

2023 LEGISLATIVE AND REGULATORY PLATFORM



MISSION STATEMENT:

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



Legislative Task Force
CALIFORNIA CHAPTERS

Created by the SWANA California Chapters Legislative Task Force



2023 Legislative and Regulatory Platform

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2023 Legislative and Regulatory Platform

Message from the Chair

January 1, 2023

Created 60 years ago, SWANA has become recognized as a leader in the solid waste and recycling industry. From its humble beginnings as the Governmental Refuse Collection and Disposal Association (GRCDA) founded in Southern California in December 1961, growing to over 900 members by 1978, then changing its name to the Solid Waste Association of North America (SWANA) in 1992, the organization has now grown to over 10,000 members.

For the last 30+ years, the SWANA California Chapters Legislative Task Force (LTF), formed out of the Gold Rush, Sierra, & Founding Chapters, has continued to represent local governments and publicly-owned solid waste facilities in the legislative and regulatory development processes. The LTF is a diverse volunteer group of solid waste professionals advocating for environmentally sound and sustainable solid waste policies. It continues to advocate for funding to maintain the infrastructure needed to fulfill waste management mandates and continue to adapt to policies such as California's SB 1383 legislation around organics, the expansion of China's "National Sword/Blue Sky" Policy of 2018 that is now in use by other countries, the seemingly never-ending COVID-19 pandemic, and the evolving regulatory front that includes policies such as the proposed Advanced Clean Fleets Rule that will have a significant impact on California's solid waste sector.

Local governments continue to grapple with the complexities of complying with State waste management mandates, such as AB 939 (Sher, 1989), AB 341 (Chesbro, 2011), AB 1826 (Chesbro, 2014), and SB 1383 (Lara, 2016). The SB 1383 regulation, which set ambitious management goals for organic waste, incorporating significant penalties for noncompliance, continues to cause significant concerns for local governments around funding and enforcement of this mandate. Further, providing efficient collection and processing is challenging enough, but our facilities and collection infrastructure continue to face a significant safety threat due to improperly disposed Lithium-Ion batteries. Additional challenges are emerging around collection fleets and what power source will be available, renewable natural gas, electric powered only, or some combination thereof.

In 2022, the LTF 1) monitored and engaged with CalRecycle in implementation of the SB 1383 regulations; 2) supported legislation that would address proper battery management (AB 2440, Irwin and SB 1215, Newman); and 3) continued communicating the complexities of solid waste management with legislators, the

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Governor's office, CalRecycle, the California Air Resources Board (CARB), and other stakeholders. In 2023 the LTF will continue to address these issues and more. On behalf of the LTF, I would like to thank the SWANA membership and those agencies that have contributed financially to allow the LTF to continue our advocacy. Further, I wanted to express my sincere gratitude to all the members of the LTF for their leadership and exhaustive work to improve the solid waste and recycling industry here in California. It has been an absolute honor to be the Chair of such a fine group of professionals these last two years.



Doug Kobold, Chair

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Overview

The Solid Waste Association of North America (SWANA) is the world's largest association of solid waste professionals (more than 10,000 members). SWANA's three California chapters – Founding, Sierra, and Gold Rush - represent more than 1,100 of those members. The California Chapters Legislative Task Force (LTF) represents the California Chapters on solid waste-related legislative and regulatory issues, including:

- Collection and Processing: collection, transfer, processing and/or pre-processing, and hauling solid waste (refuse, organics, recyclables);
- Disposal: disposing of refuse and residue from collection routes and non-disposal facilities;
- Resource Recovery and Marketing: sorting and marketing of recyclables and processing organics for compost or conversion to fuel or power;
- Regulatory Compliance: regulatory reporting and compliance.

The LTF advocates for environmentally- and economically-sound solid waste legislation and regulation. The LTF contracts with Shaw Yoder Antwih Schmelzer & Lange (SYASL) for legislative and regulatory advocacy services.

At the end of each year, the LTF prepares this Legislative and Regulatory Platform. It is comprised of:

An Advocacy Report - summary of the prior year's activities (2022) and

A Work Plan - plan and priorities for the coming year (2023).

This document also provides information on historic legislation and regulations that continue to be policy drivers; information on the activities of the LTF; and, as an appendix, a lobbyist End of Year Legislative Report detailing key issues on which SYASL represented the LTF in 2022. Additional information on the work of the group, including all LTF advocacy documents, can be found on the LTF website: <https://swanacal-leg.org>.

2022 ADVOCACY REPORT

2022 Advocacy Report

A. Teleconferences and Meetings

The LTF held its monthly meetings via Zoom throughout 2022 and took positions on bills and draft regulations. Meeting notes were recorded and approved and provided to the Chapters (see <https://www.swanacal-leg.org/ltf-approved-meeting-minutes>) electronically. The LTF made modifications to the 2022 LTF budget, as well as to the 2023 LTF budget, to minimize costs and adjust for reduced revenues due to the COVID-19 pandemic.

Once again, in 2022, the COVID-19 environment limited the California State Legislature's operations. The Legislature conducted most legislative business under strict safety protocols and again closed Legislative offices to drop-in visits from lobbyists. Despite these challenges, SYASL continued to work closely with key stakeholders, legislators, and legislative staff on SWANA LTF's 2022 legislative priorities. The LTF's workplan meeting was conducted in person in December 2022, with this 2023 Legislative and Regulatory Platform as the resulting product.

B. Comments / White Papers / Fact Sheets

The LTF prepared facts sheets in 2022 addressing the following bills:

- AB 1001 – Environmental Justice (Garcia)
- AB 1857 Transformation Diversion (Garcia),
- AB 1985 – Organic Waste Procurement Targets (Rivas)
- AB 2440/SB 1215 – Battery Recycling (Irwin/Newman).

Fact sheets are used to communicate to legislators and other stakeholders a particular issue or area of interest on which the LTF plans to advocate or otherwise engage. Fact sheets and other LTF documents are posted on the LTF website at <https://swanacal-leg.org/>.

C. Outreach

As needed the LTF conferred with and provided comments to many other entities interested in solid waste and recycling, including:

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Outreach	
Group	Individuals
Government organizations	Cal Cities/League of California Cities CSAC / California State Association of Counties RCRC / Rural County Representatives of California AB 1583's Statewide Commission on Recycling Markets and Curbside Recycling Little Hoover Commission
Public interest associations	CRRA / California Resource and Recovery Association CAW / Californians Against Waste CPSC / California Product Stewardship Council CCC / California Compost Coalition ACP / Association of Compost Producers
Industry groups and individual corporations	SWIG / Solid Waste Industry Group CWRA / California Waste and Recycling Association RRCC / Resource Recovery Council of California CWHC / California Waste Haulers Council
Elected officials	Legislators and their staff
Regulators and their staff	CalRecycle SWRCB / State Water Resources Control Board (and Regional Boards) CARB / CA Air Resources Board (and Regional Air Districts)

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D. LTF Website

The LTF continues to update its website, <https://swanacal-leg.org/> to make it more user friendly and useful to SWANA members, local government representatives, and the general public. The website provides:

- LTF meeting agendas and minutes
- Monitored bills and LTF positions (including bill number, sponsor if known and summaries)
- White Papers and Fact Sheets
- Comment letters and more

The LTF encourages SWANA members to register on the website in order to access all of its information.

E. 2022-23 State Budget

On June 30, Governor Gavin Newsom signed the \$308 billion state budget following an agreement with the legislature. The budget includes \$128.6 billion in total funding for K-12 education and \$17 billion broad-based relief package. The enacted budget reflects \$37.2 billion in “budget resiliency” (budgetary reserves and surpluses).

Due to recent market declines and overall economic volatility, the budget allocates the vast majority of the discretionary surplus to one-time investments that can be adjusted in future years, if needed. Additionally, the budget continues building reserves, eliminating budgetary debt, reducing retirement liabilities to maintain structurally balanced budgets over the long term. These budget strategies also ensure that the state meets its constitutional requirements. The State Appropriations Limit, or Gann Limit, caps the amount of revenues from taxes that can be appropriated by the state. Making ongoing spending commitments would make it more difficult for the state to meet its constitutional obligations, even if the economy does recover.

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

Circular Economy

The 2022 Budget Act included a \$180 million one-time Greenhouse Gas Reduction Fund to advance organic waste infrastructure and support a circular economy. Specifically, this funding is intended to help with the implementation of SB 1383

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(Lara, 2016). This funding is building on last year's budget allocation that included \$60 million for local assistance grants for SB 1383 organic waste regulation implementation. SWANA LTF worked alongside local government association groups, haulers, and environmental groups to push this funding forward.

Cap-And-Trade Expenditure Plan

The Budget includes a \$1.3 billion Greenhouse Gas Reduction Fund to support various programs that advance the state's greenhouse gas reduction and climate goals, while advancing equity and environmental justice.

Investments include:

- **Zero-Emission Vehicle Investments**—a \$676 million Greenhouse Gas Reduction Fund to support low-income consumer purchases and zero-emission trucks, buses and off-road equipment.
- **AB 617 Community Air Protection Program**—a \$300 million (\$260 million Greenhouse Gas Reduction Fund and \$40 million General Fund) in 2022-23 and a \$300 million General Fund in 2023-24 on a one-time basis for the Community Air Protection Program, which reduces emissions in communities with disproportionate exposure to air pollution through targeted air monitoring and community emissions reduction programs.

Clean Vehicles

The 2021 Budget Act committed \$3.9 billion towards ZEV acceleration through 2023-24. It included investments—ranging from cleaning up short-haul trucks, transit, and school buses to accelerating equitable electrification of passenger vehicles, e-bikes and rail—coupled with infrastructure and incentives for in-state manufacturing.

This year's budget includes an additional \$6.1 billion (\$3.5 billion General Fund, \$1.5 billion Proposition 98, \$676 million Greenhouse Gas Reduction Fund, and \$383 million Federal Funds) one-time over five years to accelerate the state's transition to Zero-Emission Vehicles (ZEV), which includes \$3.5 billion that will be allocated in the summer after additional discussions with the Legislature.

