STANDING LEGISLATIVE COMMITTEE MEETING

MARCH 15, 2021 – 3:00 P.M.

Teleconference/Public Participation Information

This meeting will be held exclusively via teleconference participation of a quorum of Committee members in locations not open to the public in compliance with the Governor’s Executive Order N-25-20 (March 12, 2020) as superseded by Order N-29-20 (March 17, 2020), allowing for deviation of teleconference and physical location meeting rules otherwise required by the Ralph M. Brown Act. The purpose of the orders is to provide the safest environment for staff and the public consistent with Contra Costa County Health Services’ current public health recommendations, while allowing the public to observe and address the Committee.

For this meeting, there will be no physical location from which members of the public may observe the meeting. Instead:

- Members of the public are welcome to submit written comments via email to the Board Secretary at Authority@RecycleSmart.org prior or during the time for public comment at the meeting. The Board Secretary will share all comments with the Committee at the meeting and make them part of the public record.
- Members of the public are also welcome to observe and address the Committee telephonically, at the appropriate time for public comment during the meeting, following these instructions:

  To listen to the meeting on-line through your web browser:

  https://us02web.zoom.us/j/86402658883

  To listen to the meeting through the Zoom app on your personal device, open the Zoom app, enter the Zoom Meeting ID# 864 0265 8883.

  Zoom meeting passcode: 681283

  To listen to the meeting on your telephone, dial +14086380968 or +16699006833 and at the prompt enter the Zoom Meeting ID 864 0265 8883, and press #.

During the meeting, the Chair will call for public comment. If you wish to address the Committee, please so indicate at that time and the Chair will add you to the speaker list and call your name when it is your turn.

Please note: To improve everyone’s opportunity to participate, please mute your phone until you are called to speak.
In accordance with the Americans with Disabilities Act, California Law, and the Governor’s Executive Orders, it is the policy of the Central Contra Costa Solid Waste Authority to offer its public meetings in a manner that is readily accessible to everyone, including those with disabilities. Any individual with a disability may request reasonable modifications or accommodations so that they may observe and address the Committee at this teleconference meeting. If you are disabled and require special accommodations to participate, please contact the Board Secretary at least 48 hours in advance of the meeting at Authority@RecycleSmart.org with the following information: name, phone number, email, and type of assistance requested.

1. CALL TO ORDER, ROLL CALL

2. PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA

When addressing the Board, please state your name, company and/or address for the record. There is a three-minute limit to present your information. (The Board Chair may direct questions to any member of the audience as appropriate at any time during the meeting.)

3. CONSENT ITEM

a. Approve Minutes of the Standing Legislative Committee Meeting on March 4, 2020*

4. ACTION ITEM

a. 2021 Legislative Bills*

Receive presentation from Nick Lapis, Directory of Advocacy, Californians Against Waste and recommend which bills to support and forward to the full Board for approval.

5. COMMITTEE COMMUNICATIONS AND ANNOUNCEMENTS

6. ADJOURNMENT

ADDRESSING THE COMMITTEE ON AN ITEM ON THE AGENDA

Persons wishing to speak on PUBLIC HEARINGS and OTHER MATTERS listed on the agenda will be heard when the Chair calls for comments from the audience, except on public hearing items previously heard and closed to public comment. The Chair may specify the number of minutes each person will be permitted to speak based on the number of persons wishing to speak and the time available. After the public has commented, the item is closed to further public comment and brought to the Board for discussion and action. There is no further comment permitted from the audience unless invited by the Board.

ADDRESSING THE COMMITTEE ON AN ITEM NOT ON THE AGENDA

In accordance with State law, the Committee is prohibited from discussing items not calendared on the agenda. For that reason, members of the public wishing to discuss or present a matter to the Committee other than a matter which is on the Agenda are requested to present the matter in writing to RecycleSmart Board Secretary at least one week prior to a regularly scheduled Board meeting date. If you are unable to do this, you may make an announcement to the Committee of your concern under PUBLIC COMMENTS. Matters brought up which are not on the agenda may be referred to staff for action or calendared on a future agenda.

