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California State Assembly

NATURAL RESOURCES



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Senior Consultant
Paige Brokaw

Committee Secretary
Martha Gutierrez

AGENDA

Monday, April 7, 2025
2:30 p.m. -- State Capitol, Room 437

BILLS HEARD IN SIGN-IN ORDER

**** = Bills Proposed for Consent**

- | | | | |
|-----|-----------------|--------------|--|
| 1. | **AB 14 | Hart | Coastal resources: Protecting Blue Whales and Blue Skies Program. |
| 2. | AB 80 | Aguiar-Curry | Carpet recycling. |
| 3. | AB 252 | Bains | Wildfire protection: Department of Forestry and Fire Protection: staffing. |
| 4. | AB 317 | Jackson | California First Time Homeowner Dream Act. |
| 5. | AB 452 | Irwin | Coastal recreation: designated state surfing reserves. |
| 6. | AB 571 | Quirk-Silva | California Environmental Quality Act: exemption: Gypsum Canyon Veterans Cemetery.(Urgency) |
| 7. | AB 619 | Ransom | California Conservation Corps: training programs: formerly incarcerated individuals: reporting.(Urgency) |
| 8. | AB 652 | Alvarez | San Diego County Air Pollution Control District: governing board: alternate members. |
| 9. | **AB 663 | McKinnor | Hydrofluorocarbon gases: sale and distribution prohibition: exemptions.(Urgency) |
| 10. | AB 687 | Patterson | Forestry: timber operations: maintenance of timberlands for fuels reduction. |
| 11. | AB 738 | Tangipa | Energy: building standards: photovoltaic requirements. |
| 12. | AB 823 | Boerner | Solid waste: plastic microbeads. |
| 13. | AB 900 | Papan | Environmental protection: 30x30 goals: land conservation: science-based management and stewardship. |
| 14. | **AB 907 | Chen | State Air Resources Board: board members: compensation. |
| 15. | AB 973 | Hoover | Recycling: plastic packaging and products. |
| 16. | AB 1046 | Bains | Short-lived climate pollutants: recovered organic waste product: food processing establishments. |
| 17. | AB 1139 | Rogers | California Environmental Quality Act: exemption: public access: nonmotorized recreation. |
| 18. | AB 1153 | Bonta | Solid waste disposal and codisposal site cleanup: illegal disposal site abatement. |
| 19. | AB 1358 | Valencia | Santa Ana River Conservancy Program: lower Santa Ana River region. |
| 20. | AB 1455 | Bryan | California Environmental Quality Act: certified regulatory program: State Board of Forestry and Fire Protection: ember-resistant zone. |

21. ****AB 1457** Bryan

Wildfires: training programs: defensible space: inspections.

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Bryan, Chair

AB 14 (Hart) – As Amended March 13, 2024

SUBJECT: Coastal resources: Protecting Blue Whales and Blue Skies Program

SUMMARY: Requires the Ocean Protection Council (OPC) to participate as an advisory stakeholder to the Protecting Blue Whales and Blue Skies Program to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast

EXISTING LAW:

Under federal law:

- 1) Establishes protections, pursuant to the Endangered Species Act (ESA), for fish, wildlife, and plants that are listed as threatened or endangered. Lists blue, fin, and humpback whales as endangered species. (16 United States Code (U.S.C.) 1538 *et seq.*)
- 2) Establishes the Marine Mammal Protection Act (MMPA) to prevent marine mammal species and population stocks from declining beyond the point where they cease to be significant functioning elements of the ecosystems of which they are a part. Prohibits the “take” of marine mammals—including harassment, hunting, capturing, collecting, or killing—in U.S. waters and by United States citizens on the high seas. (16 U.S.C. 1361 *et seq.*)
- 3) Establishes the National Marine Sanctuaries Act and authorizes the Secretary of Commerce to designate and protect areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational or esthetic qualities as national marine sanctuaries. (16 U.S.C. 1431 *et seq.*)

Under state law:

- 4) Establishes the OPC to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations. (Public Resources Code 35615 (a)(1))
- 5) Establishes the California Air Resources Board (ARB) to regulate emissions from mobile sources. (Health & Safety Code 39500 *et seq.*)
- 6) Requires, per ARB’s At Berth Regulations, a certain percentage of a fleet’s vessels to plug into shore power while at berth to reduce emissions from ocean-going vessels to improve air quality at California ports. (Title 17 California Code of Regulations 93130-93130.22)

THIS BILL:

- 1) Requires, subject to the availability of funding, the OPC to participate as a stakeholder, and in an advisory capacity, to the Program with air pollution control districts and air quality

management districts along the coast and other stakeholders, including the federal Office of National Marine Sanctuaries, the United States Environmental Protection Agency (US EPA), the United States Navy, the United States Coast Guard (USCG), and the maritime industry, to support, in an advisory capacity, coastal air districts in their efforts to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

- 2) Requires expansion of the existing Program by local air pollution control districts and air quality management districts to be a single unified program, and may include all of the following components developed in a manner that is consistent with how the program components were developed for the Program:
 - a) A marketing program to engage cargo owners and other commercial interests to promote voluntary vessel speed reduction and sustainable shipping, and an acknowledgment of the program's participants;
 - b) Data collection on ship speeds along the California coast in order to analyze the program for future refinement, expansion, or both;
 - c) Data collection on underwater acoustic impacts or fatal vessel strikes on whales, to the extent data is available;
 - d) Data collection on the regional air quality impacts on the coast and impacts to air quality in coastal disadvantaged communities from oceangoing vessel traffic, as collected and provided by the regional air pollution control districts and air quality management districts;
 - e) Incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, including speed zones at 10 knots or less, to the extent that local or federal funding is available;
 - f) Development of vessel speed reduction zones along the coast that take into account navigational safety, protected marine mammal migration and breeding seasons, federal marine sanctuaries and state marine protected areas, shipping lanes, and any other relevant variables;
 - g) Seasonality of the program; and
 - h) Description of covered vessels.
- 3) Requires the Program to exclude any ocean territories that are covered by any vessel speed reduction program other than the Protecting Blue Whales and Blue Skies Program or a memorandum of understanding entered into before January 1, 2026.
- 4) Provides that the Program only applies to vessels that are 300 gross tons or greater.
- 5) Requires, on or before December 31, 2029, the participating air pollution control districts and air quality management districts to submit a report to the Legislature regarding the implementation of the Program. Sunsets the reporting requirement on December 31, 2033.

- 6) Provides that the Program and each component of the program are based upon voluntary actions initiated by entities pursuant to this section and are not regulations as defined in Section 11342.600 of the Government Code, and shall not be implemented in a way that conflicts with federal law and regulations.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:**

The Santa Barbara voluntary vessel speed reduction program is a prime example of what happens when we prioritize public health, protect the marine ecosystem, and showcase the beneficial partnership between shipping companies, public health agencies, marine sanctuaries, and environmental organizations. Assembly Bill 14 provides participating companies with the official endorsement of the State of California for their efforts to reduce emissions and protect whales. This invaluable state-level recognition will increase visibility, interest and support for conservation efforts along the California coast.

- 2) **Vessel traffic on California coast.** California's seaports are North America's primary intermodal gateway to Asia and Transpacific trade. Every year, the world's largest container ships and auto carriers make thousands of transits along the California coast, with an estimated 120 tons per day of nitrogen dioxides (NO_x), an ozone precursor, being emitted within 100 nautical miles (Nm) of the coast. These emissions negatively affect the public health of coastal communities and cause some areas of the coast to be in nonattainment with the national ambient air quality standards for ozone and particulate matter (PM).

Ocean-going vessel speed reductions offer the possibility for significant reductions in emissions of NO_x, oxides of sulfur (SO_x), diesel PM and carbon dioxide (CO₂). The reduction of 3-10 knots per ship eliminates an entire ton of smog-forming emissions each day.

- 3) **Marine mammal impacts.** Widespread hunting of whales during the nineteen and twentieth centuries left many whale populations severely depleted. In the U.S., marine mammals have legal protection under the federal Marine Mammal Protection Act, making the take of those marine mammals illegal. Nonetheless, human-caused mortality of whales still occurs in U.S. waters, in some cases threatening the recovery of depleted populations.

Strikes of blue (*Balaenoptera musculus*), humpback (*Megaptera novaeangliae*), and fin (*Balaenoptera physalus*) whales are major causes of death for those species. Blue, humpback, and fin whales migrate seasonally along the West Coast of the U.S., where they overlap with significant shipping activity. Important feeding hotspots for blue and humpback whales occur in waters near the Ports of Los Angeles/Long Beach/ (POLA/POLB) and Oakland where they intersect with vessel traffic lanes. All three whales are listed as endangered under the ESA with associated legal protections.

A 2017 study, *High mortality of blue, humpback and fin whales from modeling of vessel collisions on the U.S. West Coast suggests population impacts and insufficient protection* (R.

Cotton Rockwood, et al), found the majority of strike mortality occurs in waters off California, from near and south of Bodega Bay and tends to be concentrated in a band approximately 24 Nm offshore and in designated shipping lanes leading to and from major ports.

Marine animals are challenging for vessel operators to see as they spend most or all of their time underwater and generally have a low profile when surfacing to breathe. Many marine animals may not be able to detect a vessel, or move out of the way of an approaching vessel quickly enough.

Whales are not the only collateral damage. Sea turtles, and protected fish like sturgeon and giant manta rays, are some of the species struck by vessels and often injured or killed. Sea turtles are found throughout U.S. waters from very close to shore to open ocean. They are at risk of being struck by vessels as they surface to breathe or as they rest, bask, or feed near the surface or in shallow water. There are six species of sea turtles listed as endangered or threatened under the ESA.

According to the National Oceanic and Atmospheric Administration (NOAA), it is estimated that hundreds to thousands of sea turtles are struck by vessels in the U.S. every year, and many of them are killed. Vessel strikes are one of the most common causes of sea turtles stranding in the U.S.

Collisions involving larger marine animals and small or medium sized boats can damage vessels and cause serious, sometimes fatal, injuries to people, especially when the vessels are operating at high speeds.

Just over the last few months of 2024, the coast off Orange County had an increase in humpback whales. Newport Coastal, a local whale watching company, maintains a sighting log that has tracked humpbacks in droves, including 18 on October 19, 16 on October 26, and 17 on November 1. A dozen more were seen in a three-hour window on December 4. In addition, hundreds — and in some cases, thousands — of dolphins that share space with the whales.

- 4) **Vessel speed reduction for ocean-going vessels.** In May 2001, an MOU between the POLA/POLB, US EPA, ARB, the South Coast Air Quality Management District, the Pacific Merchants Shipping Association, and the Marine Exchange of Southern California was signed that specifically requested ocean-going vessels to voluntarily reduce their speed to 12 knots at a distance of 20 nautical miles (Nm) from the POLA/POLB. Both ports continue to operate this voluntary program.

POLA provides financial incentives to vessel operators who go 12 knots over the entire distance for which they wish to receive an incentive reimbursement. (The distance is determined by the Marine Exchange.)

POLB's Green Flag Program rewards vessel operators for slowing down to 12 knots or less within 40 Nm of Point Fermin (near the entrance to the Harbor). More than 90% of vessels coming into POLB participate in the program. Participating vessel operators can earn dockage rate reductions.

Furthermore, the Superintendent of the Monterey Bay National Marine Sanctuary announced last March that they will implement voluntary VSR in that entire Sanctuary, making all four California national marine sanctuaries with a VSR zone starting May 1, 2023.

- 5) **Protecting Blue Whales and Blue Skies Program.** Established in 2014, the goal of the Program is to reduce the environmental impacts of shipping along California's coast line. It is a voluntary VSR program off the Santa Barbara, Ventura, and Bay Area coast to encourage transit speeds of 10 knots or less to reduce air pollution, the risk of harmful whale strikes, and the level of ocean noise. The 10-knot target complements NOAA's and USCG's requests for all vessels (300 gross tons or larger) to reduce speeds during the months of peak endangered blue, humpback, and fin whale abundance to protect these whales from ship strikes.

The Program is a partnership between the Santa Barbara Air Pollution Control District, Ventura County Air Pollution Control District, and the Bay Area Air Quality Management District, with the federal Office of National Marine Sanctuaries, marine sanctuary foundations, and various nonprofits and federal agencies.

The Program partners monitor the speeds of hundreds of vessels that pass through the VSR zones each year. Using a fleet-based approach, they assign a recognition level to each of their shipping company participants based on the percentage of their vessels that travel at a speed of 10 knots or less.

The Program runs each year from mid-May to mid-November to coincide with peak ozone and whale feeding and migration. The current Program participation rate is about 60%.

Since its inception, through 2023, the Program has provided small incentives and publicity to participants and has achieved more than 1.1 million slow speed miles, resulting in a reduction of more than 4,400 tons of NOx, a reduction of over 150,000 metric tons of regional greenhouse gas emissions, and an estimated 50% decreased risk of whale strikes during prime migration season in the affected coastal areas.

The 2017 study on whale strike mortalities stated that while risk is highest in the shipping lanes off San Francisco and Long Beach, only a fraction of total estimated mortality occurs in these proportionally small areas, making any conservation efforts exclusively within these areas insufficient to address overall strike mortality.