Specific investments are the following:

- **Heavy-Duty Zero-Emission Vehicles**—\$1.5 billion one-time Proposition 98 General Fund to advance electric school buses in a coordinated effort between educational, air pollution, and energy agencies; and \$600 million one-time

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Greenhouse Gas Reduction Fund to support zero-emission trucks, buses & off-road equipment.

- **Zero-Emission Vehicle Infrastructure**—\$383 million one-time federal funds to implement ZEV charging infrastructure programs pursuant to the federal Infrastructure Investments and Jobs Act.

F. 2022 Legislative Positions

The LTF advocated very successfully during the past year. Below is a summary table of legislation on which the LTF took a formal position and the graphics below the table reflect the 134 industry related bills closely monitored by the LTF during the 2022 legislative session. Additional information on the bills and SYASL's advocacy efforts can be found in Appendix 1, *2022 End of Year Report by Shaw Yoder Antwih Schmelzer & Lange*.

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Bill Number	Document
AB 1	Joined coalition letter expressing concerns with provisions of the measure. Bill would have increased the lead acid battery fee by \$1.00.
AB 332	Joined coalition supporting the option to manage and dispose treated wood waste.
AB 478	Joined coalition letter in opposition to the potential negative impacts the measure will have on the current recycling system. Bill would have potentially taken away curbside CRV funding related to PET containers.
AB 818	Joined coalition letter in supporting the labeling requirements in flushable wipes.
AB 1001	Letter expressing opposition to the strict new air quality requirements on all stationary source equipment and facilities requiring air quality permits.
AB 1201	Request for veto based on the latest amendments that make it unclear if local governments would need to create a bifurcated, or dual-stream, organic waste collection system.
AB 1276	Letter supporting the need for the public to request for single-use food ware accessories, rather than automatically getting these items.
Trailer Bill	Letter opposing the DTSC reform trailer bill.
AB 1857	Letter requesting the Governor to veto a bill to remove the 10% diversion credit for waste-to-energy and other effects on conversion technologies.
CARB	Letters regarding the AB 32 Scoping Plan update and the Advanced Clean Fleets (ACF) Rule. ACF would require 100% electrified waste and recycling collection fleets by 2042 at the latest. Tiered levels up until 2042.



Number of Bills Tracked by the LTF:

- Assembly: 95 (plus AJR 4)
- Senate: 39
- **Total of 134**

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Policy Drivers

A. State Requirements to Increase Waste Diversion

Many significant solid waste related bills have been enacted in recent years that have significantly impacted the solid waste industry and local governments. Some of the more notable include:

- **AB 341 (2011)** - Establishes a State policy goal that 75% of solid waste generated be source reduced, recycled, or composted by 2020; imposed mandatory commercial recycling (MCR) on businesses and multi-family dwellings.
- **AB 1594 (2014)** – No longer allows the use of green material as alternative daily cover or alternative intermediate cover to constitute diversion and is now considered disposal for purposes of AB 939.
- **AB 1826 (2014)** - Requires certain businesses and multi- family dwellings to recycle organic waste and jurisdictions to implement organic waste recycling programs. Under this Statute, “organic waste” means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.
- **AB 901 (2015)** - Requires recycling, disposal, and compost facilities and others to report to CalRecycle the types, quantities, jurisdiction of origin, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state.
- **SB 1383 (2016)** – Required the Air Resources Board (ARB) to develop and implement a strategy to reduce short-lived climate pollutants (SLCP), including methane from landfills (ARB adopted in March 2017). Required CalRecycle to adopt regulations to achieve a 50 percent reduction of statewide organic waste landfill disposal from the 2014 level by 2020, a 75 percent reduction by 2025, and no less than 20 percent recovery of edible food “currently” disposed by 2025. CalRecycle adopted regulations in November 2020.
- **AB 617 (2017)** - Requires the state to track emissions of criteria air pollutants and toxic air contaminants of stationary sources, deploy community air monitoring systems in select communities, and implement a statewide strategy to reduce emissions of toxic air contaminants and criteria pollutants in priority communities. More information can be found at: <https://ww2.arb.ca.gov/capp>
- **AB 1583 (2019)** - Required CalRecycle by July 1, 2020, to convene a Statewide Commission on Recycling Markets and Curbside Recycling to issue policy recommendations to the Legislature in 2021 to achieve State specified

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market development and recycling goals. The Commission's recommendations can be found at:

<https://calrecycle.ca.gov/markets/commission/>.

- **SB 619 (2021)** – Authorizes a local jurisdiction facing continuing violations of the regulations adopted pursuant to SB 1383 (Lara, 2016), to submit a notice of intent to comply (NOI) to the CalRecycle. If approved by CalRecycle, the jurisdiction is eligible for administrative civil penalty relief for the 2023 calendar year and placement on a corrective action plan.

B. State Climate Change and Renewable Energy Requirements

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

- **SB 32 (2015)** – Extended cap-and-trade program to 2030
- **SB 350 (2015)** – Extended Renewable Portfolio Standard to 50% by 2030
- **SB 1383 (2016)** – Sets goals to reduce Short-Lived Climate Pollutants, including 40% reduction below 2013 levels in methane emissions by 2030
- **Short-Lived Climate Pollutant Strategy (2017)** – CARB strategy to reduce livestock and landfill methane emissions via organic waste diversion
- **SB 100 (2018)** – Sets goal for renewable energy and zero-carbon resources to supply 100% of retail sales of electricity by 2045.
- **CARB Scoping Plan (2022)**: The Plan assesses progress towards achieving the Senate Bill 32 2030 target and lays out a path to achieve carbon neutrality by mid-century. Solid waste related strategies include maximizing and expanding infrastructure to reduce landfill disposal, expand markets for recovered organic waste products, recover edible food, and other actions. The approved Plan can be found at: <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan>

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2023 Work Plan

This coming year, LTF advocacy will focus on the priority issues listed below. Once new bills are introduced in 2023, additional priorities may be identified.

A. Legislation and Regulation

1. Organic and Recycling Infrastructure Development /SB 1383 Compliance

Issue: SB 1383 (Lara, Chapter 395, Statutes of 2016) established methane emissions reduction targets in a statewide effort to reduce short-lived climate pollutants (SLCP). Specifically, it establishes targets to:

- achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020;
- achieve a 75% reduction by 2025; and
- recovery of no less than 20% of currently disposed edible food for human consumption by 2025.

CalRecycle began preparing the SB 1383 implementing regulations over five years ago and the State Office of Administration Law approved them in November 2020.

The complex and prescriptive regulations require the following:

- expansion of organic waste recycling mandate to all generators
- expanded list of organic wastes that must be recycled
- mandatory local enforcement programs
- jurisdiction procurement of diverted organic waste end-products
- jurisdiction creation and implement an edible food recovery program
- prescriptive standards for collection and outreach programs
- prescriptive hauler requirements, landfill and MRF performance standards
- complicated facility measurements and reporting requirements
- verification of new technologies for the use and recovery of organic waste
- preparation of a countywide Organic Waste Recycling Capacity Plan
- preparation of a countywide Edible Food Capacity Plan
- jurisdiction penalties on residents and businesses for noncompliance, and CalRecycle enforcement on jurisdictions up to \$10,000/day per violation

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Originally implementation funding was not part of the legislation, so SB 1383 was an unfunded mandate, putting the economic burden of implementation on local jurisdictions and their ratepayers.

Since the passage of SB 1383, the LTF has actively been engaged with CalRecycle and State lawmakers regarding the urgent and important need for both funding and infrastructure to comply with the requirements of Senate Bill SB 1383. CalRecycle estimates 41 percent of the waste disposed annually in California is compostable organics, half of which is considered food waste. Californians will be required to reduce the amount of organic waste going to landfills by 75 percent by 2025 (compared to 2014 disposal). This will require billions of dollars in new waste processing infrastructure. CalRecycle estimates that approximately 100 new facilities will be required, resulting in a capital investment of up to \$1 - \$3 billion.

Since the passage of SB 1383, the Greenhouse Gas Reduction Fund (GGRF) allocations have been insufficient to provide the necessary financial support for development of infrastructure and implementation of SB 1383. However, in the last two years the LTF, with its local association partners (Cal-Cities, CSAC and RCRC), was successful in convincing the Legislature and the Governor to increase funding. The FY 21- 22's Greenhouse Gas Reduction Fund (GGRF) funding included \$60 million for grants to local governments to assist in with implementation of SB 1383 and an additional \$70 million in Cap-and-Trade funds organic waste diversion and recycling infrastructure. CalRecycle received an estimated 470 applications for funding – far more than it could fund – so the LTF continued to successfully advocate for additional funding. For FY 22-23, an additional \$180 million has been allocated from the state's GGRF.

The LTF fact sheet on Organic Waste Recycling and Infrastructure has been posted on its website at <https://swanacal-leg.org/>.

In addition to insufficient funding, neither SB 1383 nor the implementing regulations recognize that unique local conditions may prohibit some jurisdictions from complying with all requirements or consider a jurisdiction's "good faith effort" to comply with the regulations. The LTF and other stakeholders worked with Senator Laird, who authored SB 619 (2021) to address this major deficiency and potentially provide for a "good faith effort" provision in the regulation. Unfortunately, the final version of the bill failed to address this critical issue and instead provided a means for jurisdictions to avoid near-term enforcement by submitting a Notification of Intent to Comply – which results in jurisdictions being placed on a Corrective Action Plan with established compliance timeframes and ongoing oversight by and reporting to CalRecycle.

