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STANDING LEGISLATIVE COMMITTEE MEETING

AGENDA

MARCH 8, 2022 – 1:30 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in locations not open to the public in compliance with the Governor’s Executive Order N-25-20 (March 12, 2020) as superseded by Order N-29-20 (March 17, 2020), allowing for deviation of teleconference and physical location meeting rules otherwise required by the Ralph M. Brown Act.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:

Link to join Webinar: <https://us02web.zoom.us/j/87697126490>

Or by phone: 1-408-638-0968 or 1-669-900-6833

Webinar ID: 876 9712 6490

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 Committee, please state your name, company and/or address for the record. There is a three-minute limit to present your information. (The Committee 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 April 19, 2021*

4. ACTION ITEM

- a. 2022 Legislative Bills*

Review and discuss 2022 legislation and direct Staff to present Committee's recommendations to the full Board at their March 24, 2022 meeting, for potential action.

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

AMERICANS WITH DISABILITIES ACT

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**STANDING LEGISLATIVE COMMITTEE MEETING
OF THE CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY
HELD ON APRIL 19, 2021**

The meeting of the Standing Legislative Committee of the Central Contra Costa Solid Waste Authority (CCCSWA) convened exclusively via teleconference 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 was 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 Board after submitting written comments via email to the Board Secretary at Authority@RecycleSmart.org prior to or during the time for public comment at the meeting.

Chair Pro Tem Amy Worth called the meeting to order at 3:00 P.M. on April 19, 2021.

1. CALL TO ORDER AND ROLL CALL

PRESENT: Committee Members: Teresa Gerringer
Cindy Silva
Amy Worth, Chair Pro Tem

ABSENT: Committee Member: Newell Arnerich, Chair

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

2. PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA

No written comments were submitted, or oral comments made, by any member of the public.

3. CONSENT ITEMS

- a. Approve Minutes of the Legislative Committee Meeting on March 23, 2021
- b. Approve Minutes of the Legislative Committee Meeting on March 13, 2021

MOTION Committee Member Silva to approve the minutes of the Legislative Committee meetings on March 15 and March 22, 2021, as submitted. SECOND by Committee Member Gerringer.
MOTION PASSED unanimously by a Roll Call vote.

4. **ACTION ITEM**

a. 2020-2021 Legislative Bills

Review and discuss 2021 legislation, direct staff to present Committee's recommended legislation and positions to the full Board at its April 22, 2021 meeting, for potential action.

Jen Faught, Contract Compliance Specialist, reported that at the last meeting the Legislative Committee had determined to revisit the legislative bills after the League of California Cities (LOCC) Quality Policy Committee meeting and before the next RecycleSmart Board of Directors meeting. She reported that there had been amendments to a couple of bills where the Legislative Committee had recommended a watch position.

Ms. Faught explained that there had been no changes to the ballot measure. She referred to **SB 619**, the SB 1383 delay bill which had previously been expected to provide a blanket delay on SB 1383 regulations for an unspecified amount of time. SB 619 had recently been amended to permit CalRecycle to impose penalties on local jurisdictions only if there was not a reasonable effort to comply, as determined by CalRecycle, until January 1, 2023. While not what the local jurisdictions had been hoping for in terms of compliance, it would provide some relief from some of the onerous requirements for those jurisdictions that did not have organics pickup. She reported the language continued to evolve. There was currently a watch position and the LOCC supported SB 619 in concept.

Committee Member Silva referred to some of the problems that the legislation would impose in the rural areas and suggested that supporting the legislation in concept would help support those rural communities while still allowing RecycleSmart to move forward.

Committee Members Worth and Geringer agreed given some of the concerns impacting some rural communities and the procurement requirements that would affect urban communities.

Ms. Faught explained that she had been reassured by Republic Services that there was currently sufficient compost to purchase, and there was a place to put the compost and access to it. Support of SB 619 was recommended.

In response to continued concerns for regulations relative to SB 1383, Ms. Faught described what RecycleSmart was working to provide to the member agencies to identify the areas of responsibility. She noted that RecycleSmart had one meeting with the member agency liaisons about procurement and would stay in touch with the liaisons and reach out to non-local entities to specify what would have to be done.

No written comments were submitted, or oral comments made, by any member of the public.

MOTION by Committee Member Silva to **support SB 619** in concept.
SECOND by Committee Member Gerringe.
MOTION PASSED unanimously by a Roll Call vote.