AMERICANS WITH DISABILITIES ACT

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the Central Contra Costa Solid Waste Authority dba RecycleSmart to offer its public meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require special accommodations to participate, please contact RecycleSmart Board Secretary at least 48 hours in advance of the meeting at (925) 996-1803.
DRAFT MINUTES OF THE
STANDING LEGISLATIVE COMMITTEE MEETING
OF THE CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY
HELD ON MARCH 4, 2020

Pending the arrival of the full membership and prior to calling the meeting officially to order, Chair Arnerich, and Board Members Silva and Worth considered the Information Item on the agenda.

4. INFORMATION ITEM

a. Legislative and Regulatory Platform

Executive Director Ken Etherington advised that staff had drafted a Legislative and Regulatory Platform to serve as a guiding document to focus activities during each Legislative session and to define the purpose of the Legislative Committee.

After review and discussion, the Committee agreed that the Legislative and Regulatory Platform be designated as the guiding document to clarify the purpose, to be amended to include permitting for recycling facilities, and be submitted to the CCCSWA Board of Directors for discussion.

The meeting of the Legislative Committee of the Central Contra Costa Solid Waste Authority (CCCSWA) convened at 1850 Mt. Diablo Boulevard, Suite 320, Walnut Creek, County of Contra Costa, State of California, on March 4, 2020. Committee Chair Newell Arnerich officially called the meeting to order at 2:10 P.M.

1. CALL TO ORDER, ROLL CALL

PRESENT: Committee Members:
Newell Arnerich, Chair
Teresa Gerringer
Cindy Silva
Amy Worth

ABSENT: Committee Member
None

Staff members present: Ken Etherington, Executive Director; Janna McKay, Executive Assistant/Secretary to the Board; and Jennifer Faught, Contracts Compliance Specialist.

2. PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA

There were no comments from the public.

3. CONSENT ITEM

a. Approve Minutes of the Standing Legislative Committee Meeting on March 26, 2019

Page 1 of 3

03/15/2021 Legislative Committee Meeting
MOTION by Committee Member Worth to adopt Consent Item a, as submitted. SECOND by Committee Member Silva.

MOTION PASSED unanimously.

4. INFORMATION ITEM
   a. Legislative and Regulatory Platform

The item had previously been considered.

5. PRESENTATION
   a. 2020 Legislative Bills and Information
      Nick Lapis, Director of Advocacy, Californians Against Waste

Nick Lapis, Director of Advocacy, and Baani Behniwal, Policy Analyst, Californians Against Waste (CAW), presented a summary of the 2020 priority legislation and explained that SB 54 (California Circular Economy) and AB 1080 (Pollution Reduction Act) from last year remained CAW’s top priority. He summarized the bills, identified their status as being two votes away from the Governor’s desk, and stated that either could work. He recommended that RecycleSmart contact its legislators and SUPPORT SB54 and AB 1080.

Mr. Lapis also recommended that RecycleSmart SUPPORT an amended and renumbered AB 792 (Minimum Recycled Content), when available; AB 1509 (Lithium Ion Batteries); AB 2287 (Labeling for Compostable Products); WATCH AB 3141 (Plastic Packaging Recycling); and SUPPORT AB 2297 (Microfiber Filtration) along with three similar bills AB 129, AB 1952, and AB 3232; and WATCH SB 1191 (Organic Waste Program Implementation). He also recommended SUPPORT for SB 424 (Cigarette Filter and Vape Cartridge Waste); for AB 1672 ("Flushable" Wipe Labeling); AB 1506 (Composting); AB 2680 (Direct Land Application); and AB 2612 (Recycling Infrastructure). He recommended a WATCH for SB 1332 (Recycling Infrastructure); SB 1156 (Li-ion Battery Disposal); AB 2959 (Local Solid Waste Franchises); AB 2592 (Human Remains Composting); and SUPPORT for AB 1567 (Organic Waste Scoping Plan); and AB 1152 (Solar Panel Recycling).

