.</p>	<p>This bill, beginning in the 2020–21 fiscal year, would continuously appropriate \$100,000,000 from the Greenhouse Gas Reduction Fund annually to CalRecycle for in-state organic waste recycling projects that reduce greenhouse gas emissions and achieve certain organic waste disposal goals, as specified. The bill would also continuously appropriate \$100,000,000 from the fund annually to the department for in-state recycling projects that reduce greenhouse gas emissions and help achieve a specified state policy relating to solid waste, as specified</p>	<p>Last Location: Referred to Com. on NAT. RES. (03/02/20)</p>
<p><a href="#">AB 2680</a> Aguiar-Curry</p> <p>Solid Waste: Green Material: Land Application</p>	<p>This bill would require that disposal information to be submitted to CalRecycle quarterly and would additionally require a disposal facility operator to submit information on the disposal tonnages that are applied to the land as green material.</p> <p>Existing regulations implement a 5-tier regulatory structure for solid waste facilities and solid waste handling operations and authorize certain facilities and operations to use the enforcement agency notification tier.</p> <p>This bill would require, for purposes of permitting and enforcement under the act, an owner of land who is engaged in the land application of over 200 tons of green material per parcel per year to use the enforcement agency notification tier pursuant to those regulations. The bill would require those owners of land to comply with the requirements of the enforcement agency notification. The bill would provide that “green material” includes municipally derived green material and does not include material from agricultural or forest sources.</p>	<p>Last Location: Re-referred to Com. on NAT. RES. (03/17/20)</p>



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BILLS DEAD/INACTIVE		
Bill	Description	Status
<a href="#">AB 3141</a> Friedman  Retail plastics recycling program: plastic bags, packaging, and shipping envelopes.	Creates requirements for take-back programs for plastic bags, packaging, and shipping envelopes. Reinstates in-store plastic bag program, online retailers required to provide collection containers, and retailers required to accept plastic packaging from online purchases.	Last Location: Referred to Com. on NAT RES. (03/09/20)
<a href="#">AB 3232</a> Friedman	This bill would require that all washing machines for commercial sale in California contain a microfiber filtration system with a 90% or greater filtration rate.	Last Location: Referred to Com. on E.S. & T.M. (4/24/20)
<a href="#">SB 45</a> Allen, Portantino, and Stern  Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020	This bill would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.  An example of an eligible project category is projects for improvements to public infrastructure, including natural infrastructure, that provide climate resilience benefits, which may include, but is not limited to: sustainable stormwater capture technologies, permeable pavement projects, rain gardens, cool roofs, and stormwater detention basins.  This bill would provide for the submission of these provisions to the voters at the, November 3, 2020, statewide general election. This bill would declare that it is to take effect immediately as an urgency statute.	Last Location: Assembly. Read first time. (01/30/20)
<a href="#">SB 424</a> Jackson  Tobacco Products: Single-Use and Multiuse Component	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. This bill would authorize a city attorney, county counsel, or district attorney to assess a \$500 civil fine against each person determined to have violated those prohibitions in a proceeding conducted pursuant to the procedures of the enforcing agency, as specified.	Last Location: Referred to Assembly Com. on Health. (06/13/19)