Ms. Faught stated she would send the support of concept letter on behalf of RecycleSmart, and forward the draft letter that the LOCC had created to the city managers. A check-in meeting would be scheduled with the individual cities in about a month regarding the procurement requirements, with reminders about the Landscape Efficient Water Ordinance and the CalGreen Building Codes that were the responsibility of the member agencies.

Committee Member Silva recommended that the legislative position be placed on the RecycleSmart Board of Directors agenda for April 22 to explain why the position had been taken to inform the full Board of all implications.

Committee Member Silva recommended that talking points related to SB 1383 be drafted to better inform the details now and in the future in terms of the demands on resources.

Ms. Faught referred to **AB 1276 (Carillo) Foodware Accessories Only Upon Request**, and stated the legislation had been amended to require full service restaurants to use reusable food service ware for on-site dining if there was adequate dishwasher and sanitation capabilities. She noted it did not apply if there was a public health state of emergency, if the restaurant used single-use food service ware accepted in the local recycling or composting programs, allowed any accommodations for persons with disabilities that needed them, and still allowed food to go into single-use containers. She reported that the bill had a lot of support, no registered opposition at this point, and the Committee had recommended a watch position. The LOCC continued its watch position.

No written comments were submitted, or oral comments made, by any member of the public.

MOTION by Committee Member Gerringe to continue the **watch** position for **AB 1276**. SECOND by Committee Member Silva.
MOTION PASSED unanimously by a Roll Call vote.

Ms. Faught provided information on **SB 54** (AB 1080 last year) which had not previously been discussed by the Committee. The legislation required manufacturers of single-use disposable packaging and food service ware to ensure that products sold, distributed or imported into California were either recyclable or compostable. The LOCC supported the bill in concept. RecycleSmart had taken no position at this point. The bill would be heard April 26, 2021 in the Senate Committee on Environmental Quality. At this point, the implementation date for SB 54 would be January 1, 2032. Ms. Faught stated the Committee could approve SB 54 in concept, with a recommendation to the full Board if desired.

No motion was taken but **SB 54** would be shown as a **watch** item pending more information.

5. **COMMITTEE COMMUNICATIONS AND ANNOUNCEMENTS**

There were no Committee communications or announcements.

6. **ADJOURNMENT**

There being no further business to come before the Committee, Chair Pro Tem Worth adjourned the meeting at 3:35 P.M. to the next meeting to be determined.

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



Agenda Report

TO: CCCSWA LEGISLATIVE COMMITTEE
FROM: JENNIFER FAUGHT, CONTRACT COMPLIANCE SPECIALIST
DATE: MARCH 8, 2022
SUBJECT: 2022-23 LEGISLATIVE BILLS

SUMMARY

Each year the Legislative Committee considers bills that may have an impact on the Authority, solid waste rates, or that may be related to the adopted legislative platform. Attachment A lists relevant bills and provides additional information regarding the bills.

RECOMMENDED ACTION

1. Review and discuss 2022 legislation and direct Staff to present Committee's recommendations to the full Board at their March 24, 2022 meeting, for potential action.

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. This year many bills have been introduced that are related to solid waste and recycling. Bills without full statutory language currently drafted, or not closely related to RecycleSmart core activities, are provided in the attachment for information only, but can be discussed as desired. Staff has requested feedback from Republic Services and Mt. Diablo Resource Recovery on their positions, but it is still very early in the process and their positions are not yet available. Staff will continue to track League of California Cities positions, and confer with local government counterparts.

ATTACHMENT

- A. Waste Reduction and Recycling Bills

2022-23 Waste Reduction and Recycling Bills

Bill and Status	Description	Impact on RecycleSmart
<p>SB 1046 (Eggman and Lena Gonzalez)</p>	<p>Ban Non-Compostable Produce Bags. This bill would prohibit stores from distributing non-compostable plastic produce bags and instead require produce bags to be reusable or made from paper or compostable materials.</p> <p>Sponsored by Californians Against Waste (CAW)</p> <p>Policy Platform: Waste Diversion, Packaging Reduction/Plastic Pollution</p> <ul style="list-style-type: none"> - LOCC position: Watch - CAW position: Support (Sponsor) - Staff recommendation: Support 	<p>The first several bills listed all address reductions in single-use items. While no immediate financial impact on RecycleSmart operations or rates is expected, single-use item reduction should reduce the amount of material going to landfill and help RecycleSmart’s diversion levels. Single-use item reductions may also reduce litter and stormwater contamination in member agency jurisdictions.</p>
<p>SB 1256 (Wieckowski)</p>	<p>Single-use propane canisters. Prohibits the sale of disposable propane cylinders after Jan 1, 2028.</p> <p>Sponsored by California Product Stewardship Council.</p> <p>Policy Platform: Waste Diversion, Packaging Reduction/Plastic Pollution</p> <ul style="list-style-type: none"> - LOCC position: Watch - Staff recommendation: Support 	<p>Single-use item reduction. See above.</p>