- 6) **State oversight.** The OPC, in its Strategic Plan, identified the task to develop a statewide whale and sea turtle protection plan by 2022 with a target of zero mortality. To accomplish this goal, the OPC notes the following action:

With ARB, coastal air districts, ports, and the National Marine Sanctuary Program, develop a permanent, statewide, Vessel Speed Reduction Program that incentivizes the shipping industry to prevent whale strikes, reduce coastal air pollution, and minimize marine noise pollution.

The OPC is mandated with coordinating activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources. This bill would task the OPC with implementing this program, helping to move the needle on the OPC's Strategic Plan goal for zero marine mammal mortality.

- 7) **30x30.** In October 2020, Governor Newsom issued Executive Order N-82-20, which establishes a state goal of conserving 30% of California's lands and coastal waters by 2030 – known as 30x30. The 30x30 goal was codified by SB 337 (Min), Chapter 392, Statutes of 2023.

A group of scientists recently published findings that whales store such massive amounts of carbon that protecting them provides a significant assist in our global effort to sequester carbon. Twelve great whale species — including blue, humpback, and fin — hold an estimated two million metric tons of carbon in their bodies. That's roughly equivalent to the amount of carbon released from burning 225 million gallons of gasoline. Another 62,000 metric tons of carbon — the equivalent of 7 million gallons of gas — is trapped every year in the form of whale falls, the bodies of dead whales that sink to the seafloor and support an ecosystem of scavengers.

Protecting whales (and other marine species) is consistent with our state 30x30 goals to protect biodiversity and meet our carbon neutrality goals.

The California Natural Resources Agency (NRA) report, *Pathways to 30x30: Accelerating Conservation of California's Nature*, prioritizes strengthening partnerships with federal resource managers and California Native American tribes to improve conservation within coastal waters. It states:

Explore possible new measures and initiatives to address threats to biodiversity within National Marine Sanctuaries in partnership with California Native American tribes, scientists, federal resource managers, and key stakeholder groups, such as strengthening water quality and invasive species protections, exploring mandatory vessel speed reductions to protect whales, and enhancing the durability of existing restrictions on fishing gear and methods.

- 8) **This bill.** This bill would require the OPC to participate as a stakeholder, and in an advisory capacity, to the Program with air pollution control districts and air quality management districts along the coast, federal stakeholders, and the maritime industry to support, in an advisory capacity, coastal air districts in their efforts to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. Expansion of the existing Program would be a single unified program.
- 9) **Double referral.** This bill was heard in the Assembly Water, Parks & Wildlife Committee on March 25 and approved 13-0.

10) **Related legislation:**

AB 2298 (Hart) 2024 required the OPC to implement a statewide voluntary VSR sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal

vessel strikes on whales, and harmful underwater acoustic impacts. This bill was held in the Senate Appropriations Committee.

AB 953 (Connolly) 2023 was identical to the introduced version of AB 2298. It was held in the Senate Appropriations Committee.

SB 69 (Weiner) 2019 would have directed ARB to develop a similar voluntary VSR program in coordination with affected air districts and the national marine sanctuaries. The bill contained a multitude of other, unrelated proposed policies, and was held in the Assembly Appropriations Committee

REGISTERED SUPPORT / OPPOSITION:

Support

Bay Area Air Quality Management District
Breathe California of The Bay Area, Golden Gate, and Central Coast
California Air Pollution Control Officers Association
California Environmental Voters
California Marine Sanctuary Foundation
Central Coast Clean Cities Coalition
Central Coast Climate Collaborative
City of Goleta
County of Santa Barbara
Environmental Defense Center
Jas Worldwide Management
Monterey Bay Air Resources District
Office of National Marine Sanctuaries West Coast Region
Pacific Merchant Shipping Association
Port of Hueneme
San Diego County Air Pollution Control District
San Luis Obispo County Air Pollution Control District
Santa Barbara County Air Pollution Control District
Santa Barbara County Green Business Program
Sierra Club
Sustainable Rossmoor
Svario, INC.
The Block Logistics, INC.
Ventura County Air Pollution Control District
Ventura County Regional Energy Alliance

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 80 (Aguiar-Curry) – As Amended March 12, 2024

SUBJECT: Carpet recycling: product stewardship for carpet: fines

SUMMARY: Updates the state’s carpet stewardship law by expanding the definition of approved collection sites, clarifies the date by which the Department of Resources Recycling and Recovery (CalRecycle) must adopt regulations, requires producers to publish specific information regarding carpet components, strengthens labeling requirements for covered products, and clarifies penalty provisions.

EXISTING LAW: Pursuant to the state’s carpet stewardship law (Public Resources Code 42970 *et seq.*):

- 1) Requires the carpet stewardship program to operate under a single producer responsibility organization (PRO) for carpet management and requires the PRO to develop a producer responsibility plan (plan) for the collection, transportation, recycling, and the safe and proper management of covered carpet products in the state.
- 2) Establishes specific timelines and processes for the PRO to develop a plan for carpet, including requiring the PRO to:
 - a) Develop the product stewardship plan within 12 months of specified regulations being adopted and requires CalRecycle to review the plan for compliance within 120 days of receipt;
 - b) Conduct a public consultation process, including at least two public workshops, with producers, wholesalers, retailers, service providers, consumers, local governments, installers, and public interest groups;
 - c) Review the plan at least every five years; and,
 - d) Implement the approved plan within 12 months of CalRecycle's approval of plan.
- 3) Establishes criteria for the stewardship program, which are subject to adjustment by CalRecycle and include:
 - a) A description of the PRO's annual assessment and the metrics it will use to determine how collection, sorting, and transportation outcomes align with projections;
 - b) A description of the education component;
 - c) A contingency plan should the plan expire without approval of a new plan; and,
 - d) A mechanism for submitting a new plan to CalRecycle within 12 months before the expiration of the existing carpet stewardship plan.

- 4) Establishes a 5% postconsumer recycled carpet content requirement for carpets beginning January 1, 2028, and authorizes CalRecycle to adjust the rate after January 1, 2029.
- 5) Establishes an eco-modulated fee under which producers pay different amounts to the PRO depending on the products they produce.
- 6) Requires CalRecycle to develop regulations to oversee the program, with costs covered by the PRO. Requires CalRecycle to post a list of producers that are in compliance with the requirements of the program on their website.
- 7) Requires the PRO to report specified information to CalRecycle before July 1st of each year, including the total amount of carpets collected and recycled in that year, the expenditures of the PRO, and efforts taken to achieve the goals of the program, along with other information.
- 8) Specifies that if the PRO violates the statute three or more times, CalRecycle may make the PRO permanently ineligible to act as the PRO for the program.
- 9) Specifies that if CalRecycle determines that a manufacturer or PRO does not meet the requirements of the program, CalRecycle may promulgate regulations that dictate actions the manufacturers or PRO must take in order to come into compliance.
- 10) Establishes civil penalty amounts for violations of the program of \$10,000 per day, or \$25,000 per day if the violation is intentional, knowing, or negligent.

THIS BILL:

- 1) Expands the definition of “approved collection site” to include a carpet recycling center, municipal facility that accepts carpet, and a retailer that sells a covered product.
- 2) Strikes the definition of “circular economy environmental nongovernmental organization” and instead defines “environmental nongovernmental organization” as a nonprofit organization established to address environmental issues related to waste and recycling.
- 3) Clarifies that CalRecycle regulations to implement the program shall have an effective date no later than December 31, 2026.
- 4) Rather than requiring producers to publish environmental product declarations for each covered product, requires producers to publish the components that constitute more than one percent of the total composition of the product by weight and any component that is listed by the Department of Toxic Substances Control as a candidate chemical, pursuant to Section 69502.2 of Title 22 of the California Code of Regulations.
- 5) Requires producers to explain how they will use standardized stamping or some other means to provide a mark on the back of a covered product that provides the name of the manufacturer, the date of manufacture, and a listing of face fibers and backing materials contained in the product.
- 6) Exempts the following from the requirement that, on and after January 1, 2029, any person who removed a covered product from a residence of business transport the products to an approved collection site:

- a) If the covered product is returned to the producer;
 - b) If the producer's return process and guidelines are included in the PRO's approved producer responsibility plan;
 - c) If the producer collects, maintains, and provides to the PRO the information necessary for the collection to be included in the PRO's performance metrics; and,
 - d) If the producer's return process is subject to audit by the PRO and CalRecycle.
- 7) Changes the due date for the PRO's annual report from July 1 of each year to September 1 of each year.
- 8) Revises the types of violations that are subject to a civil penalty of up to \$25,000 per day to only include those that are intentional or knowing, rather than intentional, knowing, or negligent.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Carpet.** Discarded carpet is one of the most prevalent waste materials in California landfills, comprising more than one percent of waste disposed of in California in 2021. Not only does carpet occupy a large portion of California's landfills, it is also difficult to manage and contributes to the state's illegal dump sites. To divert carpets from landfills and recycle carpets into new products, California established the carpet stewardship program under AB 2398 (Pérez), Chapter 681, Statutes of 2010. The program was one of the state's first extended producer responsibility (EPR) programs. EPR is a strategy that places shared responsibility for end-of-life product management on the product producers and all entities involved in the product chain, instead of on the general public and local governments.

Under the carpet EPR program, manufacturers or distributors of carpet are required to design and implement their own stewardship program to reach certain carpet recycling goals. The program is funded by assessments paid by manufacturers per yard of carpet sold. The stewardship organization that currently operates the program, with direction and oversight from CalRecycle, is the Carpet America Recovery Effort (CARE). CARE is a third-party nonprofit carpet stewardship organization based in Georgia.

Under the program, carpet that is removed from a building is collected and transported to the carpet stewardship program through a network of collection sites overseen by CARE. Once carpets are collected, they are sorted and shipped to a recycling facility, where they can be recycled into new carpet or downcycled into building products, such as insulation for commercial buildings.

- 2) **Funding.** The carpet EPR program is funded by an assessment fee that is based on the type of carpet and its recycling rate. For broadloom carpet, the fee is \$1.05 per square yard for carpet that contains less than 10% recycled content, and \$0.96 per square yard for carpet that contains more that contains 10% or more recycled content. For carpet tile, the fee is \$1.49 per square yard for carpet that contains less than 10% recycled content, and \$1.40 per square yard for carpet tile that contains 10% or more recycled content. The assessment is collected

by retailers or dealers when they sell carpet in California, who are reimbursed by manufacturers on a quarterly basis. CARE allocates the money to run the program, including funding three primary elements: subsidies, program expenses, and administration expenses.

- 3) **CARE's Carpet Catastrophe.** The carpet EPR program is one of the state's first major EPR programs, and the program has been fraught with setbacks and failures under CalRecycle's oversight and CARE's management. CARE failed four consecutive times to produce an approved stewardship plan. CalRecycle has rejected numerous plans because CARE has failed to provide suitable and quantifiable five-year and annual goals to expand and incentivize markets for postconsumer carpet. In spite of the significant amount of money collected by CARE from California consumers, CalRecycle found that CARE did not meet the program requirements in 2013, 2014, 2015, and 2016. As a result, CalRecycle began an enforcement proceeding against CARE in 2017. In March of 2021, CARE and CalRecycle reached a settlement that required CARE to pay \$1.175 million in penalties. Because of CARE's inability to develop an adequate plan, the carpet stewardship program has spent years operating under an outdated carpet stewardship plan or an interim plan.
- 4) **Starting anew.** Last year, the state's carpet EPR program was replaced with a new program by AB 863 (Aguiar-Curry), Chapter 675, Statutes of 2024, which required that the program operate under a single PRO, set explicit goals that must be accomplished in the stewardship plan (including hitting specified postconsumer recycled content goals, density of collection sites, and establishing an eco-modulated fee), and improved reporting and enforcement for the program. AB 863 increased penalties for program violations from up to \$5,000 per day to up to \$10,000 per day for most violations, and from up to \$10,000 per day to up to \$25,000 per day for knowing, intentional, and negligent violations. The bill also established a three-strike rule for the PRO. If the PRO (or a manufacturer) violates the provisions of the program three times, it can no longer operate the program. Creating a new program with a new PRO administrative structure with new programmatic processes and goals was intended to create a fresh start for carpet EPR, separate from the historic failures of the prior carpet EPR program.
- 5) **This bill.** This bill is intended to build on the foundation set by AB 863 to improve accountability and the effectiveness of the state's carpet recovery program by expanding the definition of approved collection sites, clarifying the date by which CalRecycle must adopt regulations, requiring producers to publish specific information regarding carpet components, strengthening labeling requirements for covered products, and clarifies the penalty provisions.

6) **Author's statement:**

Since July 2011, California consumers have paid a carpet stewardship assessment fee when purchasing carpet sold in California. This fee funds a statewide carpet recycling program known as the Carpet America Recovery Effort (CARE), which is a Producer Responsibility Organization (PRO) designed and implemented by carpet manufacturers with CalRecycle oversight. However, CARE has repeatedly failed to administer the program effectively and equitably and has required oversight and repeated enforcement by CalRecycle. Recyclers and collectors have left the state or gone out of business due to a lack of feedstock, while carpet is still being landfilled.