Mr. Lapis also reported that the Greenhouse Gas Reduction Fund was being reduced again in this year’s proposed budget and more funding was needed; the Governor had included a new proposal for a Climate Catalyst Fund, although that fund did not involve municipalities; and spoke to the possibility of a Climate Resilience Bond and other natural resources bond proposals.

The Committee discussed support for the funding for the Greenhouse Gas Reduction Fund given the need for infrastructure funding and the need to create more capacity.
Mr. Etherington commented it had been his hope that the Climate Catalyst Fund would have included funding for municipalities for SB 1383. A letter was recommended to identify the CCCSWA’s interests, to be submitted to the Budget Committees and the local Legislators.

6. **ACTION ITEM**

   a. **2020 Legislative Bills**
      Review the 2020 legislation, recommend which bills to support and forward to the full Board for approval

The Legislative Committee made the following recommendations to the full Board of Directors.

**SUPPORT:**

AB 1080; AB 1509; AB 2287; AB 2297 (AB 129, AB 1952, and AB 3232); AB 1672; AB 1506; AB 2680; AB 2612; AB 1567; AB 1152; SB54; and SB 424.

**WATCH:**

AB 3141; AB 2959; AB 2592; SB 1191; SB 1332; and SB 1156.

7. **COMMITTEE COMMUNICATIONS AND ANNOUNCEMENTS**

There were no communications or announcements.

8. **ADJOURNMENT**

There being no further business to come before the Committee, Chair Arnerich adjourned the meeting at approximately 3:15 P.M.

Respectfully submitted by:

_________________________
Janna McKay, Executive Assistant/
Secretary to the Board of the
Central Contra Costa Solid Waste Authority,
County of Contra Costa, State of California
TO: CCWSA LEGISLATIVE COMMITTEE
FROM: JENNIFER FAUGHT, CONTRACT COMPLIANCE SPECIALIST
DATE: MARCH 15, 2021
SUBJECT: 2021-2022 LEGISLATIVE BILLS

SUMMARY

Please see the attached 2021 legislative summary memo provided by Nick Lapis, Director of Advocacy at Californians Against Waste (CAW). RecycleSmart is a member of the CAW Local Government Collaborative, and as such we receive timely and expert advice on waste reduction and recycling related legislation, policies, and programs.

RECOMMENDED ACTION

1. Review and discuss the 2021 legislative bills, determine which bills to support and forward to the full Board for approval.

DISCUSSION

Each year the Legislative Committee reviews bills with the assistance of Californians Against Waste to determine which bills to recommend supporting to the full Board. The recommendations will be on the March Board agenda.

ATTACHMENT

A. Californians Against Waste: 2021 Legislative Summary
To: RecycleSmart  
From: Nick Lapis, Californians Against Waste  
Date: February 22, 2021  
Re: 2021 Legislative Summary

Last Friday, February 17th, was the last day for bill introductions for the first year of the 2021-2022 Legislative Session, so we are officially in the swing of things.

According to an analysis over the weekend, there were 2,369 bills introduced between the two houses, 1,560 in the Assembly and 809 in the Senate. Of those, there were 396 intent bills (231 ABs and 165 SBs), and there were 381 spot bills (254 ABs and 127 SBs). Despite reduced workload capacity due to the pandemic, this is largely in line with the numbers in a "regular" year, so it will be interesting to see how these bills are winnowed down over the coming months.

As you know, with broadening public pressure, the California State Legislature has had a recent increase in interest in plastic pollution and waste reduction related issues. After last year’s SB 54/AB 1080 (CA Circular Economy and Plastic Pollution Reduction Act) narrowly failed to pass, the Legislature has introduced a variety of bills to handle individual parts of the problem, broadly categorized as holding producers responsible, restoring faith in recycling, and investing in infrastructure for a circular economy.