Bill and Status	Description	Impact on RecycleSmart
<p>AB 2026 (Friedman)</p>	<p>Shift to sustainable e-commerce packaging. Would require a shift to e-commerce packaging that is either reusable or recyclable/compostable and accepted in curbside bins by phasing out certain single-use plastic packaging including plastic mailing envelopes, bubble wrap, air pillows, and expanded polystyrene.</p> <p>Co-sponsored by Oceana, CALPIRG, and Environment California.</p> <p>Policy Platform: Waste Diversion, Packaging Reduction/Plastic Pollution</p> <ul style="list-style-type: none"> - LOCC position: Watch - Staff recommendation: Support 	<p>Single-use item reduction. See above.</p>
<p>SB 1215/AB 2440 (Newman/Irwin)</p>	<p>Battery and Battery-Embedded Product and Fire Risk Reduction Act of 2022. Would require retailers of battery and battery-embedded products to accept and collect used batteries for reuse, recycling, and disposal.</p> <p>Co-sponsored by CAW, California Product Stewardship Council, and RethinkWaste</p> <p>Policy Platform: Waste Diversion, Toxics Reduction/HHW, Extended Producer Responsibility</p> <ul style="list-style-type: none"> - LOCC position: Watch - CAW position: Support (co-sponsor) - Staff recommendation: Support 	<p>No immediate financial impact on RecycleSmart operations or rates. However, a significant number of fires at solid waste and recycling facilities and in trucks are started by lithium-ion batteries. A large fire could severely damage collection trucks or recycling facilities and cause significant injuries, costs, and other negative effects.</p>
<p>AB 1953 (Maienschein)</p>	<p>Expand Use of Refillable Water Bottle Stations in Public Areas. This bill would mandate refillable water bottle stations in public areas like transit stations and publicly owned buildings.</p> <p>Co-sponsored by CAW and Clean Seas Lobbying Coalition.</p> <p>Policy Platform: Waste Diversion, Packaging Reduction/Plastic Pollution.</p> <ul style="list-style-type: none"> - LOCC position: No registered position - CAW position: Support (co-sponsor) - Staff Recommendation: No recommendation 	<p>No immediate financial impact on RecycleSmart rates or operations. The bill supports a transition away from single-use water bottles, but mandates refill stations in publicly owned buildings, so Staff is bringing this to the attention of the Committee.</p>

Bill and Status	Description	Impact on RecycleSmart
AB 2779 (Irwin)	<p>Bottle Bill, wine and distilled spirits. This bill would expand the state’s Beverage Container Recycling Program (Bottle Bill) to include wine and distilled spirits sold in aluminum beverage containers.</p> <p>Policy Platform: Market and Economic Development, Waste Diversion</p> <ul style="list-style-type: none"> – LOCC position: Watch. – Staff recommendation: Support 	<p>No immediate financial impact on RecycleSmart rates or operations expected. However, increased commodity revenues to our recyclables processor could increase our ability to benefit from our contractual revenue sharing arrangement.</p>
AB 2784 (Ting)	<p>Thermoform minimum content standards. Would require thermoform plastic containers to contain specified amounts of postconsumer thermoform recycled plastic.</p> <p>Policy Platform: Market and Economic Development, Waste Diversion</p> <ul style="list-style-type: none"> – LOCC position: Watch – Staff recommendation: Support 	<p>No immediate financial impact on RecycleSmart rates or operations expected. However, stimulating demand for recycled material helps support markets for RecycleSmart recyclable materials.</p>

Information items

The following bills are provided for information and may be discussed as desired by the Committee.

- **SB 983 (Eggman)** – Right-to-Repair: SB 983 adds individual owners and regulated independent service dealers to the entities eligible to receive functional parts, tools, and service literature from manufacturers for electronics and appliances. Co-sponsored by CAW, California Public Interest Research Group (CALPIRG), iFixIt, and Consumer Reports.
 - LOCC position: No registered position.
 - CAW position: Support/Co-Sponsor
- **SB 1232 (Allen)** – **Biodegradability claims:** Creates a loophole in CA’s nation-leading greenwashing law by allowing manufacturers to make a claim that a product is “biodegradable,” “degradable” or “decomposable” if the product meets a set of criteria identified in the bill, including reliance on a withdrawn ASTM standard or compliance with specific qualitative requirements. CAW is concerned that this could

lead to increased usage of inaccurate terminology that can lead to contamination in the recycling and composting streams, along with increased greenwashing of single use packaging.