Throughout 2022, the LTF continued to advocate for implementation flexibility and consideration of local challenges. This year, LTF and other stakeholders worked with the Legislature to specifically address jurisdictions' challenges in meeting the SB 1383 Procurement target: limited eligible products, lack of alternative methods

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to comply, lack of available product and need, use of public funds, and other concerns. The LTF asked for, in addition to more time to comply, legislation that would expand the list of eligible products to comply, create a pathway for alternative proposals, and provide funding to support the procurement of organic waste products. Ultimately, CalRecycle was not supportive of additional products or alternatives, so the LTF did not take a support position on the bill (AB 1985). However, the final bill, which was signed by the Governor, did phase in the jurisdiction procurement targets over three years and allowed renewable gas procured from a publicly owned treatment works to count toward a jurisdiction's procurement target until 2025.

The LTF fact sheet on AB 1985 has been posted on the LTF website at <https://swanacal-leg.org/>.

Also, on July 6, 2022, the Little Hoover Commission, an independent state oversight agency, selected SB 1383 as an issue to study to "assess how California's organics recycling law is implemented, examine what impact it has on the state's environmental goals, and provide recommendations to the Governor and Legislature for any changes.". From July to September, three hearings and a public roundtable discussion were held. Several SWANA members testified to the Commission and/or separately provided feedback to the Commission. Information on this effort can be found at <https://lhc.ca.gov/report/organic-waste-recycling>. The Commission's report is due for release in early 2023. The LTF will continue to follow this process, and assist the Commission upon request as they develop their report to Legislature.

The 2020 LTF fact sheet on this topic has been posted on its website at <https://swanacal-leg.org/> and the LTF recommends the following actions:

Actions:

1. **Organics Funding.** Encourage the Legislature to allocate funding (e.g., GGRF, Cap & Trade, etc.) for SB 1383 implementation and expansion of organics infrastructure. Urge CARB and CalRecycle to support such funding.
2. **Procurement Mandates.** Continue to advocate for increased flexibility related to Procurement, including additional eligible products and alternatives to comply.
3. **SWRCB, CARB, CAPCOA.** Encourage permit streamlining. Track and comment, as necessary, on State Water Resources Control Board regulatory activities that pertain to solid waste and composting facilities (e.g., waste discharge requirements and general permits). Comment on the efforts by the California Air Pollution Control Officers Association (CAPCOA), ARB, and CalRecycle to address air quality permitting and regulatory issues.
4. **Alternative Technologies.** Advocate for the development and use of alternative technologies to divert organic materials that cannot be diverted

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via aerobic composting and/or anaerobic digestion (AD).

5. **Good Faith Effort.** Promote legislation that would recognize a jurisdiction's "good faith effort" toward compliance with SB 1383 legislative and regulatory mandates and jurisdiction-specific issues and challenges that warrant consideration.
6. **RNG.** Urge CalRecycle and CARB to identify alternative markets for and support ongoing use of Renewable Natural Gas (RNG) to encourage diversion to AD facilities and incentives to encourage investments in such markets.
7. **Organics Sampling.** Work with CalRecycle to clarify the requirements related to collection and solid waste facility sampling requirements to verify contamination of organics loads and organic waste recovery rates.
8. **Cooperation.** Emphasize that achieving organic waste reduction goals is a shared responsibility between the waste sector, State government, local agencies, business community, and the public.

2. Single-Use Plastics and Packaging

Issue: China's National Sword/Blue Sky policy had a significant impact on the global market value of recyclable materials, that was further complicated with protocols for worker safety at materials recovery facilities due to COVID-19. With many materials increasing in volume, but virtually no market value, they are either being landfilled at an ever-increasing rate or littered in the environment.

1. **Source Reduction.** One of the best ways to address single-use plastics is to "source reduce" this material, or generate less of it in the first place.
2. **Market Development** A second important way to address plastic recycling challenges is to ensure that the plastic is actually being recycled, including by expanding markets within California.

Bills passed this last 2-year legislative session to address these issues include:

- **AB 881** (Gonzalez) - Plastic waste exports. This bill establishes standards for mixed plastic waste that is exported for recycling to be credited toward a local jurisdiction's solid waste diversion rate. It also will require recycling and composting operations to report the jurisdiction or region of origin to CalRecycle for exported materials that contain a mixture of plastic wastes. CalRecycle is tasked with developing implementing regulations. The LTF took a "Concerns" position on this bill, noting that exporter practices are largely out of the control of local jurisdictions and facilities.

The LTF will continue to engage during development of the regulation to

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ensure it is not unreasonably burdensome on waste and recycling facilities nor unfairly penalizes jurisdictions but rather exporters whose failure to comply results in a loss of diversion credit to a jurisdiction.

- **AB 962** (Kamlager) - Reusable beverage containers. The LTF took a “Support” position on this bill that specifies that reusable beverage containers can be included in the California Beverage Container Recycling and Litter Reduction Act if the processor transfers the empty container to a washer approved by CalRecycle.
- **AB 1201** (Ting) - plastic products labeling: compostability and biodegradability. While the LTF originally worked with the author on this bill, it ended up taking an “Oppose” position after late amendments were added that were confusing and misleading, and potentially interpreted to allow CalRecycle the authority to require a bifurcated organic waste collection and processing system. Although the author published a letter to the Assembly Journal clarifying that was not the intent (the intent was bifurcated *labeling*), the LTF will continue to work with the author to amend the statute in 2023 to clarify the intent.
- **AB 1276** (Carrillo) - Single-use food accessories. The LTF supported this bill that would prohibit a food facility from providing any single-use food ware accessory or standard condiment, as defined, to a consumer unless requested by the consumer.
- **SB 54** (Allen) – Solid waste: reporting, packaging, and plastic food service ware. This bill established the Plastic Pollution Prevention and Packaging Producer Responsibility Act which covers certain single-use packaging and plastic single-use food service ware. Certain recycling targets are included in the bill, including targets aimed specifically at expanded polystyrene. Further, the bill also includes a requirement that the plastic packaging manufacturers pay \$5 billion into the California Plastic Pollution Mitigation Fund over a ten-year period. These funds would be used for mitigating the environmental impacts of plastic.
- **SB 343** (Allen) - Environmental advertising: recycling symbol. This bill prohibits a product or package label to include the “chasing arrows” recycling symbol unless CalRecycle has determined that the product or package is eligible for such labeling. Due to the complexities that would be involved in tracking local programs, impacts to ever changing recycling markets, and potential customer confusion, among other things, the LTF took a “Watch” position on this bill.
- **SB 1013** (Atkins) Beverage Container Recycling. Expands the California Redemption Value (CRV) program to include distilled spirits, wine, or wine

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from which alcohol has been removed in whole or in part, whether or not sparkling or carbonated, and wine or distilled spirits contained in a beverage container that is a box, bladder, or pouch, or similar container, regardless of the material type from which the beverage container is made. Further, the bill requires the creation of the Recycled Glass Processing Incentive Grant Program.

- **SB 1043** (Eggman) This bill prohibits the distribution of non-compostable or non-recycled content paper precheckout or carryout bag.

Actions:

1. Continue to develop and discuss solutions with CalRecycle and legislators.
2. Encourage efforts to reduce the amount of unrecyclable, single-use packaging, or the cost to recycle it. (Some form of Extended Producer Responsibility (EPR) may play a role in this reform, similar to SB 54.)
3. Engage in the development of SB 54 regulations.

3. Special Wastes: Lithium Batteries; Vaping Wastes; PFAS; Photovoltaic Modules

a) Lithium Ion Battery Issue: Both Lithium Ion and Lithium Metal Batteries (Li Batteries) have the potential to catch fire and explode when crushed or penetrated, and thus pose a significant public health and safety risk, as well as proven, significant risk to infrastructure – especially to solid waste transportation and processing facilities in California and across the nation. The introduction of high- capacity lithium batteries (>300 watt-hours) and electric vehicle batteries are contributing to increases of the hazards associated with mismanagement. AB 1509 (Mullin) was introduced during the 2019-2020 Legislative Session to create an extended producer responsibility solution to the threat of improper disposal of Li Batteries. SB 1156 (Archuleta) was also introduced during that legislative session and attempted to address this issue by prohibiting a person from knowingly disposing of a lithium-ion battery in a container or receptacle that is intended for the collection of solid waste or recyclable materials, unless the container or receptacle is designated for the collection of batteries for recycling. Neither of these bills passed in 2019-20, so legislation was introduced again in 2022. Senator Josh Newman introduced SB 289 which did not make it out of committee and Senator Archuleta reintroduced his bill as SB 244, which was vetoed by the Governor. A 2020 LTF Fact sheet on this topic is on the LTF website at <https://swanacal-leg.org/>.

During 2022, two bills were introduced to reduce the impacts of

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improperly disposed lithium batteries. AB 2440 (Irwin) and SB 1215 (Newman) were introduced as mirrored bills, basically containing the exact same language in both bills for continuity and expedited discussion of the issues in both houses of the legislature at the same time. Both bills contained extended producer responsibility (EPR) language addressing both loose batteries, as well as embedded-battery products. Ultimately, both bills were signed into law with distinct and separate goals and each will result in a new regulation:

- AB 2440 addresses *loose batteries* under an EPR program to be developed and operated by the battery industry.
- SB 1215 expands the existing e-waste (Covered Electronic Waste or CEW) program to include embedded-battery products, which is operated by CalRecycle.

Lithium Battery Actions:

1. Work with industry to identify environmentally responsible solutions to Lithium Batteries issues, such as promoting durability, recyclability, and/or "Right to Repair" legislation to improve product design.
2. Work with CalRecycle during the regulation promulgation phase for both AB 2440 and SB 1215.

b) Vaping Waste Issue: Health risks and waste product issues are associated with single-use vaping devices. The LTF supported in concept AB 1690, a bill that attempted to restrict single-use vaping devices. School districts inherit these waste products through abandonment or confiscation and solid waste and household hazardous facilities encounter these devices disposed of in the waste stream. These devices have a small lithium-ion battery (universal waste), a small circuit board (e-waste), and a nicotine containing pod ("p-listed" RCRA hazardous waste), along with other materials. Currently, there are limited ways to process these devices in California due to the variety of components and how those components are regulated. SB 1215 will apply to cannabis vaping devices that contain embedded batteries, but will not apply to tobacco devices due to the nicotine issue noted above.