While AB 863 (Aguiar-Curry, 2024) strengthened accountability requirements for the statewide consumer-funded carpet recycling program, CARE continues to lack a representative model of governance, and perfectly recyclable carpet is currently being landfilled due to a lack of convenient collection sites and proper sorting. This bill improves accountability and representation within CARE's governance structure by adding additional nonvoting members across different manufacturers to the governing board. To improve recyclability, this bill also heightens product composition and backstamping standards to encourage more sustainable production practices.

REGISTERED SUPPORT / OPPOSITION:

Support

A Voice for Choice Advocacy
California Product Stewardship Council
CleanEarth4Kids.org
California Product Stewardship Council (sponsor)

Opposition

None on file

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 252 (Bains) – As Amended March 24, 2025

SUBJECT: Wildfire protection: Department of Forestry and Fire Protection: staffing

SUMMARY: Requires the California Department of Forestry and Fire Protection (CAL FIRE) to maintain no less than full staffing levels throughout the calendar year and meet specified staffing requirements.

EXISTING LAW:

- 1) Establishes the Department of Forestry and Fire Prevention (CAL FIRE) in the California Natural Resources Agency to provide fire protection and prevention services, as specified. CAL FIRE is the lead agency for fire protection in the State Responsibility Area (SRA).
- 2) Requires budgeted sums to be allocated to the contract counties at least equal to the direct cost of fire protection, as provided.

THIS BILL:

- 1) Establishes the Stop Laying Off Firefighters Act.
- 2) Defines, for purposes of the bill, “full staffing levels” as the combined highest number of full-time, part-time, and seasonal firefighting personnel employed by CAL FIRE in any single month between January 1, 2022, and December 31, 2024.
- 3) Requires CAL FIRE, on or before January 1, 2028, to maintain no less than full staffing levels throughout the calendar year at all fire stations and facilities under its jurisdiction.
- 4) Requires CAL FIRE to employ sufficient permanent firefighting personnel to meet the requirements of #3.
- 5) Requires CAL FIRE to implement the staffing requirements with the following schedule:
 - a) On or before January 1, 2026, CAL FIRE shall achieve 50% percent of the required increase in year-round staffing levels.
 - b) On or before January 1, 2027, CAL FIRE shall achieve 75% of the required increase in year-round staffing levels.
- 6) Requires CAL FIRE to report annually to the Legislature on all of the following:
 - a) Progress toward implementation of year-round staffing requirements;
 - b) Impact on emergency response capabilities;
 - c) Cost analysis and budgetary requirements; and,
 - d) Recruitment and retention metrics.

- 7) Requires the Legislature to appropriate in the annual Budget Act or another statute sufficient moneys to implement this bill.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:**

AB 252 is a critical piece of legislation that seeks to modernize CALFIRE's staffing structure to ensure California is better prepared for the growing threat of wildfires. By requiring CALFIRE to maintain full staffing levels year-round, rather than laying off and rehiring thousands of firefighters annually, the bill directly addresses gaps in the state's ability to respond to increasingly frequent and severe wildfires caused by climate change. The bill mandates a phased approach to achieving full staffing, with incremental increases through 2028, and ensures the Legislature provides necessary funding for implementation. Given that climate change has already led to more extreme fire seasons, year-round staffing is essential not only for emergency response but also for vital wildfire prevention efforts such as controlled burns, reforestation, and community education. By stabilizing the workforce, AB 252 also enhances firefighter retention, reduces training costs, and improves public safety across all communities. Importantly, while wildfires impact all Californians, low-income communities often struggle the most to recover from fire damage. Strengthening the state's firefighting capacity can help mitigate the devastating effects of wildfires and protect vulnerable populations.

- 2) **Wildfires in California.** Wildfires have been growing in size, duration, and destructivity over the past 20 years. Growing wildfire risk is due to accumulating fuels, a warming climate, and expanding development in the wildland-urban interface. The 2020 fire season broke numerous records. Five of California's six largest fires in modern history burned at the same time, with more than 4.3 million acres burned across the state, double the previous record. The Los Angeles fires have burned an area nearly the size of Washington, D.C., killed 28 people and damaged or destroyed nearly 16,000 structures, according to CAL FIRE.
- 3) **CAL FIRE budget.** CAL FIRE is responsible for fire prevention and suppression in more than 31 million acres across the state. CAL FIRE's workweek, staffing, and operational models are dictated in large part by its service needs, which include providing 24-hours per day, 7-days per week coverage on a year-round basis, as well as augmented response capacity during peak wildfire season. CAL FIRE's firefighters, fire engines, and aircraft respond to more than 5,400 wildland fires that burn an average of 156,000 acres each year, and, according to CAL FIRE, "answer the call [of duty] more than 450,000 times for other emergencies each year."

Total spending on CAL FIRE fire protection, resource management, and fire prevention has grown from \$800 million in fiscal year (FY) 2005-06 to \$4.1 billion in FY 2024-25. CAL FIRE's base fire protection budget has grown steadily over this period, while emergency fire suppression spending varies from year to year based on the severity of the wildfire season. Correspondingly, according to the Legislative Analyst's Officeⁱ (LAO), CAL FIRE's staffing levels also have increased significantly over the past decade. Specifically, between FYs

2014-15 and 2023-24, the number of positions that CAL FIRE categorizes as related to fire protection increased from 5,756 to 10,275, and the total number of positions at the department grew from 6,632 to 12,000 (representing roughly an 80% increase in both cases). In the FY 2020-21 and 2022-23 budgets, the Legislature approved proposals totaling roughly \$170 million per year on an ongoing basis to provide relief staffing, such as adding new fire crews at CAL FIRE and partner agencies and funding new helicopter and other aircraft.

As of 2024-25, the LAO estimates that roughly three-quarters of wildfire response-related positions are permanent and the rest are seasonal. In the FY 2024-25 budget, CAL FIRE has 12,511.5 authorized positions split among the Office of the State Fire Marshal, Fire Protection, Resource Management, the Board of Forestry and Fire Protection, and Administrative Services. More than 85% of staff are dedicated to fire protection.

- 4) **66-hour work week.** The first 24 to 48 hours of a massive megafire like the Camp Fire or the Eaton and Palisades Fires, no one sleeps. Firefighters work under grueling conditions nonstop, and the voracity of fires over the last few years have placed significant strains on firefighters. Firefighters work long overtime hours and many times up to 40 days in a row without a single day off.

When major fires break out, CAL FIRE can request local resources from local fire departments that send out their strike teams. Even with reinforcements, the state can still come up short handed with firefighters when multiple fires are burning concurrently.

To address burnout, the state is in the process of implementing a 66-hour work week plan for the state's firefighters. Unit 8 (CAL FIRE Local 2881), which represents most of CAL FIRE's positions, such as Fire Captains, Fire Apparatus Engineers, Fire Fighter IIs, and Fire Fighter Is, executed a Memorandum of Understanding (MOU) with the state in September 2022 with the state to, among other things, reduce the CAL FIRE firefighter workweek from 72 hours to 66 hours—a 24-hour reduction per 28-day pay period.

The 2024-25 budget includes \$199 million and 338 positions in fiscal year 2024-25 to begin implementing a shift to a 66-hour workweek as contemplated in the 2022 MOU with Unit 8. The costs of the proposal would increase in the coming years as CAL FIRE phases in the changes, rising to \$770 million on an ongoing annual basis and 2,457 permanent positions by 2028-29. By FY 2028-29, the state is committed to adding 2,457 new permanent positions to CAL FIRE. Staffing up at that capacity takes times, which is why the proposal is phased in over four budget years.

The plan shifts a significant number of seasonal firefighters to permanent firefighters, which means that more engines will be staffed year round than historically has been the case and more firefighters will be working at any given time during non-peak periods than otherwise would have been the case. According to the LAO, the proposal extends the peak staffing period from five months to nine months, resulting in additional CAL FIRE firefighters being on duty at any given time because there will be more engines deployed overall. Further, by extending peak season for an additional four months, the plan will significantly increase the number of firefighters on duty throughout the whole year. The permanent personnel would allow CAL FIRE to adjust its staffing rotation to a platoon model in which firefighters would rotate on and off duty together as a group rather than individually. For example, an engine might be staffed by a team made up of a Fire Captain, Fire Apparatus Engineer, and Fire

Fighter I on Monday, Tuesday, and Wednesday; a separate trio of individuals on Wednesday, Thursday, and Friday; and a third group on Friday, Saturday, and Sunday. Additionally, the proposal increases the number of engines operated during base staff from 65 to 135 engines.

The LAO estimates that by the time the change to the workweek is fully implemented in 2028-29, CAL FIRE positions focused on wildfire response will increase roughly to 12,900.

- 5) **Federal staffing shortages.** In 2022, Congressman Darrell Issa (CA-48) introduced “Direct Hire to Fight Fire,” House Resolution. 3499 to speed the hiring of essential firefighting roles at federal agencies including the U.S. Forest Service, Bureau of Land Management and National Park Service. The legislation grants permanent Direct Hire Authority to federal firefighting agencies. 58% of all California forestlands are owned and managed by the Federal Government.

In October, the U.S. Forest Service directed its employees in California to stop prescribed burning “for the foreseeable future,” citing the need to preserve staff and equipment to fight wildfires if needed. The Angeles National Forest, managed by the U.S. Forest Service, covers more than 650,000 acres, about one-quarter of LA County. Further, the Trump Administration is in the process of downsizing the federal workforce by more than two million employees, including more than 7,000 employees at the U.S. Forest Service, and hundreds of positions at the National Park Service, and the Bureau of Land Management.

- 6) **This bill.** AB 252 requires CAL FIRE, on or before January 1, 2028, to maintain no less than full staffing levels throughout the calendar year at all fire stations and facilities under its jurisdiction. The staffing requirements would be met on the following schedule: 50% percent of the required increase in year-round staffing levels by January 1, 2026, and 75% of the required increase in year-round staffing levels by January 1, 2027.

- 7) **Related legislation.**

SB 581 (McGuire) establishes the Fight for Firefighters Act to transition 3,000 seasonal firefighters to fulltime; keep 356 CAL FIRE fire engines fully operational 365 days per year; maintain 38 vegetation management crews fully operational year round; and require all CAL FIRE helicopter bases to be fully staffed year round. This bill is referred to the Senate Labor, Public Employment and Retirement Committee.

AB 247 (Bryan) requires inmate firefighters to be paid an hourly wage equal to the lowest nonincarcerated firefighter wage in the State of California for the time that they are actively fighting a fire. The lowest firefighter wage shall be updated annually. This bill is referred to the Assembly Appropriations Committee.

AB 1309 (Flora) requires the state to pay firefighters who are rank-and-file members of State Bargaining Unit 8 within 15% of the average of the salary for corresponding ranks in the 20 California fire departments, agreed to by the exclusive bargaining representative for Bargaining Unit 8 and the Department of Human Resources in 2017. This bill is referred to the Assembly Public Employee and Retirement Committee.

SB 1062 (McGuire) 2022 would have required, on or before January 1, 2024, CAL FIRE to provide to the Legislature a long-term staffing plan for the department and for the plan identify the staffing and infrastructure needs for the department through the year 2030 to

meet the new era of wildfire firefighting. This bill was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

Cal Fire Local 2881

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

ⁱⁱ [The 2024-25 Budget: CalFire—Implementation of a 66-Hour Workweek](#)

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 317 (Jackson) – As Introduced January 24, 2025

SUBJECT: California First Time Homeowner Dream Act

SUMMARY: Establishes an exemption from the California Environmental Quality Act (CEQA) for new construction of a single-family dwelling that is 1,500 square feet or less with no more than three bedrooms, and is intended to be sold to a first-time homebuyer for less than \$400,000. Also provides for deferral of property taxes on eligible dwellings.