- LOCC position: Watch.
- CAW position: Likely oppose.

- **AB 1724 (Stone)** – Microfiber filtration: Requires that all washing machines sold new in California contain a microfiber filtration system. The bill would also require state-owned washing machines to contain a microfiber filtration system.
 - LOCC position: Watch.
- **AB 1857 (C. Garcia)** – Moving California away from trash incineration: AB 1857 will remove the diversion credit for municipal solid waste incinerators and redefine the practice of incineration as disposal. It will also make meaningful investments in zero-waste strategies, especially in frontline communities most impacted by incinerators. Co-sponsored by CAW, Earthjustice, Valley Improvement Projects, and East Yards Communities for Environmental Justice.
 - LOCC position: Watch.
- **AB 2208 (Kalra)** – Mercury lamps: Prohibits the sale of mercury-containing compact and linear fluorescent lamp. Sponsored by National Stewardship Action Council.
 - LOCC position: Watch.
- **AB 2787 (Quirk)** – Products containing intentionally added microplastics: Prohibits the sale or distribution of products containing intentionally added microplastics.
 - LOCC position: Watch.

2021 Bills that are still in play

- **SB 38 (Wieckowski)** - Industry-run bottle recycling program: This bill would eliminate the current Beverage Container Recycling Program and require beverage distributors to create a new bottle and can recycling program by 2024. It calls for a Beverage Container Stewardship Organization to form and create a new stewardship plan. While details were scant on how this new program would work, core elements would include: requiring all dealers in unserved zones to redeem beverage container and setting a beverage container type’s refund value at ten cents if its redemption rate drops below 85%. The author held SB 38 as a two-year bill in the Assembly Natural Resources Committee last year, and it has been re-referred to be heard in Assembly Natural Resources Committee this year. Presented as information to Committee in 2021; no RecycleSmart position taken.
 - LOCC position: Oppose Unless Amended.
 - CAW Position: Opposes SB 38 and any other proposals to eliminate California’s existing bottle bill in favor of an industry-run system.

- **SB 54 (Allen)** - Plastic Pollution Producer Responsibility Act: Establishes the Plastic Pollution Producer Responsibility Act, which would prohibit producers of single-use, disposable packaging or single-use, disposable food service ware products from selling packaging or products in the state unless they are recyclable or compostable. Note that the bill in print is a placeholder for ongoing negotiations about what a comprehensive plastics policy could look like, either as an alternative to a ballot measure or as a complement to it. Presented as information to Committee in 2021; no RecycleSmart position taken.
 - LOCC position: Support in Concept.

- **AB 1454 (Bloom)** - Bottle Bill Reform: This bill would update the state’s Beverage Container Recycling Program (Bottle Bill), while re-investing unredeemed funds. Under current law, CalRecycle payments to recyclers to cover the cost of recycling fall short of the true cost for most recycling centers. AB 1454’s core provision would increase payments to recycling centers to better reflect the actual cost of recycling. It would also increase payments to rural recycling center to cover their higher transportation costs. Beyond investing in the existing recycling infrastructure, AB 1454 contained several provisions to entice new recycling opportunities to open, including start-up loans and handling fee eligibility anywhere in an unserved zone for the first recycler to open there. Presented as information to Committee in 2021; no RecycleSmart position taken.
 - LOCC position: Watch.
 - CAW position: Support (sponsor)

- **California Recycling and Plastic Pollution Reduction Act (ballot measure)** – Requires CalRecycle to adopt regulations reducing plastic waste, including to: (1) require that single-use plastic packaging, containers, and utensils be reusable, recyclable, or compostable, and to reduce such waste by 25%, by 2030 (exemptions and extensions allowed); (2) prohibit distribution of expanded polystyrene containers by food vendors; and (3) establish a fee on producers of not more than 1 cent per item of single-use plastic packaging, containers, or utensils, and allocate revenues for recycling and environmental programs, including local water supply protection. Will appear on Nov. 8, 2022 ballot.
 - Summary of Fiscal Effects, from State Legislative Analyst’s Office:
 - State revenue from new tax on single-use plastic packaging and foodware likely in the range of a few billion dollars annually. Revenues would be used to administer and implement programs intended to reduce waste, increase recycling, and restore habitats.
 - Unknown net effect on local governments. There would likely be increased costs for waste collecting and sorting which might be partially or fully offset by new tax revenue, payments from producers to support recycling, or lower costs associated with a reduction in total plastic waste collected.