Vaping Waste Action:

1. Continue to support legislation that provides waste management solutions for vaping devices. Identify/develop/suggest solutions.

c) Per- and Poly-fluoroalkyl Substance (PFAS) Issue: Per- and Polyfluoroalkyl Substances (PFAS) are a human-made family of compounds

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that are resistant to heat, water, and oil. They are commonly used for non-stick coatings on paper plates, cookware, pizza boxes, textiles and many other products, which often are disposed of in landfills and other solid waste management facilities. Research indicates a potential for health impacts related to presence of PFAS in the environment, particularly as a contaminant in groundwater. PFAS contamination in groundwater has been found in many wells in California, and the State is continuing to require monitoring and assessment by water purveyors and other facilities to understand the extent and severity of groundwater contamination. Landfills (e.g. via leachate) have been identified as one source of PFAS in both groundwater and municipal wastewater (i.e. when leachate is discharged to the sewer system), and the US Environmental Protection Agency (EPA) is developing an Effluent Limitation Guidelines that could lead to leachate treatment requirements for those facilities discharging to the sewer. Additionally, in 2022 EPA proposed to designate PFOS (perfluorooctane sulfonate) and PFOA (perfluorooctanoic acid) as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This could be a significant source of liability for landfill owner/operators since they may be identified as a source or contributor to surface water or groundwater contamination. There are many additional efforts underway to assess or regulate either the use or discharge of PFAS under EPA's PFAS Roadmap (2021) and throughout various agencies in the federal government.

At the state level, AB 1817 (Ting) and AB 2771 (Friedman) were signed into law in 2022, which add to the growing body of existing state laws aimed at reducing the use of PFAS in California. These include SB 1044 (Allen) (2020), which will phase-out the use of PFAS in firefighting equipment and foam, and AB 652 (Friedman) (2021) and AB 1200 (Ting) (2021), which phase out the use of PFAS in selected children's products and food packaging, respectively. AB 1200 will also require the disclosure of the use of PFAS and other chemicals in cookware. Two more bills in 2022 were signed into law affecting the use of PFAs. They were AB 652 (Friedman) Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances, prohibits the use of PFAs in children's clothing, and AB 2771 (Friedman) Cosmetic products: safety, prohibits the use of PFAs in cosmetic products. AB 2247 (Bloom) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible data collection interface, was passed by the legislature, but ultimately vetoed by the Governor in 2022.

Several state agencies are working on efforts to assess the extent of PFAS releases and emissions and to develop regulatory standards for PFAS, including the Office of Environmental Health Hazard Assessment (OEHHA), which is developing Public Health Goals for PFOS and PFOA. The

2023 WORK PLAN

State Water Resources Control Board has issued several Statewide Investigative Orders to several types of industries (including landfills) and established Notification and Response Levels for PFOA, PFOS and PFHxS (Perfluorohexane Sulfonic Acid). The Department of Toxic Substances Control (DTSC) is working on advancing efforts to find alternatives to the use of PFAS in priority products such as textiles and converted leather products and food packaging through the Safer Consumer Products Program.

PFAS Actions:

1. Continue to support legislative and regulatory efforts to reduce use of PFAS in consumer products and other applications that may have a pathway to the environment via municipal solid waste management practices.
2. Track – and comment, as appropriate – on regulatory developments related to PFAS by state and federal agencies.

d) Photovoltaic Module Issue: The first generation of large electricity generating photovoltaic panels (solar panels) are reaching their end of useful life. SB 489 (Monning) was signed into law in September 2015 and requires the Department of Toxic Substances Control (DTSC) to designate solar panels, both RCRA (federal hazardous waste) and non-RCRA (California-only hazardous waste) as Universal Waste and develop regulations for the processing of these panels. DTSC received authority and promulgated regulations to manage photovoltaic modules as universal hazardous wastes. Large electricity generating solar panels are made of a variety of components, one of which is the photovoltaic cells themselves. These cells are typically of two types, film type and silica type, and it is difficult to tell the difference between the two types as well as which panels are classified as hazardous waste. The film type cells have tested in the hazardous range and may be considered a RCRA waste (hazardous waste classification) or California hazardous waste. Currently options to manage photovoltaic modules are limited even though the regulations have made management easier. Further, the only processing and recycling option for solar panels in the state, ECS Refining, went out of business in 2018.

The LTF has been closely monitoring the process and supported DTSC's adoption of the regulations to designate end-of-life photovoltaic modules as universal hazardous waste. The LTF's Fact Sheet on this topic is on the LTF website at <https://swanacal-leg.org/>.

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Photovoltaic Module Actions:

1. Identify solutions for the management of solar panels, such as improvement in labeling to reduce need to test. Assess the scope and cost of problem and discuss these details with solar manufacturers.
2. Include in outreach efforts the LTF fact sheet and other information about the problems associated with solar panel end-of-life management.

4. CRV / California Redemption Value

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

In the past few years, the state's supplemental formula has become outdated, China's recycling policy changes have crippled the global market, scrap value of beverage containers material has plummeted, and operating costs have steadily risen. The cumulative effect of these factors has resulted in a critical reduction in operating revenue for the privately-operated redemption centers and led to the closure of approximately half of the 2,500 CRV convenience zone centers statewide. The CRV program also requires beverage retailers to provide deposit redemption services to customers or pay penalties. Some retailers have attempted to provide service but were unprepared for the volumes and complexity of the program, while other retailers have just chosen to pay the fines associated with non-compliance with the law. With convenience center closures, the surviving convenience centers have been overwhelmed with customers trying to redeem their deposits. While there were no bills that got signed into law in the 2021-2022 legislative session dealing with the lack of redemption centers, AB 962 (Kamlager) California Beverage Container Recycling and Litter Reduction Act: reusable beverage containers, was signed into law allowing for funding to flow from the program to bottle washers for reusable beverage bottles. Further, SB 38 (Wieckowski) Beverage Containers, addressed issues with cash transactions between processors and program components. Finally, SB 1013 (Atkins) Beverage Container Recycling, expands the products included in the CRV program to include distilled spirits, wine, or wine from which alcohol has been removed in whole or in part, whether or not sparkling or carbonated, and wine or distilled spirits contained in a beverage container that is a box, bladder, or pouch, or similar container,

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regardless of the material type from which the beverage container is made.

Action: Support efforts to reform beverage container funding, such as adjustments to CRV and recycling-related payments, and oppose proposals to reduce current CRV funding to local governments.

5. Alternative Technologies / Advanced Recovery Technologies

Issue: Advanced Recovery Technologies (ART) refer to a wide array of state-of-the-art technologies capable of converting otherwise unrecyclable or difficult to recycle materials separated from the solid waste stream to useful products, such as a low carbon fuels and green renewable energy – in an environmentally beneficial manner. These technologies may be thermal, chemical, biological, mechanical or a combination of these process – but do not include incineration (waste combustion). There are many terms used to label Advanced Recovery Technologies. Regardless of the name that is used, a technology that meets the parameters in this section should be fully supported by SWANA in California.

Advanced Recovery Technologies are also sometimes referred to as Waste Recovery Technologies. ARTs are non-incineration technologies that convert non-recyclable municipal solid waste to electricity, fuels, and/or industrial chemical feedstocks. Interest is growing in ARTs because of their potential role in addressing renewable energy, low carbon mandates and green jobs initiatives as well as meeting state and local solid waste management needs.

Most ART processes can be described as having three separate and distinct components: (1) front-end MSW preprocessing, (2) the conversion unit, and (3) the energy/chemicals production system. Front-end preprocessing is used to prepare the solid waste for treatment by helping to separate and remove any recyclables or inappropriate contaminants.

The level of preprocessing varies depending on technology. Shredding, grinding, and/or drying the MSW may be required to create a more homogeneous feedstock for some of the thermal technologies. Alternatively, a water-based separation technique may be used in biological processes. The energy production module can be a gas turbine, boiler, or reciprocating engine for power production.

Advanced Recycling Technologies provide a number of important benefits:

- **reduce greenhouse gas emissions and other criteria pollutants;**
- **reduce dependence on landfilling and imported fossil fuels;**
- **enhance recycling efforts;**
- **enables the recycling of wastes that have no other feasible recovery options; and**
- **meet and exceed California's strict environmental standards.**

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ART will likely become an integral process in achieving a zero-waste goal. These technologies not only create a beneficial product but also potentially reduce greenhouse gas emissions and other air pollutants. These reductions are achieved through disposal and transportation avoidance, and through fuel/electricity offsets.

Older combustion technologies (waste to energy, or WTE) produced an undesirable level of emissions, and in an effort to protect air quality, California has enacted statutory obstacles that have discouraged not only the older WTE facilities, but also the cleaner more efficient ARTs commonly used in the EU and other nations that are eagerly participating in programs to minimize climate change. While California has enacted aggressive waste diversion goals (e.g., 75% by 2020), the California Public Resources Code (PRC) defines many ARTs as a form of “transformation” which in turn is form of waste “disposal” rather than waste diversion or recycling. Only Composting, Biomass Conversion and Anaerobic Digestion are considered forms of recycling. To encourage climate-friendly low carbon fuels, energy, and chemicals, more technologies must be considered “resource recovery” or ART.

SB 1383 provides a mechanism to promote appropriate technologies: CalRecycle may approve technologies that reduce the disposal of organic waste in landfills and achieve equal or greater GHG benefits than attained by composting technologies. ARTs that may be used to support SB 1383 include, but are not limited to:

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

The most direct path for such technologies to get approved by CalRecycle is to ensure compliance with Article 2 of their SB 1383 regulations which can be found at: <https://calrecycle.ca.gov/organics/slcp/>. One potential downside is that even

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if approved under the Article 2 regulations and a method to reduce waste disposal to land, the process may still be considered a type of “disposal” instead of recycling under another statute (AB 939). This is due a discrepancy in the language between AB 939 and SB 1383. Efforts should be directed to addressing this inconsistency at some point in future.