While there are over 50 bills that have been introduced in this area, below is a list of what we think the current priorities are. While the following bills are not included, don’t hesitate to reach out to check with us about what they do or what their status is:

- Non-controversial bills (such as bills to extend sunsets for existing programs)
- Spot bills that we are watching but don’t know the details of yet
- Broad priorities for the environmental community

**Producer Responsibility:**

- **SB 54 (Allen) Single-use plastic packaging:** This is an "intent bill" that is a placeholder for broader legislation to regulate single-use plastic packaging and foodware, similar in scope to last year’s SB 54/AB 1080.
  
  *CAW position: Support, pending development of detailed proposal.*

- **SB 289 (Newman) Battery recycling:** This is a re-introduction of last year’s AB 1509 (Mullin/Berman). Currently a spot bill, SB 289 will aim to create a producer-run recycling program for loose batteries and battery-embedded products.
  
  *CAW position: Support. CAW is co-sponsoring with CPSC & RethinkWaste.*
- **AB 1454 (Bloom) Bottle Bill**: AB 1454 will be amended to modernize and increase funding for the State’s Beverage Container Recycling infrastructure, including targeted Processing Payment increases for centers, expanded Handling Fee eligibility, Quality Incentives for Curbside, and financing to help open new centers in unserved areas.
  
  *CAW position: Sponsor*

- **AB 842 (C. Garcia and Gray) Packaging EPR**: This is currently a spot bill, but our understanding is that it will be amended to create an EPR program for financing and managing product packaging.
  
  *CAW position: Watch, pending development of detailed proposal. (The devil will be in the details on this)*

- **SB 38 (Weickowski) Bottle Bill**: This bill would shift the state’s Beverage Container Recycling Program to a manufacturer-run EPR program, similar to the Mattress and Carpet Stewardship Programs.
  
  *CAW position: While CAW has not taken an official position yet, we have had strong concerns about this approach, and we will likely oppose.*

**Restoring Faith in the Recycling System:**

- **SB 343 (Allen) Recyclable labeling**: SB 343 would ban the use of any misleading symbol or term claiming recyclability of a product if it is not truly recyclable, as determined by CalRecycle.
  
  *CAW position: Support. CAW is co-sponsoring with NSAC.*

- **AB 881 (Gonzalez): Mixed plastic waste exports**: AB 881 will close an existing loophole in California law that allows mixed plastic exports to be counted as recycling regardless of their ultimate destination, which is often overseas landfills, incinerators or waterways. This bill will ensure that only materials that are truly being recycled get counted towards state and local recycling goals.
  
  *CAW position: Support. CAW is sponsoring this legislation.*

- **AJR 4 (C. Garcia): Mixed plastic waste exports**: This resolution urges the United States federal government to ratify the Basel Convention, which is an international treaty that regulates the movement of hazardous waste across international borders, including mixed plastic waste.
  
  *CAW position: Support*

**Investing in a Circular Economy:**

- **AB 478 (Ting): Minimum content**: Assemblymember Ting, author of last year’s AB 793 (requiring minimum recycled content in plastic beverage containers), has introduced AB 478 to require similar standards in PET thermoform containers (e.g., plastic berry boxes). This bill is currently an “intent bill.”
  
  *CAW position: Support*
- **AB 962 (Kamlager) Returnable bottles**: This bill allows returnable ("refillable") bottles to more broadly enter the California market by allowing them to flow through the state’s Beverage Container Recycling Program. By making returnable bottle washing/filling facilities eligible for the same payments as other recyclers, this bill would allow for glass bottles to remain intact for reuse rather than crushed for recycling.

  *CAW position: Support. CAW is co-sponsoring with the Clean Seas Lobbying Coalition.*

- **SB 605 (Eggman) Right-to-Repair**: SB 605, also known as the Medical Device Right to Repair Act, would require powered medical equipment manufacturers to provide parts and manuals for repair to authorized repair providers.