EXISTING LAW:

- 1) The CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) include categorical exemptions for residential projects, including:
 - a) Section 15303 for new construction or conversion of small structures, including:
 - i) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
 - ii) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
 - b) Section 15332 for larger, infill development projects, as follows:
 - i) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
 - ii) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
 - iii) The project site has no value as habitat for endangered, rare, or threatened species;
 - iv) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and,
 - v) The site can be adequately served by all required utilities and public services.
- 2) Exempts from CEQA multi-family residential and mixed-use housing projects on infill sites within cities and unincorporated areas that are within the boundaries of an urbanized area or urban cluster. (Public Resources Code (PRC) 21159.25)
- 3) Exempts from CEQA any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report (EIR) has been certified, unless substantial changes or

new information require the preparation of a supplemental EIR for the specific plan, in which case the exemption applies once the supplemental EIR is certified. (Government Code (GC) 65457)

- 4) Exempts from CEQA specified residential housing projects which meet detailed criteria established to ensure the project does not have a significant effect on the environment, including:
 - a) Affordable agricultural housing projects not more than 45 units within a city, or 20 units within an agricultural zone, on a site not more than five acres in size;
 - b) Urban affordable housing projects not more than 100 units on a site not more than five acres in size; and,
 - c) Urban infill housing projects not more than 100 units on a site not more than four acres in size which is within one-half mile of a major transit stop.
(PRC 21159.20-21159.24)
- 5) Requires metropolitan planning organizations (MPOs) to include a sustainable communities strategy (SCS), as defined, in their regional transportation plans, or an alternative planning strategy (APS), for the purpose of reducing greenhouse gas (GHG) emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies, including CEQA exemption or abbreviated review for residential or mixed-use residential "transit priority projects" if the project is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in either an approved SCS or APS. (PRC 21155.1)
- 6) Exempts from CEQA residential, mixed-use, and "employment center" projects, as defined, located within "transit priority areas," as defined, if the project is consistent with an adopted specific plan and specified elements of an SCS or APS. (PRC 21155.4)
- 7) Establishes a ministerial approval process (i.e., not subject to CEQA) for certain multifamily affordable housing projects that are proposed in local jurisdictions that have not met regional housing needs. Requires eligible projects to meet specified standards, including paying prevailing wage to construction workers and use of a skilled and trained workforce. (GC 65913.4, added by SB 35 (Wiener), Chapter 366, Statutes of 2017)
- 8) Establishes a ministerial approval process for affordable housing projects in commercial zones. Requires eligible projects to pay prevailing wage to construction workers and requires projects of 50 units or more to participate in an apprenticeship program and make specified healthcare contributions for construction workers. (GC 65912.100 *et seq.*, added by AB 2011 (Wicks), Chapter 647, Statutes of 2022)
- 9) Existing property tax law provides for the payment of taxes on the secured roll in two installments, which are due and payable on November 1 and February 1, respectively. Under existing property tax law, unpaid property taxes become delinquent and subject to specified penalties and fees.

THIS BILL:

- 1) Establishes CEQA exemption for new construction of a single-family dwelling that meets all of the following criteria:
 - a) The dwelling is 1,500 square feet or less with no more than three bedrooms.
 - b) The property is intended to be sold, or transferred for less than \$400,000.
 - c) The property is intended to be sold or transferred to a first-time homebuyer.
 - d) The lead agency determines that the developer of the project or the property owner provided sufficient legal commitments to meet these requirements.
- 2) Requires the lead agency to file a notice of exemption with the Office of Land Use and Climate Innovation and the county clerk of the county in which the project is located as specified.
- 3) Require payment of property taxes for an eligible property to be deferred, without penalty or interest, until a change in ownership occurs. Requires the property owner to notify the assessor if specified conditions occur, including if the property is leased or rented, and would end the deferment upon notification. *(Note the property tax provisions of this bill are the jurisdiction of the Revenue and Taxation Committee, to which the bill has been double-referred.)*

FISCAL EFFECT: Unknown

COMMENTS:**1) Author's statement:**

AB 317 seeks to address the profound challenges that California's housing crisis has placed on first-time buyers. The rising cost of homeownership, combined with burdensome property taxes and lengthy regulatory delays, has made it difficult for many hardworking individuals and families to achieve the dream of owning a home. AB 317, the California First-Time Homeownership Dream Act, offers a practical solution by providing property tax deferral for eligible first-time buyers and exempting small, affordable homes from CEQA review, thereby increasing the efficiency of the approval process. By reducing financial barriers and cutting through bureaucratic delays, this bill helps make homeownership more attainable for those who need it most. I believe that providing Californians with a fair opportunity to own a home will foster stronger communities and contribute to economic stability. AB 317 is a step in the right direction to ensure that all Californians can own a home.

- 2) **Existing CEQA exemptions for housing.** CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines, for a wide range of residential projects. Since 1978, CEQA has included statutory exemptions for housing. There are now at least 15 distinct CEQA exemptions for housing projects. The majority of residential projects are approved via exemption or negative declaration under CEQA, or through ministerial permits where CEQA does not apply.

A few existing CEQA exemptions are specific to projects with an affordable housing fraction, the rest are available to affordable and market-rate projects alike. Each exemption includes a range of conditions, including requirements for prior planning-level review, as well as limitations on the location and characteristics of the site. These conditions are intended to guard against the approval of projects with significant environmental impacts that go undisclosed and unmitigated – endangering workers, residents and the greater environment. More recently, bills such as SB 35 (Wiener) and AB 2011 (Wicks) have established ministerial approval for housing projects, where local discretionary review, including CEQA, is replaced with construction labor requirements and exclusion of specified sensitive sites.

The CEQA Guidelines have included categorical exemptions for housing projects for decades, allowing projects with no significant environmental impacts to proceed to approval without environmental review. These exemptions are well-known and widely used for small housing projects of one to six units, as well larger housing projects in incorporated areas, on infill sites up to five acres, with no limit on the number of units.

3) **Double referral.** This bill has been double-referred to the Revenue and Taxation Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Southwest California Legislative Council

Opposition

Livable California (unless amended)

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 452 (Irwin) – As Introduced February 6, 2025

SUBJECT: Coastal recreation: designated state surfing reserves

SUMMARY: Requires, on or before July 1, 2026, the State Coastal Conservancy (Conservancy) to establish criteria and an application process for purposes of designating an area of the coastline as a state surfing reserve.

EXISTING LAW:

- 1) Establishes the Conservancy to protect and improve natural lands and waterways, help people access and enjoy the outdoors, and sustain local economies along the length of California’s coast and around San Francisco Bay. (Public Resources Code (PRC) 31100)
- 2) Requires, pursuant to the California Coastal Act of 1976, oceanfront land suitable for recreational use to be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. (PRC 30221)
- 3) Directs California Natural Resources Agency (NRA) to combat the biodiversity and climate crisis by, among other things, establishing the California Biodiversity Collaborative and establishing the 30x30 goal. (Executive Order No. N-82-20)
- 4) Codifies the 30x30 goal. (PRC 71450)
- 5) Requires NRA, in implementing actions to achieve the 30x30 goal, to prioritize specified actions. Requires the Secretary of NRA to prepare and submit, beginning on or before March 31, 2024, an annual report to the Legislature on the progress made during the prior calendar year toward achieving that goal, as provided. (PRC 71451-71452)
- 6) Establishes surfing as the official state sport. (Government Code sec. 424.7)

THIS BILL:

- 1) Defines a “surfing reserve” as an area that would feature protected waves, surf zones, and surrounding environments and would recognize the surfing area’s environmental, cultural, and historical significance.
- 2) Requires, on or before July 1, 2026, the Conservancy to establish criteria and an application process for purposes of designating an area of the coastline as a state surfing reserve. Authorizes the Conservancy to require, as one of the criterion, a letter of recommendation for the designation of a state surfing reserve from the California Coastal Commission.

- 3) Requires the Conservancy, when establishing criteria for purposes of the state surfing reserve designation, to consider factors, including, but not limited to, wave quality and consistency, surf culture and history, and environmental characteristics.
- 4) Authorizes a local government, after adopting a formal resolution, to apply to the Conservancy for purposes of designating an area of the coastline within the jurisdiction of the local government as a state surfing reserve.
- 5) Requires the local government to include in its application a description of the proposed surfing reserve, including the specific geographic location and a description of the cultural, historical, ecological, and economic value of the proposed surfing reserve, in addition to any other eligibility criteria required by the Conservancy.
- 6) Requires the Conservancy to approve the application from the local government if the area of the coastline meets the established criteria.
- 7) Requires the Conservancy to designate the area as a state surfing reserve and include this designation, where appropriate, in publications or maps that are issued by the Conservancy.
- 8) Provides that, if, at any time, the Conservancy determines that the designated state surfing reserve no longer meets the criteria, the Conservancy may revoke its designation as a state surfing reserve.

FISCAL EFFECT: Unknown

COMMENTS:

1) Author's statement:

With a coastline that spans 1,100 miles, our state is home to a number of world famous surf breaks including Malibu, Huntington Beach, Trestles, and Mavericks. These breaks are destinations for domestic and international surfers, with our state proudly hosting numerous surf events like the U.S. Open of Surfing, the International Surf Festival, and the Finals of the World Surf League.

Similar to our state's Scenic Highway designations, AB 452 will create a process for state designated surfing reserves in order to recognize the cultural, economic, and ecological importance of California's surf zones. This designation will encourage economic benefits to local communities, encourage the preservation of cherished surfing areas and will assist California in meeting our goal of conserving 30 percent of our lands and coastal waters by 2030.

- 2) **Surfing in California.** Surfing competitions were established along the California coast during the 1920s, and a booming surf culture was created when the automobile became readily accessible, enabling inland individuals to visit the coast. Today, surfing is an iconic California sport, and the state is home to a number of world-famous surf breaks like Malibu, Trestles, Mavericks, Rincon, Steamer Lane, Ocean Beach, and Huntington Beach, which are destinations for both domestic and international surfers. Every year, California hosts numerous domestic and international surf events, including the International Surf Festival,

the U.S. Open of Surfing, and the Big Wave Surf Contest. California is also home to the Surfers' Hall of Fame, the International Surfing Museum, and the California Surf Museum.

The sport of surfing has buoyed both economic innovations and scientific advancements. The commercial surfboard industry started in California in the 1950s. The science of wave forecasting was pioneered at the Scripps Institution of Oceanography at the University of California San Diego and allows surfers to predict when and where to go surfing all over the world. The invention of world's first neoprene wetsuit is attributed to a physicist at the University of California at Berkeley.

The United States is home to approximately 3.3 million surfers, who spend between \$1.9 and \$3.3 billion each year on local surf trips. Professional surfers brought in \$140 billion in domestic surf tourism in California in 2018 alone, and the surf industry, which is almost exclusively based in California, generates more than \$6 billion in United States annual retail sales. Additionally, a report published by the National Oceanographic and Atmospheric Administration, indicated that California has the highest number of individuals who surf in the country.



Mavericks Surf Competition, www.surfer.com

Surfing today is one of the fastest-growing sports in the world with the Summer Olympics now including surfing as an event. In 2028, Los Angeles will host the Summer Olympics with surfing events, highlighting both the sport and California's waves for the world to see.

In recognition of the importance and contributions of surfing to California, in 2018, the Legislature enacted AB 1782 (Gray), Chapter 162, Statutes of 2018, to name surfing the official sport of California. That same year, the Legislature named September 20 as California Surfing Day.

- 3) **30x30.** In October 2020, Governor Newsom issued Executive Order N-82-20, which establishes a state goal of conserving 30% of California's lands and coastal waters by 2030 – known as 30x30. The 30x30 goal was codified by SB 337 (Min), Chapter 392, Statutes of 2023.

While the bill does not preclude any development from happening near or around designated surfing areas, the author hopes that by recognizing the key environmental, cultural, and economic attributes of surf breaks, this bill can bring awareness to surf zones and create a reference point for future protections and preservation efforts in furtherance of 30x30 goals.

- 4) **Benefits of designated surfing reserves.** In addition to honoring the cultural and recreational benefits of surfing, designation could attract tourists, and designations would also instill a reverence for the coastline's recreational values, coastal views, and the "blue spaces" both Californians and tourists seek out.

Save the Waves, a California-based nonprofit with the goal of protecting 1,000 surf ecosystems by 2030, created a program 15 years ago that identifies, designates, and

preserves outstanding waves, surf zones, and their surrounding environments around the world as World Surfing Reserves. There are 13 designated sites worldwide with two in California: Santa Cruz and Malibu.

A joint study between the Center for Responsible Travel at Stanford University and the University of Hawaii Economic Research Organization on the economic value of Mavericks found that the average visitor received \$57 in consumer surplus per trip to Mavericks. In other words, the visitor received \$57 in additional value that was received from either surfing or watching the wave. With an estimated 421,431 visitors annually, the net economic value of Mavericks is about \$24 million dollars.

- 5) **Other Effective Conservation Measures (OECM).** The term ‘other effective area-based conservation measure’ describes a geographic site that is not within a protected area but that delivers long-term biodiversity conservation that is governed and managed in ways that achieve positive and sustained long-term outcomes for the conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant value. Protected areas and OECMs have a subtle yet critical distinction. Protected areas are designated and managed with a primary conservation objective in mind, such as preserving habitat for endangered species. Their core function is to promote the conservation of biodiversity within a given site. OECMs are defined as managed areas that deliver effective conservation of biodiversity within a given site, regardless of whether that is the goal.

In lieu of designating surfing areas as ‘reserves’, the bill could define an area that would feature waves, surf zones, and surrounding environments, recognize the surfing area value, and require the area to meet the Ocean Protection Council’s (OPC) standard for an OECM. The OPC’s most recently adopted 30x30 Decision-Making Framework for Coastal Waters states:

To qualify as a 30x30 Conservation Area, OECMs must also demonstrate that they promote access to nature and climate mitigation or resilience. Confirmed OECMs in coastal waters that also provide access and climate resilience benefits will qualify as 30x30 Conservation Areas.

By recognizing surfing reserves as OECMs, AB 452 could better facilitate including their conservation under 30x30.