6. Vehicle Lithium Ion Batteries

Issue: As the state of California continues its commitment to on-road transport decarbonization and Electric Vehicles (EV) become more cost-competitive and attractive to consumers, the state will see an increasing flow of end-of-life (EOL) Lithium Ion Batteries (LIB) that require proper management. Even now, the California solid waste industry is seeing increased numbers of EV LIBs in the waste stream. This poses a serious problem in that such batteries may explode or catch fire if improperly handled. Mismanaged LIBs can cause significant damage to solid waste processing facilities.

In compliance with AB 2832 (2018), a Lithium-Ion Car Battery Recycling Advisory Group was convened by CalEPA and met quarterly between fall of 2019 and spring of 2022. Two policy proposals that define EOL management responsibility received majority support: core exchange with a vehicle backstop, and producer take-back. However, these policies have yet to be formally enacted and, as recommended, would only complement, not replace, current warranty regulations and programs that require the vehicle manufacturer to properly reuse, repurpose, or recycle a removed EOL battery that is still under warranty.

To ensure that the maximum amount of EOL batteries are reused, repurposed or recycled, the Advisory Group’s recommended policies focus on two main areas of need:

- Clearly defining responsibility for the coordination and payment of recycling in cases where the cost presents a burden for the owner of the vehicle and the LIB is unwanted and,
- Mitigating barriers that may currently inhibit the reuse, repurposing, and recycling of EV LIBs.

The most broadly supported policy defining responsibility for EOL management was the core exchange and vehicle backstop proposal, which allocates responsibility under various retirement pathways. The majority of voting Advisory Group members also supported a producer take-back policy making the vehicle OEM or repurposer responsible for ensuring proper reuse, repurposing, or recycling at a licensed facility and at no cost to the consumer for LIB EOL. Under either policy, there should be a clear transfer of responsibility for EOL management when batteries are refurbished or repurposed. SWANA LTF will continue to monitor the further development of these concepts, particularly the producer take-back program that also includes orphan batteries.

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7. Heavy Duty Vehicle and Transportation Infrastructure

Issue: The solid waste and recycling industry in California is heavily reliant upon on-road and off-road heavy-duty vehicles to both operate its facilities and effectively transport municipal solid waste and recycled products. In response to regulatory mandates, the industry has largely transitioned from diesel fueled vehicles to cleaner fuels, such as Natural Gas and Renewable Natural Gas. This industry is estimated to have invested more than \$1 billion in California to develop and use low carbon renewable natural gas in refuse and recycling vehicles. Renewable natural gas has the lowest carbon intensity of all available transportation fuels. A series of Governor Executive Orders by former Governor Brown and current Governor Newsom have called for accelerating the electrification of the vehicle fleets to meet climate goals; the latest being electrification to support meeting carbon neutrality goals no later than 2045. California Air Resources Board (CARB) is now drafting a comprehensive Advanced Clean Fleets (ACF) regulation that will be part of a broader strategy to deploy medium- and heavy-duty zero-emission vehicles (ZEV) everywhere feasible. The cost to the solid waste and recycling industry will be enormous. Issues include reliability of the fleets associated with electrification, the loss of investments made to transition the current fleet to clean renewable natural gas and the industry's ability to effectively deliver its essential public services. Grants now emphasize electrification with regulations focused almost exclusively on zero emission vehicles and electrification instead of promoting the lowest carbon fuels that are available.

The first Board hearing on the ACF was held October 27, 2022. At the hearing, the Board directed staff to work with waste hauler and wastewater fleets that are diverting and processing organic waste to fuel existing trucks to meet the requirements of Senate Bill (SB) 1383 to provide more time to transition to a zero-emission fleet. This recognizes the disconnect to develop low-carbon transportation fuels SB 1383. SB 1383's focus on reducing short-lived climate pollutants, such as methane generated by organic waste, underscores the importance of using organic waste-derived methane as a fuel. While ZEV transportation currently has a carbon intensity of about 30 gCO₂e/MJ, renewable gaseous and liquid fuels have been shown to have virtually the same or much lower carbon intensity generally as follows:

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

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It is vital that CARB recognize the importance of low carbon transportation fuels to the industry and develop regulations that promote this transportation industry.

Actions:

1. Work with our industry partners, and CARB staff, to establish a fleet framework that supports electrification, where feasible, but advances the need for fleets that are fueled by clean renewable natural gas consistent with past industry practices and regulatory mandates, such as SB 1383.
2. Continue to promote the lowest carbon and most sustainable transportation fueling options that are consistent with all the goals of CARB's climate programs.

8. CARB's 2022 Scoping Plan Update

Issue: CARB has completed the process of updating its climate Scoping Plan (December 2022 CARB Hearing). As a review, in 2006, the California Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 ([AB 32](#))], which created a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required the CARB to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by the Board in 2008 and must be updated at least every five years. The 2022 Scoping Plan Update will assess progress towards achieving the Senate Bill 32 targets as well as new goals to achieve carbon neutrality by 2045. Key outcomes of the process include:

- Reduce fossil fuel consumption (liquid petroleum) to less than one-tenth of what we use today – a 94% reduction in demand.
- Cut greenhouse gas emissions by 85% below 1990 levels
- Reduce smog-forming air pollution by 71%

The solid waste and recycling industry sector have always been a target in the Scoping Plans because of methane emissions from landfill operations (Short-lived Climate Pollutants) and the extensive use of medium- and heavy-duty, on- and off-road vehicles, a key component of carbon emissions. The industry sector will be heavily impacted by this update due to the push to electrify the transportation sector, and the continued focus on reducing methane emissions from landfills. The LTF has worked on reviewing and commenting on the Alternative Cleans Fleet regulation and has developed specific actions related to that rule. The latter focus is further complicated because of its relationship with SB 1383, diverting organics from landfills and the need to develop low-carbon transportation fuels as part of this effort.

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Actions:

The LTF provided comments on the draft scoping plan in the Spring 2022. A key conclusion of the comments was that the solid waste sector can play a vital role in the State of California's plan to achieve carbon neutrality by 2045. However, many barriers exist to implementing the strategies needed to achieve the methane reductions in the Scoping Plan. In addition to the regulatory barriers, funding is needed for new organic waste management and bioenergy projects. The LTF must continue in 2023 to work with our partners and CARB to ensure that the proposed transition to carbon neutrality allows the solid waste sector to be consistent with all the objectives of the climate plans without severe economic impact and disruption of our municipal solid waste essential public services.

9. Market Development

Issue: The solid waste sector can collect, sort, and transport the waste materials that are generated, but solid waste policies are needed at the federal, state, and local level to 1) reduce the amount of waste generated by all sectors of society, 2) ensure that the greatest proportion as possible of waste materials generated can be reused, recycled, or composted, and 3) promote markets for the recyclable materials and compost. With the 2018 China National Sword/Blue Sky policy, the need for local markets and "closed loop" products, was highlighted. Additionally, increased organic waste processing will result in the generation of increasing amounts of compost material and renewable natural gas (known as RNG or biogas). Markets for compost are already challenging. The agricultural industry usually has very exacting specifications for soil amendments, and it has little use for composted organic waste. Markets for an increasingly abundant product must be promoted, for example with policies for use of these materials on State lands, and with local land use policies. Further, as described above, there is a need to ingrate climate, solid waste and energy policies to ensure there is a continued market for RNG derived from diverted organic waste (and other organic waste-derived RNG such as wastewater biogas).

When there is no or limited market for composted or recyclable materials, local governments are unable to comply with waste diversion mandates. When infrastructure to process materials does not exist, often because there is no market for the resultant products, local government cannot comply with waste diversion mandates. The crucial need for local markets, resources to support necessary diversion infrastructure, new technologies to recover energy, fuels and chemicals, and support for producer responsibility, as well as no additional mandates, will dominate the LTF's 2023 efforts.

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Actions:

1. Support or encourage efforts to promote markets, where needed, particularly related to organic waste.
2. Provide recommendations to CalRecycle, the Legislature and other stakeholders as appropriate.
3. Support and assist in State market development efforts.

B. Agency Monitoring

Not all LTF work entails legislative activities. Although most regulatory agency work is in response to legislation, ongoing programs can be modified by agencies, and this can result in major impacts to the solid waste industry and to local government. The following are some of the key aspects of agency monitoring in 2023:

1. CalRecycle

- **AB 901/RDRS (Recycling and Disposal Reporting System)** Monitor AB 901 implementation and pending regulatory developments to assure that it balances development of robust data with the administrative burden on haulers, facilities, and jurisdictions.
- **AB 881/RDRS** Monitor AB 881 implementation and pending regulatory developments. This bill classifies exported mixed plastic waste as disposal, and it requires RDRS to gather jurisdiction of origin for these exported materials.
- **SB 54** - Monitor SB 54 implementation and pending regulatory developments. This bill creates an extended producer responsibility program for single use plastic and packaging.
- **SB 343** - Monitor CalRecycle implementation of this bill that prohibits a product or package label to include the "chasing arrows" recycling symbol unless CalRecycle has determined that the product or package is eligible for such labeling.
- **E-Waste.** Watch and support CalRecycle efforts to add more products to the E- waste program. Watch and participate in proposed legislation related to the expansion of CalRecycle' s E-waste program.
- **SB 1383/AB 341/AB 1826.** Monitor and comment, as appropriate, on CalRecycle implementation and enforcement activities relating to these bills.
- **AB 2440 and SB 1215** Monitor implementation and pending regulatory

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developments related to these recently adopted battery bills.