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BILLS DEAD/INACTIVE		
Bill	Description	Status
	<p>This bill would require the manufacturer of a tobacco product to use materials eligible for recycling under state or local recycling programs, including electronic waste recycling programs, in existence as of January 1, 2020, to make any reusable component of the tobacco product, or, alternatively, if certain conditions are met, to collect reusable components that are not eligible for recycling through a take-back or mail-back program, as provided. The bill would define “reusable component” to mean a multiuse cigarette filter or a multiuse electronic cigarette that is designed to work for at least one year with daily use. The bill would require a manufacturer to collect reusable components that are household hazardous waste, as defined, and send those components to the appropriate recycler, or to reimburse household hazardous waste collection facilities, as defined, for the costs of collecting and recycling those reusable components. The bill would authorize the department to impose an administrative penalty, as provided, on a manufacturer that is in violation of these provisions.</p> <p>The bill would authorize the department to collect a fee that does not exceed the reasonable regulatory costs of enforcing and administering these provisions from the manufacturer of a tobacco product with a reusable component, and to adopt regulations to implement these provisions.</p>	
<p><a href="#">SB 667</a> Hueso</p> <p>Greenhouse Gases: Recycling and organic waste needs assessment</p>	<p>This bill would require CalRecycle to develop, on or before January 1, 2023, 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, including the statewide targets set forth in AB 939 and SB 1383.</p>	<p>Last Location: Assembly. Ordered to inactive file. (08/26/20)</p>
<p><a href="#">SB 1152</a> Skinner</p> <p>Solar Panels: Disposal: Labeling.</p>	<p>This bill would require, on and after January 1, 2023, a manufacturer of a solar panel sold in California to include a permanently affixed label that provides information necessary to facilitate proper disposal or recycling of the solar panel at the end of its useful life. The bill would require the Department of Resources Recycling and Recovery, in consultation with the State Energy Resources Conservation and Development Commission and the Public Utilities Commission, to develop regulations implementing that labeling requirement, as provided.</p>	<p>Last Location: Re-referred to Senate Com. on RLS. (03/26/20)</p>
<p><a href="#">SB 1191</a> Dahle</p>	<p>This bill would require the department, upon request by a local jurisdiction, to issue a waiver from the SB 1383 regulatory requirement to separate and recover food waste and food-soiled paper for all or part of the local jurisdiction where there are or could be public safety issues associated with food waste collection as a result of nearby bear populations. The bill would establish an alternative organic waste management</p>	<p>Last Location: Re-referred to Senate Com. on EQ.</p>



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BILLS DEAD/INACTIVE		
Bill	Description	Status
Organic waste: reduction goals: local jurisdictions	program that a local jurisdiction may comply with instead of those regulations until specified dates. The bill would require a local jurisdiction that chooses to implement an alternative organic waste management program to submit a notification to the department that contains specified information, including a statement by a representative, attested to under penalty of perjury that all information contained in the notification is true and correct to the best of the representative’s knowledge and belief. By expanding the existing crime of perjury, the bill would impose a state-mandated local program.	(03/23/20)

**Committee Abbreviations Used:**

- Com. on NAT. RES. – Committee on Natural Resources
- Com. on EQ. – Committee on Environmental Quality
- Com. on E.S. & T.M. – Committee on Environmental Safety and Toxic Materials
- Com. on Rev. & Tax. – Committee on Revenue and Taxation
- Com. on APPR. – Committee on Appropriations
- Com. on RLS – Committee on Rules
- Com. N.R. & W. – Committee on Natural Resources and Water



## HF&H OCTOBER 2020 LEGISLATIVE UPDATE

### California Regulations

California Regulatory Updates		
Law	Description of Regulations	Status
<a href="#">SB 489</a> Monning	SB 489 (2015) includes the development of regulations by the Department of Toxic Substances Control to designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste. Information on the regulations and rulemaking process can be found <a href="#">here</a> .	Scheduled to be finalized in 2020  Public Comment Period: 12/24/19 – 1/08/20  First draft regulations: 1/08/2019
<a href="#">SB 1335</a> Allen  Sustainable Packaging for the State of California Act of 2018	CalRecycle is required to adopt regulations to implement the Sustainable Packaging for the State of California Act of 2018 (SB 1335), which prohibits food service facilities in a state-owned facility or serving a state agency from using food service packaging that is not on a list of approved products that are reusable, recyclable, or compostable. The Proposed Regulations clarify statutory requirements including definitions, criteria, and process for determining the types of food service packaging that are reusable, recyclable, or compostable. CalRecycle must establish and maintain a List of Approved Food Service Packaging, which must be published on CalRecycle’s website within 90 days of the regulations being adopted. The notice, proposed regulatory language, and other relevant rulemaking materials for SB 1335 can be found <a href="#">here</a> .	Public comment period: October 6, 2020 – October 20, 2020  2nd draft proposed Regulations: October, 2020
<a href="#">SB 212</a> Jackson  Pharmaceutical and Sharps Waste Stewardship	SB 212, enacted in 2018, requires mandatory product stewardship programs for pharmaceuticals and sharps waste. CalRecycle is required to adopt regulations for the implementation of SB 212 with an effective date of no later than January 1, 2021. Note that SB 212 preempts local ordinances for pharmaceuticals and/or sharps product stewardship programs, unless the ordinance was effective prior to April 18, 2018.  CalRecycle is currently in the formal rulemaking process for the regulations. The notice, proposed regulatory language, and other relevant rulemaking materials for SB 212 can be found <a href="#">here</a> .	Current Status:  The 4th draft proposed regulations were approved by CalRecycle on September 30, 2020, and CalRecycle is preparing to submit the regulatory package to the Office of Administrative Law (OAL) for approval.