- 6) **Committee amendments.** The *committee may wish to consider* amending the bill as follows:
- a) Include in the definition of “surfing reserve” that it is additionally an area that would meet the OPC’s standard as an Other Effective Area-Based Conservation Measure as described in the most recently adopted 30x30 Decision-Making Framework for Coastal Waters.
 - b) Strike the requirement that the Conservancy include surfing reserves in publications or maps that are issued by the Conservancy and instead require the Conservancy to publicize and partner with local governments to erect signs designating an approved surf reserve.

- c) Require the Conservancy to include management priorities as one of the factors it considers for a state surfing reserve designation.
- d) Require the Conservancy to send a notice of approval of designated state surfing reserves to the OPC for consideration and inclusion in the state's 30x30 goal.

7) Related legislation:

AB 2177 (Irwin) 2022 was virtually identical to this bill. It was held in the Assembly Appropriations Committee.

ACR 116 (Nguyen) 2022 recognizes September 20, 2022, and every year on that date thereafter, as California Surfing Day to celebrate the California surfing lifestyle.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of Surfing Professionals LLC DBA World Surf League
California Travel Association
Save the Waves Coalition
Sierra Club
Surfrider Foundation

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 571 (Quirk-Silva) – As Introduced February 12, 2025

SUBJECT: California Environmental Quality Act: exemption: Gypsum Canyon Veterans Cemetery

SUMMARY: Exempts the proposed Gypsum Canyon Veterans Cemetery in Anaheim, Orange County from further review under the California Environmental Quality Act (CEQA).

EXISTING LAW:

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines.) (Public Resources Code (PRC) 21000, *et seq.*)
- 2) Provides, when an EIR has been prepared for a project, no subsequent or supplemental environmental impact report shall be required, unless one or more of the following events occurs:
 - a) Substantial changes are proposed in the project which will require major revisions of the EIR.
 - b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
 - c) New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

(PRC 21166)

- 3) Requires the lead agency or responsible agency to prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described above calling for preparation of a subsequent EIR have occurred. (CEQA Guidelines 15164)

THIS BILL:

- 1) Exempts from CEQA any activity or approval necessary for the completion of the public and state veterans cemetery in Gypsum Canyon in the County of Orange, known as the Gypsum Canyon Veterans Cemetery.
- 2) Sunsets January 1, 2030.
- 3) Is a special, urgency statute.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Background.** The Gypsum Canyon Veterans Cemetery project was approved by the City of Anaheim in August 2024. The proposed cemetery lies on a 283-acre site within a former quarry in the hills on the eastern edge of Anaheim.

<https://www.anaheim.net/DocumentCenter/View/46509/Illustrative-Master-Plan?bidId=>

The city prepared a Specific Plan EIR in 2005 for a proposed housing development on the site, known as Mountain Park. According to the EIR, the Mountain Park Specific Plan allows for the development of an 830-acre, gated residential community with a maximum of 2,500 residential units, public facilities, infrastructure, a fire station, public trails, trail staging area, concession store/interpretive center, school site, and public community park.

The cemetery project was approved via an addendum to the 2005 Specific Plan EIR. The city's approval of the project was challenged on the basis of several claims of failure to comply with CEQA. The case, *Build the Great Park Veterans Cemetery, et al v. City of Anaheim*, is pending in Orange County Superior Court.

- 2) **Author's statement:**

Our veterans gave everything to protect our freedoms. "All gave some, and some gave all." After years of advocating for the Southern California Veterans Cemetery, AB 571 is the crucial tool we need to deliver on a promise we owe to our veterans and their families. This cemetery will be their final resting place, a place of honor and dignity. The time has come for Orange County to be home to the heroes who defended our country. We cannot afford to delay any longer.

- 3) **Suggested amendments.** To elaborate and confirm the unique circumstances of the Gypsum Canyon Veterans Cemetery, *the author and the committee may wish to consider* adding findings to this bill that outline the history of the project and make the following points:

- a) Development on the site of the Gypsum Canyon Veterans Cemetery was reviewed under CEQA.
- b) The cemetery project was reviewed via EIR addendum.
- c) The cemetery project is a less intensive land use than uses reviewed in the prior EIR.
- d) The cemetery project provides the specific public benefit of honoring military veterans.
- e) Therefore additional CEQA review is not necessary.

- 4) **Double referral.** This bill has been double-referred to the Military and Veterans Affairs Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

38Alpha

American Legion, Department of California

AMVETS Post 18

Anaheim Firefighters Association Local 2899

Anaheim Police Association

Association of California Cities - Orange County

Association of The United States Army, Greater Los Angeles Chapter

California-Hawaii State Conference of The NAACP

City of Laguna Niguel

Filipino American Chamber of Commerce of Orange County

Heroes Hall Veterans Foundation

Orange County

Orange County Cemetery District

Orange County Employees Association

Orange County Professional Firefighters Association, Local 3631

Orange County Veterans and Military Families Collaboration

Saddleback Valley Chapter, American Gold STAR Mothers

Veterans Alliance of Orange County (VALOR)

Veterans of Foreign Wars Post 3173

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 619 (Ransom) – As Introduced February 13, 2025

SUBJECT: California Conservation Corps: training programs: formerly incarcerated individuals: reporting

SUMMARY: Requires the Department of Forestry and Fire Protection (CAL FIRE) and the Department of Corrections and Rehabilitation (CDCR) to jointly evaluate the Ventura Training Center (VTC) and report to the Legislature on its evaluation.

EXISTING LAW:

- 1) Establishes the Department of Forestry and Fire Prevention (CAL FIRE) in the California Natural Resources Agency (NRA) to provide fire protection and prevention services, as specified.
- 2) Establishes the California Conservation Corps (CCC) in the NRA and requires the CCC to implement and administer the conservation corps program. (Public Resources Code (PRC) 14000 *et seq.*)
- 3) Authorizes any department, division, bureau, commission or other agency of the State of California or the Federal Government may use or cause to be used convicts confined in the state prisons to perform work necessary and proper to be done by them at permanent, temporary, and mobile camps to be established under this article. (Penal Code 2780)
- 4) Establishes the California Conservation Camps for the purpose of having incarcerated persons work on projects supervised by CAL FIRE. Establishes the policy of this state to require the inmates and wards assigned to such camps to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreation, fish and game management, soil conversion, and forest and watershed revegetation. (PRC 4951)
- 5) Requires CAL FIRE to utilize inmates and wards assigned to conservation camps in performing fire prevention, fire control, and other work of the department. (PRC 4953)
- 6) Establishes the Education and Employment Reentry Program within the CCC and authorizes the director of CCC to enroll formerly incarcerated individuals who successfully served on a California Conservation Camp program crew and were recommended for participation as a program member by the Director of CAL FIRE and the Secretary of CDCR. (PRC 14415.1)
- 7) Authorizes an incarcerated individual who has successfully participated in either a California Conservation Camp program or a county program as an incarcerated individual hand crewmember, as determined by specified authorities, and has been released from custody, to file a petition for relief with a court.

THIS BILL:

- 1) Requires CAL FIRE and CDCR to jointly evaluate the VTC. Requires the evaluation to include, but not be limited to, an evaluation of all of the following:
 - a) How to streamline the enrollment of formerly incarcerated individuals into the program after their successful participation in the CCC program;
 - b) Ways to increase the rate of graduated trainees entering the firefighter workforce; and,
 - c) The feasibility of establishing one or more centers in other regions of the state.
- 2) Requires CAL FIRE and CDCR to prepare a report describing the evaluation and submit the report, by January 1, 2026, to the Senate Committee on Public Safety, the Assembly Committee on Public Safety, the Senate Committee on Organization, and the Assembly Committee on Emergency Management.
- 3) Sunsets the evaluation and reporting requirements on January 1, 2030.
- 4) Establishes this as an urgency statute in order to address the shortage of firefighters occurring while there is an increasing number of catastrophic fires in California.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **California Conservation Corps.** The CCC, established in 1976, is the oldest and largest state conservation corps program in the country. It's modeled after the 1930s Civilian Conservation Corps. The CCC's motto is "Hard work, low pay, miserable conditions ... and more!" The CCC has provided more than 74 million hours of natural resource work, such as trail restoration, tree planting, habitat restoration, and more than 11.3 million hours of work on emergency response for nearly every major California natural disaster including floods, fires, and earthquakes.

Although the CCC was originally conceived as a labor source for trail maintenance and restoration, it evolved to a workforce development program. Corpsmembers learn skills such as forestry management, energy auditing and installation, emergency services management, and firefighting. Many corpsmembers also receive their high school diplomas and industry certifications at the conclusion of their service. The CCC provides health care (including mental health) to all of its members. Approximately 3,000 corpsmembers apply each round for the 1,587 available corpsmember slots. More than 120,000 young adults have participated in the CCC.

AB 864 (McCarty), Chapter 659, Statutes of 2017, allowed the director of the CCC to select applicants who are on probation, post release community supervision, or mandatory supervision. Those applicants affected by the passage of AB 864 make up less than 1% of the total active corpsmembership. Furthermore, the applicant's probation officer has to consent to the placement of the applicant into the corps. CCC worked with the probation officers on a case-by-case basis to evaluate the applicant's acceptance to the program. AB 278 (McCarty),

Chapter 571, statutes of 2019, allows the director to consider those applicants who are actively on parole.

- 2) **CCC Involvement with CAL FIRE.** The CCC has worked on fuel reduction in forests in the state for much of the last four decades. In 2011, the CCC established a formal partnership with CAL FIRE to work on fire prevention activities in the State Responsibility Area. Activities performed under this partnership include controlled burns, vegetation removal, fuel break creation, and erosion control, and have covered three thousand acres to date. The CCC works with local fire safe councils, county agencies and utilities on fuel reduction projects.

In addition to fire prevention activities, the CCC partners with CAL FIRE to provide Type II fire crews, which are trained using US Forest Service guidelines to provide initial attack and fire line construction. “Initial attack” is defined as the actions taken by the first responders to arrive at a wildfire to protect lives and property, prevent further extension of the fire, and fire line construction that removes fuels adjacent to active fires to reduce the chance of spread. CCC crews also provide logistics support for Type I fire crews on the frontlines of active fires.

- 3) **Conservation Camp Program.** The primary mission of the Conservation Camp Program is to support state, local, and federal government agencies as they respond to emergencies such as fires, floods, and other natural or manmade disasters. CDCR, in cooperation with CAL FIRE and the Los Angeles County Fire Department (LAC FIRE), jointly operates 30 conservation camps, commonly referred to as fire camps, across 30 counties. All camps are minimum-security facilities, staffed with correctional staff, and typically located within a few miles of a small population center. CAL FIRE is allocated up to 2,584 spaces for incarcerated firefighters; currently there are approximately 1,125 incarcerated persons serving at fire camps, 1,011 of whom are fire-line qualified.

In addition to inmate firefighters, camp inmates can work as support staff. All inmates receive the same entry-level training as CAL FIRE's seasonal firefighters, in addition to ongoing training from CAL FIRE throughout the time they are in the program. An inmate must volunteer for the fire camp program; no inmate is involuntarily assigned to work in a fire camp. Volunteers must have “minimum custody” status, or the lowest classification for inmates based on their sustained good behavior in prison, their conforming to rules within the prison and participation in rehabilitative programming. Some conviction offenses automatically make an inmate ineligible for conservation camp assignment, even if they have minimum custody status. Those convictions include sexual offenses, arson, and any history of escape with force or violence.

The crews at the conservation camps, known as “fire crews” or “hand crews,” are available to respond to all types of emergencies, including wildfires, floods, search, and rescue. Fire crew participants are paid between \$5.80 and \$10.24 per day (paid by CDCR), and an additional \$1 per hour (paid by CAL FIRE) when fighting an active fire. The crews perform more than 3 million hours of emergency response work each year. When not assigned to emergency response or pre-fire project work, crews undertake labor-intensive project work on public lands. Fire crews conduct critical hazard fuels reduction projects in support of the state and federal fire plans, repair and maintain public infrastructure, and implement other community-service projects.

- 4) **Ventura Training Center.** To offer formerly-incarcerated firefighters an opportunity to continue using the skills and knowledge they worked to achieve while participating in the Conservation Camp Program, CALFIRE, CCC, and CDCR, in partnership with the Anti-Recidivism Coalition (ARC), developed an enhanced firefighter training and certification program at the VTC in Ventura County. VTC began training participants in October 2018 and accepts trainees who have recently been part of a trained firefighting workforce housed in fire camps or institutional firehouses operated by CAL FIRE and CDCR.

Participants in the 18-month certification program are provided with additional rehabilitation and job training skills to help them be more successful after completion of the program. Cadets who complete the program will be qualified to apply for entry-level firefighting jobs with local, state, and federal firefighting agencies.

CDCR parole agents are on duty at VTC on a daily basis. Through a contract with CDCR's Division of Rehabilitative Programs (DRP), the nonprofit ARC provides life skills training and resources, including education and employment assistance, and community service referrals.

AB 2147 (Reyes), Chapter 60, Statutes of 2020, provides an expedited expungement pathway for formerly incarcerated people who have successfully participated as incarcerated firefighters in the state's Conservation Camp Program. Many former incarcerated firefighters from fire camps go on to gain employment with CAL FIRE, the USFS and interagency hotshot crews.