2. CARB

- **Advanced Clean Fleets.** Monitor development of the ACF regulation and continue to advocate for consideration of fleets that are fueled by non-fossil fuel renewable natural gas derived from organic waste.
- **Greenhouse Gas Reduction Programs.** Track and comment as appropriate on implementation of new greenhouse gas reduction programs and requirements as well as air quality monitoring and reduction programs pursuant to SB 32 and AB 617 (2017).
- **Scoping Plan.** Track and comment, as necessary, on regulatory activities that impact facilities and jurisdictions.

3. DTSC

- **Hazardous Waste Management Plan.** Pursuant to SB 158 (2021) Department of Toxic Substances Control (DTSC) was required to adopt a state-wide Hazardous Waste Management Plan for management of hazardous waste. This comprehensive review will examine how hazardous wastes are managed, assess updating identification criteria, and whether additional wastes should be managed as hazardous wastes. The plan will be presented to the Board of Environmental Safety. Prior to the Plan development, DTSC will prepare a report that will establish a baseline understanding of the management of hazardous waste in the State of California, identify data gaps and items that require additional research, and develop plans to fill data gaps and complete additional research. DTSC conducted a series of workshops in 2022 to gather information and input. The Report is due March 2023 and the first Hazardous Waste Management Plan is due March 1, 2025.

C. Outreach and Education

The LTF positions on legislation are important, but coordination with other stakeholders and dissemination of fact sheets and white papers is also vital. The LTF will seek, in 2023, to:

- Maintain an active advocacy presence in the Legislature and at state agencies that oversee the management, recycling, and disposal of municipal solid waste, household hazardous waste, and pertinent special wastes, through involvement in the legislative and regulatory processes.
- Continue to advocate for EPR Legislation that reduces the generation of non-recyclable and difficult to manage products and shifts the burden away from

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jurisdictions to manage such materials.

- Develop relationships with key members of the Legislature and their staff, and with the appropriate staff in the Governor's office and at CalRecycle, DTSC, CARB, SWRCB, and other agencies as appropriate.
- Reach out to and engage other solid waste organizations (such as CAW, CRRA, SWIG) and local government organizations (such as CSAC, Cal Cities, and RCRC).
- Coordinate advocacy efforts with other local government groups, particularly for issues impacting local authority, governance, and discretion.
- Support SWANA International in advocacy and policy areas that apply to California, such as product stewardship policy, disposal bans, "Pushing the Envelope" documents, and applied research on emerging technologies.
- Further enhance education and awareness of key legislation and regulations to SWANA membership through communications such as fact sheets, targeted communications such as the annual legislative platform, discussions at Chapters.
- Improve and enhance the convenience and effectiveness of the LTF website to better serve and inform SWANA members of LTF activities. Ensure mobile compatibility of the website.
- Encourage chapter presidents to appoint young professionals to the LTF, either as voting or non-voting members. The goal is involvement, training, and preparation for future leadership.

LTF OFFICERS & MEMBERSHIP

LTF Officers and Membership

Nominated Officers

Doug Kobold, California Product Stewardship Council, Chair
Christina Hanson, Placer County/WPWMA, Vice Chair

Appointed Officers

Hans Kernkamp, Riverside County Dept. of Waste Resources, Treasurer
Herb Cantu, City of Santa Maria, Secretary

Membership

GOLD RUSH CHAPTER:

Doug Kobold, California Product Stewardship Council
Christina Hanson, Placer County/Western Placer Waste Management Authority
Larry Sweetser, Sweetser & Associates, Inc.
Charles White, Manatt, Phelps, & Phillips, LLC
Joe La Mariana, South Bayside Waste Management Authority
Guy Petraborg, Monterey Regional Waste Management District (Alternate)
Deepti Jain, City of Sunnyvale (Alternate)

SIERRA CHAPTER:

Curtis Larkin, Fresno County
Herb Cantu, City of Santa Maria
Chuck Magee, Kern County
Parveen Sandhu, Kings Waste and Recycling Authority
Lynnda Martin, American Refuse/Tule Trash Co
Dawyne Balch, City of Clovis (Alternate)
Monique Gamma, City of Merced (Alternate)

FOUNDING CHAPTER:

Hans Kernkamp, Riverside County Dept. of Waste Resources
Jim Marchese, City of Los Angeles, Sanitation and Environment
Sharon Green, Los Angeles County Sanitation Districts
Mike Mohajer, P.E., So. California Waste Management Forum
Jane-Marie Fajardo, City of San Diego
Frank Caponi, P.E., Retired (Alternate)
Constance Hornig, Esq., Law Offices (Alternate)

LTF GOALS AND PRINCIPLES

LTF Advocacy Goal

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

LTF Principles

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

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



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Appendix 1

2022 End of Year Legislative Report

Shaw Yoder Antwih Schmelzer & Lange



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916-446-4656

Date: January 16, 2023

To: Solid Waste Association of North America Legislative Task Force

From: Priscilla Quiroz, Legislative Advocate
Shaw Yoder Antwih Schmelzer & Lange

Re: SWANA LTF 2022 Year-End of Session Report

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

This report highlights key legislation that SYASL worked on in 2022 for the SWANA LTF. We also discuss significant state budget developments and major legislative actions taken by the legislature this year. Furthermore, we highlight other policy objectives we pursued on behalf of SWANA LTF this year.

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

The following is a **brief summary of relevant major actions taken by the Legislature** in 2022:

2022-23 STATE BUDGET REPORT

Overview

On [June 30](#), Governor Gavin Newsom signed the \$308 billion state [budget](#) following an agreement with the legislature. The budget includes \$128.6 billion in total funding for K-12 education and \$17 billion broad-based relief package. The enacted budget reflects \$37.2 billion in "budget resiliency" (budgetary reserves and surpluses).

Due to recent market declines and overall economic volatility, the budget allocates the vast majority of the discretionary surplus to one-time investments that can be adjusted in future years, if needed. Additionally, the budget continues building reserves, eliminating budgetary debt,

reducing retirement liabilities to maintain structurally balanced budgets over the long term. These budget

strategies also ensure that the state meets its constitutional requirements. The State Appropriations Limit, or Gann Limit, caps the amount of revenues from taxes that can be appropriated by the state. Making ongoing spending commitments would make it more difficult for the state to meet its constitutional obligations, even if the economy does recover.

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

Circular Economy

The 2022 Budget Act included \$180 million one-time Greenhouse Gas Reduction Fund to advance organic waste infrastructure and support a circular economy. Specifically, this funding is intended to help with the implementation of SB 1383 (Lara, 2016). This funding is building on last year's budget allocation that included \$60 million for local assistance grants for SB 1383 organic waste regulation implementation. SWANA LTF worked alongside local government association groups, haulers, and environmental groups to push this funding forward.

Cap-And-Trade Expenditure Plan

The Budget includes \$1.3 billion Greenhouse Gas Reduction Fund to support various programs that advance the state's greenhouse gas reduction and climate goals, while advancing equity and environmental justice.

Investments include:

- **Zero-Emission Vehicle Investments**—\$676 million Greenhouse Gas Reduction Fund to support low-income consumer purchases and zero-emission trucks, buses and off-road equipment.
- **AB 617 Community Air Protection Program**—\$300 million (\$260 million Greenhouse Gas Reduction Fund and \$40 million General Fund) in 2022-23 and \$300 million General Fund in 2023-24 on a one-time basis for the Community Air Protection Program, which reduces emissions in communities with disproportionate exposure to air pollution through targeted air monitoring and community emissions reduction programs.

Clean Vehicles

The 2021 Budget Act committed \$3.9 billion towards ZEV acceleration through 2023-24. It included investments—ranging from cleaning up short-haul trucks, transit, and school buses to accelerating equitable electrification of passenger vehicles, e-bikes and rail—coupled with infrastructure and incentives for in-state manufacturing.

This year's budget includes an additional \$6.1 billion (\$3.5 billion General Fund, \$1.5 billion Proposition 98, \$676 million Greenhouse Gas Reduction Fund, and \$383 million Federal Funds) one-time over five years to accelerate the state's transition to Zero-Emission Vehicles (ZEV), which includes \$3.5 billion that will be allocated in the summer after additional discussions with the Legislature.

Specific investments are the following:

- **Heavy-Duty Zero-Emission Vehicles**—\$1.5 billion one-time Proposition 98 General Fund to advance electric school buses in a coordinated effort between educational, air pollution, and

energy agencies; and \$600 million one-time Greenhouse Gas Reduction Fund to support zero-emission trucks, buses & off-road equipment.

- **Zero-Emission Vehicle Infrastructure**—\$383 million one-time federal funds to implement ZEV charging infrastructure programs pursuant to the federal Infrastructure Investments and Jobs Act.

Upcoming 2023-24 California State Budget

California's 2022-2023 budget cycle was characterized by abundance. The final [budget deal](#) was the largest in history, bolstered by record tax receipts from California's wealthiest taxpayers and significant federal funds.

Just a few months after the passage of this historic budget, the California Legislative Analyst's Office (LAO), a nonpartisan government agency that provides fiscal and policy advice to the California State Legislature, [announced](#) that state will likely see a \$25 billion deficit next year, a dramatic change after the state this year had nearly \$100 billion surplus. This deficit is mainly attributed to lower-than-expected revenue estimates. We anticipate that Governor Gavin Newsom and state lawmakers may make significant cuts to balance the budget for the next fiscal year. This will also impact legislation that have high ongoing fiscal cost to be vetoed by the governor. Governor Newsom and the LAO have both been warning of declining state revenues for months and the federal spending that helped pad the state's budget during the COVID-19 era is expected to dry up.

The LAO report doesn't not anticipate that the state will be in a recession next year, but states that it is possible. The state's current budget is \$300 billion, and the state has about \$23 billion in the "rainy day fund" that could be used to offset a deficit. However, the report anticipates that in the next three fiscal years we will see budget deficits, but then state revenue will likely begin to rise again. The report also urges lawmakers to begin planning the 2023-24 budget without using general purpose reserves, and instead to save those reserves for what the state faces a recession. Instead, they recommend that lawmakers consider delaying some planned spending, such as billions in planned environmental spending, to address the projected shortfall.