  *CAW position: Support*

- **AB 1201 (Ting) Compostable products**: AB 1201 implements the Statewide Commission’s recommended reforms for the labeling and sale of “compostable” products, including requirements for third party certification and a prohibition on toxic additives.

  *CAW position: Support*

- **AB 661 (Bennet) & AB 683 (Grayson) State procurement**: The details are still being developed but we expect both of these bills to target state procurement and the State Agency Buy-Recycled Campaign.

  *CAW position: Support, pending development of detailed proposal.*

- **AB 818 (Bloom)**: “Flushable” wipes: This is a re-introduction of last year’s AB 1672. The bill bans the use of the term “flushable” or other related terms on nonwoven disposable wipes, and instead requires them to be labeled with the phrase “Do Not Flush” and a related symbol.

  *CAW position: Support*

**Reducing Plastic Pollution:**

- **AB 802 (Bloom) Microfiber filters**: This is a re-introduction of AB 129 and AB 2297 by Assemblymember Bloom. AB 802 requires the State Water Resources Control Board to identify the best available technology for microfiber filtration and for that technology to be adopted by industrial and commercial laundry facilities.

  *CAW position: Support. CAW is sponsoring this legislation.*

- **AB 622 (Friedman)**: Microfiber filters: Currently an “intent bill,” AB 622 will require all new washing machines sold in California to have microfiber filters.

  *CAW position: Support*

- **AB 1276 (Carillo)**: Foodware accessories upon-request: AB 1276 will direct food vendors to supply foodware accessories only upon request rather than by default, including single-use cutlery, straws, napkins, condiment packets, etc.

  *CAW position: Support*
Reducing the Disposal of Organic Waste:

- **AB 1027 (Seyarto) SB 1383 delay**: While it is currently an “intent bill,” the stated purpose of the bill is to delay SB 1383 implementation. (Note that we understand that a similar bill will also be introduced by another legislator, as well.)
  
  **CAW position**: While CAW has not taken an official position yet, we have had strong concerns about this approach in the past, and we will likely continue to oppose any effort to delay SB 1383 implementation.

- **AB 1086 (Aguiar-Curry) Organic waste implementation strategy**: A reintroduction of AB 1567, this bill directs the state to develop a more cohesive implementation strategy for handling organic waste across sectors (urban, forestry, and ag).
  
  **CAW position**: Support

- **AB 125 (R. Rivas), SB 45 (Portantino), AB 1500 (E. Garcia and Mullin) Natural resources bond**: There are several competing proposals for a “natural resources” / “green infrastructure” / “stimulus” / “climate resilience” bond to be placed on the ballot in 2022. Investments in healthy soils appear likely to be included, and organics infrastructure and food recovery are also being discussed.
  
  **CAW position**: Support, pending details and scope of investments in organics infrastructure and markets.

- **SB 240 (Eggman) Food donation tax credit**: This bill extends the sunset for the existing “Farm to Food Bank” tax credit for fresh produce and other raw agricultural products and processed foods to Jan. 1, 2027.
  
  **CAW position**: Support

Others:

- **AB 332 (Committee on Environmental Safety and Toxic Materials) Treated wood waste**: Would allow for the disposal of treated wood waste in non-hazardous landfills. (Note that a couple other bills have also been introduced on this subject, but this seems to be the primary legislative vehicle.)
  
  **CAW position**: Watch

- **SB 244 (Archuleta) Li-ion battery disposal**: Sponsored by the California Waste Haulers Association, this bill currently prohibits individuals from knowingly disposing of li-ion batteries in their trash or recycling bins.
  
  **CAW position**: Support

These bills will soon be assigned to one or more policy committees. The majority of the bills will have hearings by the end of April, and support/opposition letters are due a week or two prior to the hearing.
Ballot measure:

In addition to the bills listed, CAW's top priority remains passing the Plastics Free CA ballot measure (The CA Recycling and Plastic Pollution Reduction Act). Signature verification is anticipated to conclude in early April, and we are currently seeking endorsements. To officially endorse this measure, please fill out this form.