VTC has enrolled 432 cadets to date, and only 272 currently have jobs – 78 of which are not employed in a fire related role. That results in a 63% employment rate. According to the author, by directing CAL FIRE and CDCR to identify obstacles that prevent VTC graduates from securing full-time employment, the bill addresses the need to facilitate the reintegration of trained individuals into the workforce, thereby bolstering the state's firefighting capacity.

- 5) **For future consideration.** The VTC is not codified in state law. This bill is drafted within the CCC's governing statutes, but the CCC does not operate the VTC. When the author next amends the bill, she may wish to consider moving the language of the bill to CAL FIRE's statutes.
- 6) **Double referral.** This bill is also referred to the Assembly Public Safety Committee.
- 7) **Related legislation.**

AB 1380 (Elhawary) establishes the Formerly Incarcerated Handcrew Employment Program and requires CAL FIRE to establish an entry-level handcrew member classification for qualified formerly incarcerated individuals, as defined, with the same union representation and organizational rights as other department employees. This bill is referred to the Assembly Natural Resources Committee.

SB 936 (Glazer) 2021 would have required, upon an appropriation, the director of the CCC to establish a forestry training center in northern California in partnership with CAL FIRE and CDCR to provide enhanced training, education, work experience, and job readiness for entry-level forestry and vegetation management jobs. This bill was vetoed by the Governor.

AB 2126 (Eggman), Chapter 362, Statutes of 2018, requires the CCC to establish a forestry corps program to accomplish certain objectives including developing and implementing forest health projects, as provided, and establishing forestry corps crews.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 652 (Alvarez) – As Amended March 18, 2025

SUBJECT: San Diego County Air Pollution Control District: governing board: alternate members

SUMMARY: Repeals the requirement that one of the two supervisors serving on the San Diego County Air Pollution Control District (SDCAPCD) board be the supervisor currently serving on the Air Resources Board (ARB). Authorizes the designation of alternate board members, provided the alternate meets the same qualifications as the regular member, and authorizes alternates to vote and receive per diem compensation and expenses.

EXISTING LAW:

- 1) Provides ARB with primary responsibility for control of mobile source air pollution and provides that local air districts have primary responsibility for controlling air pollution from all sources, other than emissions from mobile sources, and establishes certain powers, duties, and requirements for those districts. (Health and Safety Code (HSC) 39500, *et seq.* and 40000, *et seq.*)
- 2) Creates certain air districts, including districts that cover a single county, as well as unified and regional districts that cover multiple counties. (HSC 40000, *et seq.*)
- 3) For a single county district, except for San Diego, provides that the county board of supervisors is ex officio of the county district board. Includes specified exceptions whereby other county district governing boards must include city council members or mayors. However, these requirements for city representation do not apply to “rural” county districts (i.e., where population of the incorporated area of the county is 35 percent or less of the total county population). (HSC 40100, *et seq.*)
- 4) For multi-county districts, there are a variety of different governing board appointment schemes, including county and city officials, public members, and appointment by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. The governing boards of the multi-county districts are typically larger, with as many as 24 board members, and all include city representation, including some with a majority of city representatives. (HSC 40150, *et seq.*)
- 5) For the SDCAPCD, provides for an 11-member board consisting of two county supervisors, six council members or mayors from specified cities, and three public members. Requires that one of the two supervisors be the supervisor currently serving on the ARB. (HSC 40100.6)

THIS BILL:

- 1) Repeals the requirement that one of the two supervisors serving on the SDCAPCD board be the supervisor currently serving on ARB.

- 2) Provides procedures for breaking a tie vote in the selection of city board members through weighting votes based on population.
- 3) Provides for two-year, rather than four-year, terms for two specified city members and two specified public members.
- 4) Authorizes the designation of alternate board members, provided the alternate meets the same qualifications as the regular member, and authorizes alternates to vote and receive per diem compensation and expenses.

FISCAL EFFECT: Non-fiscal

COMMENTS:

- 1) **Background.** In 2019, AB 423 (Gloria), restructured the SDCAPCD board, which previously was governed by the five San Diego County Supervisors, to be governed by an 11-member board consisting of two county supervisors, six council members or mayors from specified cities, and three public members.

San Diego County is second only to Los Angeles County in population, with approximately 3.3 million residents, approximately 1.4 million of whom live in the City of San Diego.

San Diego's county-only air district board is an anomaly. San Diego has the largest population by far of any county air district. There are 35 air districts covering California's 58 counties. Of the 21 single county districts, eight have boards with city representation and 13 have boards that are only county supervisors. The other 20 single county districts are primarily rural.

- 2) **Author's statement:**

AB 652, modernizes the governance of the SDAPCD, positioning it to effectively tackle contemporary environmental, equity, and operational challenges. This bill enhances the board's capacity to protect public health and air quality by introducing alternate members to expedite decision-making, updating compensation to attract qualified experts, and mandating collaboration with military stakeholders to balance environmental and national security priorities. By ensuring that public members possess expertise in health impacts, environmental justice, and air pollution science, AB 652 amplifies the voices of vulnerable communities disproportionately affected by pollution. These changes are vital for an efficient, inclusive, and transparent board that responds to the unique needs of a region rich in military installations and confronted with poor air quality.

AB 652 is a proactive approach toward equitable governance, ensuring that low-income neighborhoods and communities of color—often the most severely impacted by pollution—have dedicated advocates influencing the policies that directly affect their health and environment. By formalizing military coordination, the bill not only protects essential operations but also holds the SDAPCD accountable to local residents. With no new taxes or costs to the state, this legislation represents a fiscally responsible model for effective, community-driven environmental stewardship. AB 652 is not merely about achieving cleaner air; it is about guaranteeing that every San Diegan, has a seat at the decision-making table.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 663 (McKinnor) – As Amended March 28, 2025

SUBJECT: Hydrofluorocarbon gases: sale and distribution prohibition: exemptions

SUMMARY: Establishes standards for the allowable use of certified reclaimed refrigerants, as defined, as an exception to the existing prohibition on the sale or distribution of bulk hydrofluorocarbons (HFCs) that exceed specified global warming potential (GWP) limits.

EXISTING LAW:

- 1) Existing federal law directs the U.S. Environmental Protection Agency (USEPA) to address HFC emissions by phasing down the production and consumption of HFCs by 85% by 2036. (40 CFR Part 84)
- 2) Establishes the Air Resources Board (ARB) as the air pollution control agency in California and requires ARB, among other things, to control emissions from a wide array of mobile sources and coordinate, encourage, and review the efforts of all levels of government as they affect air quality. (Health and Safety Code (HSC) 39000, *et seq.*)
- 3) Requires ARB to achieve reductions in statewide emissions of methane and HFCs by 40% below 2013 levels by 2030. (HSC 39730.5)
- 4) Prohibits the sale, lease, rent, or otherwise entering into commerce of any equipment that uses a federally prohibited refrigerant or a refrigerant prohibited by ARB due to risk to human health or the environment. (HSC 39734)
- 5) Requires the Public Utilities Commission (PUC) to consider developing a strategy for including low-GWP refrigerants in equipment funded by the energy efficiency programs overseen by the PUC and identify opportunities to assess the energy efficiency performance for GWP alternatives for fluorinated gas-based appliances and equipment. (Public Resources Code (PRC) 76002-76004)
- 6) Establishes the Fluorinated Gasses Emission Reduction Incentive Program to be administered by ARB to promote the adoption of low-GWP refrigerant technologies. (PRC 76008)
- 7) Prohibits the sale or distribution of bulk hydrofluorocarbons (HFCs) that exceed specified global warming potential (GWP) limits, except for HFCs that are “reclaimed,” and requires ARB to initiate a rulemaking for the adoption of low and ultra-low GWP refrigerant alternatives in California in sectors where it is practicable. (HSC 39735)

THIS BILL:

- 1) Specifies that definitions in the federal regulations regarding phasedown of HFCs are as the regulation existed on October 1, 2024.
- 2) Establishes a more detailed definition of “certified reclaimed refrigerant,” meaning a used (recovered) refrigerant that meets all the following criteria:

- a) Has been reclaimed by a USEPA-certified refrigerant reclaimer from a previously operational appliance.
 - b) Meets specified specifications for refrigerants in federal regulations, as demonstrated by an analysis conducted to verify that it meets these specifications.
 - c) Contains no greater than 15 percent virgin (unused) refrigerant by weight to meet the federal refrigerant specifications, and has documentation prepared by a USEPA-certified refrigerant reclaimer that supports that the reclaimed refrigerant does not exceed the maximum allowable virgin refrigerant content.
- 3) Is an urgency statute.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Background.** CO₂ remains in the atmosphere for centuries, which makes it the most critical GHG to reduce in order to limit long-term climate change. However, short-lived climate pollutants (SLCPs) including HFCs, methane, and soot (black carbon), only persist in the atmosphere from a few weeks to 15 years, but have much higher GWP than CO₂, and therefore pose a significant threat to meeting climate goals.

SB 1383 (Lara), Chapter 395, Statutes of 2016, requires reductions of HFCs (also known as F-gases) which are synthetic gases used in refrigeration, air conditioning, insulation foams, solvents, aerosol products, and fire protection. They are primarily produced for use as substitutes for ozone-depleting substances which are being phased out globally. HFCs, on average, have a global warming potential 1600 times that of CO₂ on a 20-year time scale, and are increasing at a more rapid pace than any other GHG in the U.S., and increasing 10-15% annually around the globe. SB 1383 requires reductions of HFCs 40 percent below 2013 levels by 2030.

Class I and Class II refrigerants are Ozone-Depleting Substances (ODS), and Class II ODSs have less ozone depletion potential than Class Is. HFCs were initially developed as Class II alternatives to Class I ODSs due to their lower ozone depletion potential. HFCs are subject to the Montreal Protocol, adopted in 1987 to address the depletion of the ozone layer, which requires incremental HFC phase-out, culminating with complete replacement by 2030.

The US EPA Significant New Alternatives Policy (SNAP) program was established under Section 612 of the FCAA to identify and evaluate substitutes for ozone depleting substances. Under SNAP, US EPA Rules adopted in 2015 effectively banned 38 HFCs across the aerosol, new car air conditioning, retail food refrigeration, and foam blowing sectors, but a 2017 federal court ruling reversed these rules, finding that the FCAA does not authorize the replacement of non ODSs, including some HFCs, to address climate change concerns.

SB 1013 (Lara), Chapter 375, Statutes of 2018, adopted analogous HFC regulations in state law and offers financial incentives to assist businesses with technology transition.

SB 1206 (Skinner), Chapter 884, Statutes of 2022, prohibited the sale or distribution of bulk HFCs that exceed GWP limits of 2,200 by 2025, 1,500 by 2030, and 750 by 2033. SB 1206

requires the use of reclaimed HFCs when replenishing leaks or servicing equipment with HFCs with GWP greater than 750.

2) Author's statement:

Hydrofluorocarbons have been found to have a dramatic negative impact on air quality and climate change when released into the atmosphere. These gases, called "HFCs," are used in a variety of applications, including aerosols, refrigeration and air conditioning, among others. Leaks from air conditioning and refrigeration units are a major source of harmful emissions. It is estimated that an average grocery store refrigeration system leaking 25 percent of its total refrigerant charge results in an average of 1,780 metric tons of carbon dioxide equivalent, or emissions from nearly 400 passenger cars.

SB 1206 of 2022 was passed with the intent of furthering the State's goal to reduce the impact and use of hydrofluorocarbon gases in California. The bill limited the use of HFCs with specified global warming potential in equipment owned or operated by the state by requiring the use of reclaimed HFCs to replenish leaks for any stationary equipment using HFCs that pose specified levels of risk.

Under SB 1383 of 2016, the state is required to reduce short-lived climate pollutants 40 percent below 2013 levels by 2030. SB 1206 of 2022 furthers that goal by placing requirements on stationary system units owned or operated by the State. The issue for small businesses, individuals and the state is they have made an investment in cooling units that use HFCs, and such units have both an economic and performance lifecycle requiring the responsible recapturing of this material to prevent it from harming the environment.

AB 663 would establish state standards for the recapturing of hydrofluorocarbon gases. Properly reclaimed gases can be treated and reused to help avoid the production of new HFCs while also restoring older units toward higher levels of efficiency. As these units reach their lifecycle end, newer technologies utilizing less-damaging materials are available, helping to move toward the state's air quality and emission reduction goals.

REGISTERED SUPPORT / OPPOSITION:

Support

Hudson Technologies (sponsor)
350 Humboldt: Grass Roots Climate Action
California Product Stewardship Council
Californians Against Waste
Coalition for Clean Air
National Stewardship Action Council

Opposition

None on file

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 687 (Patterson) – As Introduced February 14, 2025

SUBJECT: Forestry: timber operations: maintenance of timberlands for fuels reduction

SUMMARY: Authorizes projects exclusively for noncommercial wildfire fuels reduction in timberland, paid for in part or in whole with public funds, to prepare a timber harvesting plan (THP) as an alternative to complying with the California Environmental Quality Act (CEQA), and would require these projects to be regulated as timber operations.