Governor Newsom will announce his plan for the state budget on January 10th, which will begin budget negotiations.

2022 REGULATORY REPORT

Short-Lived Climate Pollutants

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

In November 2020, CalRecycle's regulations were approved by the Office of Administrative Law (OAL) and take effect January 1, 2022. The regulatory package is comprehensive, placing various responsibilities on local jurisdictions. The six main requirements of the regulations are: 1) Providing mandatory organic waste collection services; 2) Edible food recovery program; 3) Education and outreach to the community; 4) Procurement requirements for products made from organic materials; 5) Providing access to edible food and composting facilities; and, 6) Monitoring and enforcement by the local jurisdictions. Pursuant to statutory requirements, local jurisdictions cannot issue enforcement penalties until two years after the operative date of the regulations – January 1, 2024.

Over the last several years, SWANA has been working closely with local governments associations to receive relief and funding to implement SB 1383. While the coalition was not successful in

passing a measure that delayed the dates within SB 1383, we were successful got the state to invest in infrastructure, the most we've ever seen the state invest. During the 2022-23 budget negotiations, SYASL worked closely with local government associations groups and haulers to get funding from the state budget to help with the implementation of these regulations, \$180 million. The last CalRecycle meeting in December, the Department was reviewing the proposed first round of funding, \$81 million, to expand the Organics Grant Program by the following:

- Create a four separate project allocation: composting, anaerobic digestion/co-digestion, in-vessel composting, and stand-alone pre-processing
- A new stand-alone pre-processing project category to address the demand for cleaner feedstocks at composting and anaerobic digestion/co-digestion facilities throughout the state
- Inclusion of in-vessel composting systems to provide opportunities for smaller scale organics recycling

The tentative timeline for this grant cycle is planned to be posted in January 2023, and applications will be due in March/April 2023. SYASL will continue to update the LTF on funding opportunities for this \$180 million.

In the legislative side, since the passage of AB 1985 (Robert Rivas, 2022), which seeks to provide relief towards procurement requirements, stakeholders have been meeting in the Fall with CalRecycle to explore a comprehensive legislative fix for the procurement requirements.

The LTF has been advocating for legislation to include an expansion of programs that could count toward procurement.

2022 CARB Scoping Plan Update

On May 10, 2022, CARB released its draft 2022 Scoping Plan Update. The draft Scoping Plan seeks to build on past successes while identifying technologically feasible and cost-effective approaches to achieve the State's target of reducing greenhouse gases (GHGs) by at least 40 percent below 1990 levels by 2030 (2030 GHG Target) and reaching carbon neutrality by 2045.

Every five years, CARB releases an updated Climate Change Scoping Plan (Scoping Plan). The Scoping Plan serves as a roadmap for the State of California's efforts to achieve its ambitious climate goals. The strategies and recommendations identified in the plans shape the legislative and regulatory agenda and send market signals intended to spur private-sector investment in activities that reduce emissions and build resilient communities. Past Scoping Plans played a key role in establishing a mix of incentives, regulations, and carbon pricing that allowed the State to achieve its goal of GHG emissions to 1990 levels four years ahead of schedule.

On December 15, CARB approved the final proposed 2022 Scoping Plan, which plans to cut greenhouse gas emissions by 85% and achieve carbon neutrality in 2045. The 2022 Scoping Plan provides a detailed sector-by-sector roadmap to guide the world's fourth-largest economy away from its current dependence on petroleum and fossil gas to clean and renewable energy resources and zero-emission vehicles.

The solid waste and recycling industry sector have always been a target in the Scoping Plans because of methane emissions from landfill operations (Short-Lived Climate Pollutants) and the extensive use of medium- and heavy-duty, on- and off-road vehicles, a key component of carbon emissions. This update will heavily impact the industry sector due to the push to electrify the transportation sector and the continued focus on reducing methane emissions from landfills. The latter focus is further complicated because of its relationship with SB 1383, diverting organics from

landfills and the need to develop low-carbon transportation fuels as part of this effort.

Other Forthcoming Issues

Little Hoover Commission

The Little Hoover Commission is an independent state oversight agency created in 1962. The Commission's mission is to investigate state government operations and policy, and – through reports and legislative proposals – make recommendations to the Governor and Legislature to promote economy, efficiency and improved service in state operations. In addition, the Commission has a statutory obligation to review and make recommendations on all proposed government reorganization plans.

The Fall of 2020, CalRecycle reported that the state does not have the organics recycling infrastructure necessary to fully support compliance with the new law for 50% reduction in 2020 and is investigating how to reach a 75% reduction in 2025.

The summer of 2022, the Commission began studying SB 1383 and has held 4 workshops since. The Commission has been assessing how California's organics recycling law is implemented, examine what impact it has on the state's environmental goals, and provide recommendations for any changes. While the Commission's final report will be non-binding, it is common for legislators to introduce legislation based on its recommendation.

The report will be published in early 2023. SYASL will keep the SWANA LTF updated when this report is released.

SB 54 (Allen) Plastic Pollution Prevention and Packaging Producer Responsibility Act

On July 1, Governor Newsom signed SB 54 into law, which creates an extended producer responsibility program for packaging and setting ambitious recycling and reduction rate goals. Specifically, the law requires that by 2032, all "covered" packaging in the state must be recyclable or compostable, it sets goals for recycling single-use plastic packaging, and it mandates a 25% reduction of single-use plastic packaging and foodservice products, nearly half of which must come from direct elimination of plastic packaging or shifting to reuse or refill systems.

These requirements will be met through a Producer Responsibility Organization (PRO) created to fund and manage collection and recycling programs, with oversight from CalRecycle, establishing a form of extended producer responsibility (EPR) for paper and printed packaging. The PRO is required to deposit a total of \$5 billion over 10 years into a California Plastic Pollution Mitigation Fund that will be used to monitor and reduce the environmental impacts of plastic pollution.

The law is the nation's most comprehensive legislation to date to cut dependence on single-use products. This law shifts plastic pollution responsibility to producers and manufacturers, and it has the potential to be one of the most impactful waste-related policies in decades. Furthermore, the size of California's economy means that this law will impact corporations' decisions regarding packaging well beyond the state's borders.

SB 54 assigns responsibility to CalRecycle to adopt regulations to implement and enforce the requirements of the law. This includes establishing a list of covered materials by January 1, 2024, posting actual recycling rates for specific materials, setting fees, and providing oversight of the PR. The fees, known as "eco-modulated fees", are designed to incentivize producers to use more readily recyclable or reusable materials.

The PRO is responsible for establishing a producer responsibility plan and budget for how to implement the requirements of the bill. That plan is approved by CalRecycle, who is then responsible for ensuring that the plan's goals are met.

With the passage of this new law, SYASL will work with the LTF to monitor the regulatory process of this measure.

Advanced Clean Fleets Regulations

In August 2022, the California Air Resources Board (CARB) released the highly anticipated Advanced Clean Fleets (ACF) proposal. The primary goal of the ACF regulation is to accelerate the market for zero-emission trucks, vans, and buses by requiring fleets that are well suited for electrification, to transition to ZEVs where feasible. The Board directed CARB staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs to achieve a smooth transition to ZEV fleets by 2045 everywhere feasible.

In the current draft, refuse trucks are targeted to meet this goal by 2040. The cost to the solid waste and recycling industry will be substantial. Coupled with reliability issues associated with electrification, the industry's ability to effectively deliver its essential public service will be in question. Additionally, the new organic diversion mandates imposed by SB 1383 (Lara, 2016) in this sector are leading to management strategies that generate renewable natural gas (RNG) that could allow the truck fleets to be sustainably fueled with RNG well into the future; however, the ACF does not fully support RNG use in this way. Given the challenges this industry faces with these new requirements, a coalition of haulers and folks from the waste and recycling industry met with CARB staff for several months to express these concerns. The SWANA LTF has expressed similar concerns to CARB staff and provided public testimony on this matter. The industry successfully got Board members to understand these issues and committed to adding "flexibility" for fleets using renewable natural gas (RNG) to implement SB 1383 services in the final ACF, which is planned to be finalized in mid-2023.

SYASL will note that the "flexibility" for these fleets is still to be negotiated with CARB over the next few months. SYASL will continue to engage with stakeholders and monitor actions from CARB.

Attachment 1 contains a list and descriptions of bills on which the SWANA LTF took a position or closely monitored during the 2022 legislative session, along with their final status, organized by issue area. Please note that in 2022, the Legislature sent 1,166 bills to the Governor for his consideration, signing 997 and vetoing 169 bills, a veto rate 14.5%.

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

ATTACHMENT 1

Key Legislation by Issue Area

Beverage-Container Recycling

AB 2779 (Irwin) Beverage containers: wine and distilled spirits. – Support

This bill would add distilled spirits and certain wine products in aluminum containers to the California Beverage Container Recycling Program (BCRP).

This measure failed in the Senate Appropriations Committee.

SB 38 (Wieckowski) Beverage containers. – Watch

This bill requires the CalRecycle to study and develop a system or process to address the issue of glass contamination and, for purposes of the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill program); and requires a processor to pay certified recycling centers, curbside programs, and dropoff or collection programs electronically or by check.

This bill was signed by the Governor on September 30, 2022.

SB 1013 (Atkins) Beverage container recycling: reports: electronic submittal: wine and distilled spirits.- Support

This bill includes wine and spirit containers in the Beverage Container Recycling and Litter Reduction Act. This measure also expands the size of recycling convenience zones for purpose of the Bottle Bill from one-half mile to one mile around a supermarket.

This bill was signed by the Governor on September 27, 2022.