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California Regulatory Updates		
Law	Description of Regulations	Status
<a href="#">SB 1383</a> Lara	In September 2016, Governor Brown signed into law SB 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. CalRecycle is developing regulations to achieve the targets of SB 1383, including: 50% percent reduction in organic waste disposal by 2020; 75% reduction in organic waste disposal by 2025; and recovery of 20% of currently disposed edible food for human consumption by 2025. * Information on formal rulemaking for SB 1383 can be found <a href="#">here</a> .	CalRecycle resubmitted the SB 1383 regulatory package to the Office of Administrative Law (OAL) on October 7, 2020 for final approval.  Most recent public draft regulations: April, 2020.

### California Ballot Initiatives

The [Plastics Free California Initiative](#) qualified for consideration on the November, 2022 ballot. Advocates for the initiative submitted 870,000+ voter signatures in August, 2020 (623,212 signatures were required to qualify).

Some key features of the initiative include:

- All single-use plastic packaging must be reusable, recyclable, or compostable by 2030.
- State-wide ban on polystyrene food containers.
- Funding for environmental restoration projects.
- Funding for new recycling and composting facilities.
- Manufacturers will be charged a fee for single-use plastic packaging/products produced.



## HF&H OCTOBER 2020 LEGISLATIVE UPDATE

### Federal Legislation

Federal Legislation		
Bill	Description	Status
<a href="#">HR 4050</a> Omar  ZERO WASTE Act (Zeroing Excess, Reducing Organic Waste, and Sustaining Technical Expertise Act)	This bill would direct the Administrator of the Environmental Protection Agency to award grants for projects that are consistent with zero-waste practices. This competitive grant program would assist jurisdictions, or other entities, with investment in zero waste initiatives such as source reduction, reuse, recycling infrastructure, and market development.	House - Introduced and referred to House Committee on Energy and Commerce (7/25/19)
<a href="#">HR 4541</a> McKinley  Food Recovery Grants	To establish a grant program to provide eligible entities engaged in food recovery with grants to support costs of vehicles, including refrigerated vehicles, or other food recovery equipment; reimbursing travel costs related to food recovery; and support with costs of preparing, storing, and transporting donated food.	House - Referred Subcommittee on Nutrition, Oversight, and Dept. Ops. (10/11/19)
<a href="#">HR 5115</a> Cardenas and Buschon  RECOVER Act (Realizing the Economic Opportunities and Value of Expanding Recycling Act)	Establishes the Recycling Infrastructure Program within the Environmental Protection Agency to award financial assistance to States, local governments, and tribal governments, on a competitive basis, to support and expand recycling infrastructure and recycling programs	House - Referred to Subcommittee on Environment and Climate Change (11/18/19)
<a href="#">HR 5607</a> Pingree	This bill directs the Department of Agriculture (USDA) to provide competitive grants and technical assistance for local educational agencies to implement food waste measurement and reporting, prevention, education, and reduction projects.	House - Referred to the House Committee on