EXISTING LAW:

Pursuant to CEQA (Public Resources Code (PRC) 21000-21189.70.10):

- 1) Requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.
- 2) Requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.
- 3) Defines “project” as an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:
 - a) An activity directly undertaken by any public agency;
 - b) An activity undertaken by a person that is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; and,
 - c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

Pursuant to the Z'berg-Nejedly Forest Practices Act (PRC 4511-4630):

- 1) Prohibits a person from conducting timber operations unless a THP prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection (CAL FIRE).
- 2) Authorizes a THP prepared by a registered professional forester to rely upon a Program Timberland Environmental Impact Report (PTEIR) for CEQA compliance. Requires the THP to be within the scope of the PTEIR, the rules of the Board of Forestry, and other applicable state laws.

FISCAL EFFECT: Unknown

COMMENTS:

1) Author's statement:

Wildfires continue to pose significant challenges to the state of California. Over the past decade, we've seen the scale of mega-fires increase exponentially. This January, the state experienced one of the deadliest fires in its history. Early estimates indicate that the total damage and economic losses from these wildfires could range from \$60 billion, according to Wells Fargo, to as much as \$130 billion — a staggering amount far surpassing the previous record of \$16 billion. To effectively combat this crisis, we must prioritize prevention, which includes streamlining processes to enable public agencies to responsibly manage their assets. In my district, a local irrigation district was required to submit a 500-page mitigated negative declaration after an 18-month study just to manage approximately 500 acres. Assembly Bill 687 retains CEQA compliance while offering a more efficient alternative for agencies to better manage their land.

- 2) **THPs.** The state's Forest Practice Act requires preparation of a THP for any timber subject to commercial harvesting in the state's 16 million acres of non-reserved forested lands, regeneration of forest resources, old growth timber protection, fire control protocols, logging stipulations, and more. THPs are both CEQA functional equivalent environmental documents and operational plans that detail how timber operations (e.g. felling and harvest of trees, related road construction and maintenance, and preparing ground for planting of seedlings) are to occur. CAL FIRE enforces the Forest Practice Rules for timber landowners on non-federal, state, and private lands through a variety of THPs and ministerial notices submitted by Registered Professional Foresters (RPF), timberland owners, and Licensed Timber Operators (LTO). THPs go through rigorous review by various state agencies and can take, on average, around 100 days to review and approve.
- 3) **CEQA.** CEQA compliance is required for all projects for which a public agency has a discretionary action (e.g. provides funding), unless the project activity is exempted by statute. In approving projects, public agencies typically rely on the project specific analyses and mitigation measures found in the environmental document for each individual project. However, when a public agency is considering the approval of numerous, similar projects, the project-by-project analysis and mitigation measure development can become repetitive and inefficient. The state's CEQA Guidelines provide the opportunity for public agencies to prepare program EIRs that analyze programmatically the potential impacts of a series of actions that can be characterized as one large, ongoing project. Program EIRs are frequently prepared for development projects with multiple phases, ongoing programs (i.e., CAL FIRE's Vegetation Management Program) or implementing long-term management plans (i.e., State Forest Management Plans).
- 4) **This bill.** AB 687 authorizes noncommercial wildfire fuels reduction projects, paid for in part or in whole with public funds, to prepare a THP as an alternative to complying with the CEQA, and would require these projects to be regulated as timber operations. The author's intent is to allow fuel reduction projects that are not intended for commercial purposes that will be funded by local agencies, like the Placer County Water Agency ((PCWA), sponsor of

the bill) using public money to advance those projects with a THP in lieu of CEQA. Under the Forest Practice Rules, THPs are for commercial timber harvesting, not public projects, hence the structure of this bill.

- 5) **Timber operations.** Timber operations include the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, from timberlands for *commercial* purposes together with all the incidental work, such as construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation.

“Commercial purposes” means the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade; or, the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.

This bill would require the covered projects to be regulated as timber operations. “Timber operations” are referenced across the Forest Practice Act and Forest Practice Rules 850 times, and the projects under this bill will need to comply with all requisite regulations. Also, THPs must be prepared by an RPF and the timber operations have to be conducted by an LTO, which may make it more difficult for an entity to comply with this bill.

Lastly, the bill provides that the covered projects “shall not be considered timber operations, but shall be regulated as timber operations,” which is confusing.

Last October, CAL FIRE released a memo regarding to THPs and states:

Timber harvest documents are intended to disclose to the Department, and the public, where Timber Operations are proposed to occur, and disclose measures and any mitigations necessary to minimize the potential for environmental impacts from a proposed project. If a project does not propose Timber Operations on Timberland, i.e. buying, selling or trading forest products, or converting Timberland to another use, then it does not fall under the authority of the Certified Regulatory Program for regulation of timber harvesting. In such instances, the use of a timber harvest document is not appropriate.

- 6) **Emergency proclamation.** On January 7, multiple major wildfires erupted concurrently in Los Angeles burning an area nearly the size of Washington, D.C., killing 28 people and damaging or destroying nearly 16,000 structures. In response, Governor Newsom issued Executive Order (EO) N-4-25 exempting rebuilding efforts from CEQA and the Coastal Act to accelerate redevelopment, and issued EO N-18-25 to provide local agencies moderate and high fire hazard maps and compel the development of “zone 0” regulations for defensible space for ember resistance around homes. Further, on March 1 the Governor issued an emergency proclamation ordering a suspension of all laws, regulations, rules, and requirements that fall within the jurisdiction of boards, departments, and offices within the California Environmental Protection Agency and the California Natural Resources Agency to be suspended for expediting critical fuels reduction projects initiated this calendar year.

Fuels reduction projects include:

- Removal of hazardous, dead, and/or dying trees;
- Removal of vegetation for the creation of strategic fuel breaks as identified by approved fire prevention plans, including without limitation CAL FIRE Unit Fire Plans or Community Wildfire Preparedness Plans;
- Removal of vegetation for community defensible space;
- Removal of vegetation along roadways, highways, and freeways for the creation of safer ingress and egress routes for the public and responders and to reduce roadside ignitions;
- Removal of vegetation using cultural traditional ecological knowledge for cultural burning and/or prescribed fire treatments for fuels reduction; or,
- Maintenance of previously-established fuel breaks or fuels modification projects.

- 7) **Committee amendments.** To address the increased workload of reviewing THPs, the committee may wish to consider amending the bill to establish a cap on the number and size of projects that are eligible for this authorization, and strike (b) to eliminate confusing verbiage.
- 8) **Related legislation.** AB 2639 (Patterson) 2024 authorized timber operations for the maintenance of timberland, paid in part or in whole with public funds, to comply with CEQA in lieu of preparing a THP. This bill was held on the Assembly Appropriations Committee suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

Independent Insurance Agents & Brokers of California, INC.
Placer County Water Agency

Opposition

350 Humboldt
California Environmental Voters
Cleaneearth4kids.org
Defenders of Wildlife
Pacific Forest Trust
Sierra Club
Sierra Forest Legacy
Sierra Nevada Alliance
The Fire Restoration Group

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 738 (Tangipa) – As Introduced February 18, 2025

SUBJECT: Energy: building standards: photovoltaic requirements

SUMMARY: Specifies that residential construction to repair, restore, or replace homes damaged or destroyed during a disaster shall comply with the solar photovoltaic (PV) requirements that were in existence at the time the home was originally constructed.

EXISTING LAW:

- 1) Requires the Air Resources Board (ARB), pursuant to California Global Warming Solutions Act of 2006 [AB 32 (Núñez), Chapter 488, Statutes of 2006], to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to 1990 levels by 2020 and adopt regulations to achieve maximum technologically feasible and cost-effective GHG emission reductions. AB 32 authorizes ARB to permit the use of market-based compliance mechanisms to comply with GHG reduction regulations once specified conditions are met. Requires ARB to approve a statewide GHG emissions limit equivalent to 85% below the 1990 level by 2045. (Health and Safety Code 38500-38599.11)
- 2) Requires the California Energy Commission (CEC) to establish energy efficiency standards for new residential and new nonresidential buildings. (Public Resources Code (PRC) 25402 *et seq.*)
- 3) Pursuant to the California Residential Building Code, specifies that any work, addition to, remodel, repair, renovation, or alteration of any building or structure may be defined as “new construction” when 50% or more of the exterior weight bearing walls are removed or demolished. (Part 2.5 of Title 24 of the California Code of Regulations)
- 4) Requires CEC to establish regulations to develop and implement a comprehensive program to achieve greater energy savings in California's existing residential and nonresidential building stock. The program is targeted at buildings that “fall significantly below” the current Title 24 energy efficiency standards. Requires the program to minimize the overall costs of establishing and implementing the energy efficiency program requirements. For residential buildings, specifies that the regulations ensure that the energy efficiency assessments, ratings, or improvements do not unreasonably or unnecessarily affect the home purchasing process or the ability of individuals to rent housing. (PRC 25943)
- 5) Requires CEC to establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas final end uses by January 1, 2030. (PRC 25310)
- 6) Exempted, until January 1, 2023, residential construction intended to “repair, restore, or replace” a residential building that was damaged or destroyed as a result of a disaster in an area in which the Governor has declared a state of emergency before 2020 from the state’s requirement for PV systems, if:

- a) The income of the owner of the residential building is at or below the median income for the county in which the building is located;
- b) The construction does not exceed the square footage of the property at the time it was damaged;
- c) The new construction is located at the site of the home that was damaged; or,
- d) The owner of the residential building did not have code upgrade insurance at the time the property was damaged. (PRC 25402.13)

THIS BILL:

- 1) Specifies that residential construction intended to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area for which a state of emergency has been proclaimed shall comply with requirements for PV systems that were in effect when the building was originally constructed and are not required to comply with any PV requirements in effect at the time of the repair, restoration, or replacement.
- 2) Specifies that this bill only applies when:
 - a) The income of the owner of the residential building is at or below the median income for the county in which the residential building is located, as determined by Housing and Community Development (HCD) state income limits;
 - b) The square footage of the residential building after the new construction will not exceed the square footage of the residential building at the time it was damaged or destroyed; and,
 - c) The new construction is located on the site of the residential building that was damaged or destroyed.
- 3) Sunsets the bill's provisions on January 1, 2028.
- 4) Specifies that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the bill.

FISCAL EFFECT: Unknown; however, for a similar bill last session (AB 2787, Patterson), the Senate Appropriations Committee identified negligible state costs.

COMMENTS:

- 1) **California's solar standards.** The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. The standards were the first in the nation to require PV systems for new construction. The standards also include improved thermal building envelope standards (i.e., insulating the interior), residential and nonresidential ventilation requirements, and nonresidential lighting requirements. For residential buildings, the standards are expected to result in about 53% less energy use than under the 2016 standards.

The CEC further estimates that the new standards will reduce GHG emissions by 700,000 metric tons over three years.

Statute requires that CEC's standards must be "cost-effective." Moreover, unlike other building standards, solar earns money for homeowners as their homes generate electricity. CEC estimates that based on a 30-year mortgage, the new standards will add about \$40 per month in costs and result in about \$80 per month in reduced energy costs. On average, a solar system adds about \$9,500 to the cost of a new home and will result in a savings of \$19,000 in energy costs over 30 years. The up-front costs for solar are expected to continue to decrease.

CEC established a few exemptions to the new solar requirement. Primarily, homes that are shaded by trees, hills, other structures, etc. are not required to install solar. This may exclude a number of homes impacted by fires in wooded areas. Homeowners in areas with community solar programs are also exempt from the requirement. Additionally, reduced system size is permitted for low-rise residential with two stories and for low-rise multifamily or single-family homes with three or more stories.

- 2) **Emergency declarations.** California has had a large number of emergency declarations over the last several years, primarily due to fires. In recent years, California has faced an alarming increase in destructive wildfires. Some of the largest and most devastating fires have taken place within the last decade. For example, the 2017 Tubbs Fire, at the time the most destructive wildfire in California history, killed 22 people and destroyed 5,000 homes. In 2018, the Camp Fire replaced the Tubbs Fire as the most destructive fires in state history, with nearly 19,000 structures destroyed and 85 deaths, including the near total destruction of the town of Paradise. The 2021 Caldor Fire burned more than 200,000 acres and destroyed 782 homes. On January 7 of this year, multiple wildfires erupted concurrently in Los Angeles that burned an area nearly the size of Washington, D.C., killed 28 people, and damaged or destroyed nearly 16,000 structures, according to CAL FIRE. Estimates for the economic losses range from \$250 billion to more than \$350 billion. This bill would allow any home damaged or destroyed in a disaster in an area in which the Governor has declared a state of emergency to comply with the PV requirements in effect at the time the home was constructed, rather than those in place at the time of the repair, restoration, or rebuild.

3) **Author's statement:**

Rebuilding after a natural disaster is financially challenging, with rising construction costs and insurance gaps making recovery difficult. While solar energy is an essential option for many Californians, the upfront cost is a major obstacle for those trying to rebuild after losing their homes. Assembly Bill 738 provides relief by temporarily waiving the solar installation mandate for homes that did not previously have solar, ensuring families can rebuild without additional financial burdens. This targeted exemption balances financial flexibility with our state's renewable energy goals.