Environmental Quality

AB 1817 (Ting) Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS). - Support

This bill prohibits, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale any textile articles that contain intentionally added PFAS, except for textiles used for personal protective equipment or certain other regulated products. This bill requires manufacturers to use the least toxic alternative when complying with this prohibition and to provide distributors with certification of compliance.

This bill was signed by the Governor on September 29, 2022.

AB 2208 (Kalra) Fluorescent lamps: sale and distribution: prohibition. - Support

This bill phases out the sale of compact fluorescent lamps and linear fluorescent lamps used for general lighting applications.

This bill was signed by the Governor on September 18, 2022.

AB 1749 (C. Garcia) Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants. - Oppose

This bill updates requirements of AB 617, (Cristina Garcia, Chapter 136, Statutes of 2017) to permit an additional year for completion of community emissions reduction programs (CERPs), requires the Air Resources Board (ARB) to identify specified emissions reduction measures, and enhance reporting by local air districts.

This bill was signed by the Governor on September 16, 2022.

AB 2247 (Bloom) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform. – Support

This bill would require a manufacturer of per- and polyfluoroalkyl substances (PFAS) or a product or product component containing intentionally added PFAS that is sold, offered for sale, or distributed into the state to register it on the publicly accessible reporting platform created by the Department of Toxic Substances Control (DTSC) and the Interstate Chemicals Clearinghouse (ICC).

This bill was vetoed by the Governor on September 30, 2022.

Veto Message: Through the Safer Consumer Products Program, DTSC utilizes technical expertise and best available data to protect consumers and the environment. DTSC also partners closely with U.S. EPA, which is currently undergoing rulemaking to require reporting of PFAS. Based on this activity, this bill may be premature.

This bill is estimated to cost millions of dollars that would result in increased Environmental Fee

rates or General Fund resources for the new contract, staff support, and state oversight responsibilities. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending.

Hazardous Waste Regulations

AB 1793 (Quirk) Hazardous waste: identification: testing- Watch

This bill requires the Department of Toxic Substances Control (DTSC), subject to an appropriation by the Legislature in the Budget Act of 2022 that implements a proposal by DTSC to review and evaluate its hazardous waste criteria, to include a review of its acute aquatic toxicity criterion.

This bill was signed by the Governor on September 13, 2022.

AB 1894 (L. Rivas) Integrated cannabis vaporizer: packaging, labeling, advertisement, and marketing. - Support

Beginning July 1, 2024, places new requirements and restrictions for the packages and labels of integrated cannabis vaporizers, as well as for the advertisement and marketing of those products.

This bill was signed by the Governor on September 18, 2022.

AB 2440 (Irwin) Responsible Battery Recycling Act of 2022.- Support

This bill would establish a stewardship program for the collection and recycling of certain batteries and battery-embedded products.

This bill was signed by the Governor on September 18, 2022.

AB 2481 (Smith) Household hazardous waste: facilities: transportation and acceptance.- Support

This bill makes various changes to the statutory requirements for the transportation of hazardous waste and the operation of household hazardous waste (HHW) collection facilities.

This bill was signed by the Governor on September 23, 2022.

AB 2059 (Carrillo) Hazardous materials: recordkeeping. – Watch

This bill requires specified suppliers of hazardous materials to maintain electronic records of sales and provisions of hazardous materials of specified quantities to a business in the state for a minimum of one year and provide such records to a certified unified program agency (CUPA) within five days of a request.

This bill was signed by the Governor on September 13, 2022.

SB 1215 (Newman) Electronic Waste Recycling Act of 2003: covered battery-embedded products.- Support

This bill expands the definition of a “covered electronic device” (CED) in the existing electronic waste recycling program to include covered battery-embedded products. It also requires, on or before July 1, 2027, and at least once annually thereafter, each manufacturer of a CED to submit to CalRecycle a specified report and make information available to consumers that describes where and how to return, recycle, and dispose of the CED and opportunities and locations for the collection or return of the device.

This bill was signed by the Governor on September 16, 2022.

SB 1256 (Wieckowski) Waste management: disposable propane cylinders.- Support

This measure prohibits the sale of disposable one-pound propane cylinders in California starting in 2028.

This bill was vetoed by the Governor on September 30, 2022.

Veto Message: I acknowledge there are several challenges and costs faced by local governments

and solid waste management authorities responsible for the disposal of single-use propane cylinders. However, an outright ban without a plan for collection and refill infrastructure could inhibit the success of building a circular system in California.

California has successfully implemented many reuse and recycling systems, from the Beverage Container Recycling Program to several extended producer responsibility programs. These market-based solutions both significantly reduce waste and create jobs by turning a challenging product into a resource. I encourage the Legislature and stakeholders to work on a similar approach for the collection and reuse of this product that accounts for manufacturer and retail responsibility

Miscellaneous

AB 1001 (C.Garcia) Environment: mitigation measures for air quality impacts: environmental justice.- Oppose

This bill would require that air districts, in a nonattainment area, review existing emissions sources and mandate that each source is subject to a regulation employing best available retrofit control technology (BARCT).

This measure was not taken up for a vote in the Senate Environmental Quality and failed to meet the policy deadline. The bill failed.

AB 1857 (C. Garcia) Solid Waste. - Oppose

This bill repeals the provision of law that allows jurisdictions to count up to 10% of the waste sent to transformation toward their 50% diversion requirement. Creates the Zero-Waste Equity Grant Program to support strategies and investments in communities transitioning to a zero-waste circular economy.

This bill was signed by the Governor on September 16, 2022.

AB 2048 (Santiago) Solid Waste: Franchise agreements: database. – Watch

This bill requires the Department of Resources Recovery and Recycling (CalRecycle) to create and maintain a publicly accessible database of franchise agreements between contract solid waste and recycling haulers and jurisdictions or public agencies. This bill also requires a jurisdiction or public agency to post on its website all current franchise agreements between contract waste and recycling haulers and public agencies that are within the jurisdiction of the local jurisdiction and provide to CalRecycle the direct electronic link to those franchise agreements.

This bill was signed by the Governor on September 22, 2022.

AB 2374 (Bauer-Kahan) Crimes against public health and safety: illegal dumping. – Support

This bill increases the maximum fines for illegal dumping for persons employing more than 10 full-time employees, and requires any person convicted of illegal dumping to remove or pay the cost of removing the waste matter they were convicted of illegally dumping.

This bill was signed by the Governor on September 29, 2022.

Organic Source Reduction

AB 1985 (Robert, Rivas) Organic waste: recovered organic waste product procurement targets.- Support in Concept

This measure creates a delayed and ramping enforcement timeline for penalties for local jurisdictions to meet their organic waste procurement targets, gives CalRecycle the authorization to create an adjusted recovered procurement target schedule at its discretion, and allows renewable gas procured from a publicly owned treatment works to count towards 50% of a jurisdictions procurement target until 2025.

This bill was signed by the Governor on September 16, 2022.

SB 45 (Portantino) Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance. – Watch

This bill directs CalRecycle, in consultation with the California Air Resource Board (ARB), to assist local jurisdictions in complying with organic waste diversion programs, as specified.

This bill was signed by the Governor on September 19, 2022.

Recycling & Packaging Reform

AB 661 (Bennett) Recycling Materials.- Support

This bill makes numerous changes to the State Agency Buy Recycled Campaign (SABRC) including, among other things, requiring state agencies, if fitness and quality are equal, to purchase recycled products instead of nonrecycled products, whenever recycled products are available at no more than 10% greater total cost than nonrecycled products. This measure also requires CalRecycle, with the concurrence of DGS and in consultation with impacted agencies, to update a list of products and minimum recycled content percentages.

This bill was signed by the Governor on September 25, 2022.

SB 1046 (Eggman) Solid waste: precheckout bags.- Support

This bill, starting on January 1, 2025, will prohibit stores from providing a precheckout bag to a consumer unless the bag is a recycled paper bag or meets already existing and compostability and labeling standards and is eligible to be labeled as “compostable.”

This bill was signed by the Governor on September 30, 2022.

AB 2026 (Friedman) Recycling: plastic packaging. – Watch

Requires an e-commerce shipper that ships purchased products in or into the state to reduce the total weight and number of units of the e-commerce plastic packaging and expanded and extruded polystyrene it uses to ship or transport products in or into the state by no less than an unspecified percentage by January 1, 2030.

This measure failed in the Senate Appropriations Committee.

AB 2784 (Ting) Solid waste: thermoform plastic containers: postconsumer thermoform recycled plastic.- Watch

This bill requires that the total thermoforms offered for sale, distributed, or imported into the state by a producer to, on average, contain specified percentages of post-consumer thermoform recycled plastic, ranging from 10% in 2025 to up to 30% in 2030, based on the recycling rate of the material.

This bill was vetoed by the Governor on September 30, 2022.

Veto Message: *I strongly support efforts to advance California's transition to a circular economy. Earlier this year, I signed SB 54, which is the most significant overhaul of California's plastic and packaging recycling policy in state history, and goes further than any other state on cutting plastics production at the source. However, I am concerned this bill imposes confusing requirements in conflict with some of SB 54's key provisions, which could unfairly result in duplicative fees and penalties for the same material. SB 54 was specifically designed to create a comprehensive regulatory framework for all recycled materials, in lieu of piecemeal approaches for individual products. With this objective in mind, we should allow CalRecycle to begin its work to implement the reforms required by SB 54 before contemplating any new recycling requirements for individual materials.*

SB 54 (Allen) Solid waste: reporting, packaging, and plastic food service ware.- Watch

Establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act), which would cover certain single-use packaging and plastic single-use food service ware and would require producers, through a producer responsibility organization, to (1) source reduce plastic covered material, (2) ensure covered material sold, offered for sale, distributed, or imported in or into the state after January 1, 2032, is recyclable or compostable, and (3) ensure that plastic covered material offered for sale, distributed, or imported in or into the state meets specified recycling rates.

This bill was signed by the Governor on June 30, 2022.