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Federal Legislation		
Bill	Description	Status
School Food Recovery Act of 2020		Education and Labor (1/15/2020)
<a href="#">HR 5845/ S 3263</a> Udall and Lowenthal  Break Free From Plastic Pollution Act of 2020	<p>The bill makes certain producers of products (e.g., packaging, paper, single-use products, beverage containers, or food service products) fiscally responsible for collecting, managing, and recycling or composting the products after consumer use. In addition, the bill establishes (1) minimum percentages of products that must be reused, recycled, or composted; and (2) an increasing percentage of recycled content that must be contained in beverage containers.</p> <p>Beginning on January 1, 2022, the bill phases out a variety of single-use products, such as plastic utensils. The bill also sets forth provisions to encourage the reduction of single-use products, including by establishing programs to refund consumers for returning beverage containers and by establishing a tax on carryout bags.</p> <p>The bill creates a temporary moratorium on new or expanded permits for facilities that manufacture plastics until regulations are updated to address pollution from the facilities.</p> <p>The Environmental Protection Agency must publish guidelines for a national standardized labeling system for recycling and composting receptacles. Producers must include labels on their products that are easy to read and indicate whether the products are recyclable, compostable, or reusable.</p> <p>Finally, the bill establishes limitations on the export of plastic waste to other countries.</p>	<p><b>HR 5845</b> House - Referred to the Subcommittee on Water Resources and Environment (2/12/2020)</p> <p><b>S3263</b> Read twice and referred to the Committee on Finance (2/11/2020)</p>
<a href="#">H.R. 7228</a> Stevens and Haley  Plastic Waste Reduction and Recycling Act	This bill requires the Office of Science and Technology Policy to establish a federal plastic waste reduction and recycling program. Some key goals and features of the bill include: supporting research and development of advanced plastics technologies to optimize recyclability, supporting public-private partnerships, interagency coordination for research and development of plastic waste reduction and recycling technologies, and research collaboration with international partners, as appropriate.	Referred to the House Committee on Science, Space, and Technology (06/15/2020)
<a href="#">S 2941</a> Portman	This bill requires the EPA to establish a consumer recycling education and outreach grant program to improve the effectiveness of residential and community recycling programs. Eligible entities include: a State, unit of local government, a tribal government, nonprofit organization, or a public-private partnership.	Read twice and referred to the Committee on Environment and



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Federal Legislation		
Bill	Description	Status
RECYCLE Act (Recycling Enhancements to Collection and Yield through Consumer Learning and Education Act of 2019)	Funds can only be used for residential recycling programs that provide for the separate collection of solid waste from recyclables, unless the funds are used to transition to a source separated system.	Public Works (11/21/2019)
<a href="#">S. 1396</a> Stabenow  Protect America's Paper for Recycling Act	<p>This bill modifies the tax credit for producing electricity from renewable resources to revise the federal definition of "municipal solid waste." The bill specifies that municipal solid waste does not include solid waste collected as part of a system which commingles commonly recycled paper with other solid waste which is not commonly recycled at any point from the time of collection through any materials recovery. The bill includes exceptions for incidental and residual waste.</p> <p>In the case of a facility that produces electricity both from municipal solid waste and other solid waste that is not a qualified energy resource (1) the facility is a qualified facility if it otherwise meets the requirements or qualified facilities, and (2) the credit only applies to the portion of</p>	Senate - Read twice and referred to the Committee on Finance (05/09/2019)
<a href="#">S. 1982</a> Sullivan  Save Our Seas 2.0 Act	This bill builds upon the Save Our Seas Act of 2018 and focuses on strategies for addressing plastic pollution and marine debris.	Passed in House, as amended. (10/01/20) Passed the Senate (01/09/20)



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## Additional Resources

- [Glossary of Legislative Terms](#)
- [California Legislation Tracking/Bill Search](#)
- [2019-2020 Calendar of California Legislative Deadlines](#)
- [Overview of OAL's Regulatory Rulemaking Process](#)
- [CalRecycle's Proposed Regulations/ Rulemaking Page](#)
- [Federal Legislation Tracking/Bill Search](#)
- [Previous HF&H Legislative Updates](#)