- 4) **Suggested amendment.** The Committee *may wish to amend the bill* to shorten the sunset from 2029 to 2028.

5) Previous legislation:

AB 2787 (Joe Patterson, 2024) was substantially similar to this bill. AB 2787 was vetoed by the Governor.

AB 704 (Jim Patterson, 2023) was substantially similar to this bill. AB 704 was held in the Assembly Appropriations Committee.

AB 1078 (Patterson, 2022) would have extended the exemption established by AB 178 for one year, until January 1, 2024. This bill was vetoed by the Governor.

AB 178 (Dahle), Chapter 259, Statutes of 2019, exempted, until January 1, 2023, residential construction from complying with the solar requirements in the recently adopted building standards when the construction is in response to a disaster in an area in which a state of emergency has been proclaimed by the Governor.

REGISTERED SUPPORT / OPPOSITION:**Support**

Rural County Representatives of California

Opposition

California Solar & Storage Association

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 823 (Boerner) – As Introduced February 19, 2025

SUBJECT: Solid waste: plastic microbeads

SUMMARY: Prohibits the sale and distribution of leave-on cosmetics, cleaning products, and coatings that contain intentionally added microplastic.

EXISTING LAW:

- 1) Pursuant to the Plastic Microbead Nuisance Prevention Law (Public Resources Code § 42360-42366):
 - a) Defines “personal care product” as an article intended to be rubbed, poured, sprinkled, or sprayed on, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and an article intended for use as a component of that kind of article, but does not include prescription drugs.
 - b) Defines “plastic microbead” as an intentionally added solid plastic particle measuring five millimeters or less in every dimension.
 - c) Prohibits, on and after January 1, 2020, the sale or offering for promotional purposes any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste.
 - d) Exempts personal care products that contain less than 1 part per million plastic microbeads by weight.
 - e) Establishes civil penalties up to \$2,500 per day for a violation, as specified.
- 2) Defines “designated product” as a finished product that is an air care product, automotive product, general cleaning product, or a floor polish or maintenance product, as specified. (Health and Safety Code (HSC) 108952)

THIS BILL:

- 1) Prohibits, on and after January 1, 2027, the sale, offering for sale, distribution, or offering for promotional purposes:
 - a) A personal care product containing plastic microbeads that are used as an abrasive to clean, exfoliate, or polish, in a non-rinse-off product; and,
 - b) A cleaning product containing plastic microbeads that are used as an abrasive to clean, exfoliate, or polish.
- 2) Prohibits, on and after January 1, 2028, the sale, offering for sale, distribution, or offering for promotional purposes:

- a) A personal care product containing plastic microbeads that are not used as an abrasive;
 - b) A cleaning product containing plastic microbeads that are not used as an abrasive; and,
 - c) A coating containing plastic microbeads that are not used as an abrasive.
- 3) Defines terms used in the bill, including:
- a) “Cleaning product” as the same meaning as “designated product” in HSC 108952; and,
 - b) “Coating” as a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes, including paints, sealers, and varnishes.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Plastic.** Plastics pose a threat to the environment from origin to end-of-life. Plastic production is responsible for three and a half percent of all greenhouse gas emissions—more than the entire aviation sector. In 2021, global plastics production was estimated at 390.7 million metric tons, a 4% increase from the previous year. The United Nations Environment Programme reports that only 9% of all plastic ever made has been recycled, 12% has been incinerated, and the remaining 79% has accumulated in landfills or the environment.

Once plastics enter the environment, they remain there for hundreds to thousands of years. Plastics do not break down into their constituent parts, but instead break down into smaller and smaller particles, or microplastics. Because they are so small, microplastics are carried in the air and in water, and are easily ingested or inhaled by living things and accumulate up the food chain. Microplastics have been found in the most pristine natural environments on earth, including in the deep ocean, Antarctic sea ice, and in the sand of remote deserts. Microplastics are found in household dust and drinking water (bottled and tap), and humans are inhaling and consuming them. A March, 2024, study published in *Science of the Total Environment* identified microplastics in all human tissues sampled, with the polyvinyl chloride (PVC) being the dominant polymer. In February of this year, a study published in *Nature Medicine* found microplastics in human brains in higher concentrations than other body systems. This plastic accumulation increased 50% over the span of eight years. Shockingly little information exists about the potential health impacts of microplastics exposure. Research is emerging that links microplastics to a number of significant health issues, including cancer, dementia, hormone disruption, infertility, and cardiovascular disease.

Microplastics are intentionally added to leave-on cosmetics, household cleaners, and coatings, contributing to widespread environmental pollution and posing serious risks to human health. These microscopic plastic particles do not break down in the environment and often enter waterways, drinking water supplies, and food sources. Current law fails to regulate microplastics in these products, allowing continuous contamination and harm to vulnerable communities.

Plastic pollution and the impacts of plastics on human health fall disproportionately on marginalized communities. According to a 2021 report by the United Nations Environment

Programme, “women, in particular, suffer from plastic-related toxicity risk due to higher aggregate exposure at home and even in feminine care products.” Nearly all plastic is produced from fossil fuels and generates greenhouse gas emissions and toxic chemicals that impact air and water quality. About 14% of oil is used in petrochemical manufacturing, a precursor to producing plastic. By 2050, plastic production is predicted to account for 50% of oil and fracked gas demand growth. According to *Feeding the Plastics Industrial Complex: Taking Public Subsidies, Breaking Pollution Limits*, a report released on March 14, 2024, by the Environmental Integrity Project, “more than 66% of people within three miles of factories that manufacture the main ingredients in plastic products are people of color living in communities that are over-exposed to air pollution while schools and other public services are chronically underfunded.” The report notes that these facilities receive billions in subsidies while repeatedly violating environmental laws and regulations. For example, Indorama, the world’s largest producer of polyethylene terephthalate (PET) resins used in beverage containers and other single-use packaging, operates a facility in Louisiana that cracks natural gas or oil into ethylene. The facility received both a \$1.5 million grant from the state and an exemption from local taxes – a subsidy estimated to be worth at least \$73 million over 10 years. In return, Indorama violated its permitted air pollution control limits. In one example, over five months in 2019, the facility released more than 90 times the permitted level of volatile organic compounds. Instead of coming into compliance after multiple violations, the state revised the facility’s pollution control permit to allow higher levels of emissions.

Recycling plastic into new products is one way to reduce plastic pollution, as it keeps the recycled plastic out of the environment and reduces our dependence on virgin resin. However, recycling is currently only feasible for some of the more common, and least toxic, forms of plastic. The most effective way to tackle the plastic pollution crisis is to use less of it.

- 2) **OPC Microplastics Strategy.** In 2022, the Ocean Protection Council (OPC) released the Statewide Microplastics Strategy (Strategy) to provide a multi-year roadmap for California to take a national and global leadership role in managing microplastics pollution. The Strategy states that California must take “decisive, precautionary action to reduce microplastic pollution, while scientific knowledge and understanding of microplastics sources, impacts, and successful reduction measures continue to grow.”

The Strategy identifies a number of solutions focused on pollution prevention, pathway intervention, and outreach and education. These solutions are identified as “no regrets” actions based on feasibility, evidence, co-benefits, and overall benefit to society and the environment. These recommendations include: 1) Implementing the statewide requirement that single-use foodware and condiments be provided only upon request; 2) Encouraging state purchasing and service contracts to require reusable foodware; 3) Enacting comprehensive statewide plastic source reduction, reuse, and refill goals by 2023; 4) Prohibiting the sale and distribution of EPS foodware and packaging by 2023; 5) Expanding the statewide microbead ban enacted by AB 888 (Bloom), Chapter 594, Statutes of 2015, to include microplastics that are intentionally added to specific consumer products, such as cosmetics, household and industrial detergents, and cleaning products, by 2023; and 6) Prohibiting the sale and distribution of single-use tobacco products that demonstrably contribute to plastic pollution.

This bill is consistent with the recommendation to expand the microbead ban enacted by AB 888 to additional consumer and industrial products.

- 3) **DTSC candidate chemicals list.** The Department of Toxic Substances Control's (DTSC) Safer Consumer Products (SCP) Program was created in 2013 to advance the development, design, and use of products that are chemically safer for people and the environment. Under this program, DTSC identifies chemicals to be added to a candidate chemicals list, which is used to identify potential chemicals of concern in specific products (i.e., "priority products"). Candidate chemicals are those with known hazard traits and/or environmental or toxicological risks. Priority products are identified based on whether they contain one or more candidate chemicals that have the potential to harm people or the environment based on the potential for exposure and the potential for that exposure to cause "significant or widespread" adverse impacts. Priority products are designated through a formal regulations process. If a candidate chemical is identified as part of a designated priority product, it becomes a chemical of concern. Once identified, DTSC works to analyze alternatives to those chemicals and to encourage producers to use less toxic alternatives.

In 2023, DTSC proposed adding microplastics to the candidate chemicals list and identified specific considerations when evaluating products containing microplastics, including "the potential for the product to release microplastics to the environment during the use or end-of-life stages of the product's life cycle." Adding microplastics to the candidate chemicals list does not create any new regulatory obligations on producers. It allows DTSC to evaluate product-chemical combinations that may release microplastics into the environment for future consideration as priority products. To date, microplastics have not been added to the candidate chemicals list.

- 4) **European Union regulation.** In January 2018, the European Union (EU) stated its intention to restrict the use of microplastics and commenced a "consultation" that ran until September 2020. A final opinion was submitted to the European Commission in February 2021, and the first draft regulation was issued in August 2022. After completion of the regulatory process, which involved scientific experts and numerous stakeholders, a final regulation was adopted in September 2023 (Commission Regulation (EU) 2023/2055) to regulate synthetic polymer microparticles as substances on their own and in mixtures under Regulation (EC) 1907/2006, Registration, Evaluation, Authorization, and Restriction of Chemicals (REACH). The regulation generally bans microplastics as a substance on their own and where the microparticles are present "to confer a sought-after characteristic, in mixtures in a concentration equal or greater than 0.01% by weight." The microplastics regulation includes staged implementation for various products types, ranging from 2023 to 2035.

The REACH regulations, in combination with the microplastics regulation, are a detailed, comprehensive, and complex regulatory system involving significant reporting, multiple levels of testing, and approvals for regulated materials adopted after a five year regulatory process. The EU continues to offer guidance documents to guide implementation and compliance due to the complexity of the regulations. Last month, the EU released an Explanatory Guide, which includes a [Narrative](#), a [Questions and Answers](#) document, and an [Appendix](#) that includes the various decision trees for compliance options and examples of borderline cases and specific products. The regulations allow the use of certain "biodegradable" polymers if they meet one of a variety of testing protocols based on their intended use and the finished products they are added to. When a manufacturer wishes to use

a polymer under the claim it is biodegradable—and therefore can be excluded from regulation under REACH—the manufacturer must “provide, without delay, information proving that those polymers are degradable” and comply with the testing and regulatory framework established by the regulations.

- 5) **This bill.** This bill expands the AB 888 microbeads ban to include personal care products and cleaning products containing microbeads used as an abrasive on and after January 1, 2027, and personal care products, cleaning products, and coatings (i.e., paint) containing microbeads not used as an abrasive on and after January 1, 2028.

6) **Author’s statement:**

The plastic pollution crisis is with us every day—not just in faraway places. This isn’t just an environmental issue. It is a public health emergency. Tiny microplastics – so small they are invisible to the naked eye – have infiltrated our waterways, soil, food, and bodies. Plastic microbeads are present in many everyday items. They are used in our makeup, our cleaning supplies, and our paints. As a result, our bodies are filled with microplastics. They are in our lungs, bloodstream, placental tissue, breast milk, reproductive organs, and even brains. It’s time to put an end to these unnecessary and dangerous microplastics. With AB 823, we have a chance to protect our oceans, our communities, and our health.

- 7) **Suggested amendment.** *The committee may wish to amend the bill to:*

- a) Extend the implementation dates by two years.
- b) Remove coatings from the bill.

- 8) **Double referral.** This bill has also been referred to the Environmental Safety and Toxic Materials Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

350 Sacramento
 5 Gyres Institute
 5 Gyres Science to Solutions
 7th Generation Advisors
 Active San Gabriel Valley
 Algalita Marine Research and Education
 Alliance of Nurses for Healthy Environments
 American College of Ob-gyn's District IX
 Azul
 Ban Single Use Plastic
 Black Women for Wellness Action Project
 Breast Cancer Over Time
 Breast Cancer Prevention Partners
 California Black Health Network
 California Domestic Workers Coalition

California Nurses for Environmental Health & Justice
Californians Against Waste
California Public Interest Research Group
Catholic Charities of Stockton
Center for Environmental Health
Chicobag Company
Clean Water Action
Climate Action California
Coastal Corridor Alliance
Community Water Center
Courage California
Credo Beauty
Defend Our Health
Del Norte Solid Waste Management Authority
Dr. Bronner's
East Bay Municipal Utility District
Ecology Center (BERKELEY)
Erin Brockovich Foundation
Facts Families Advocating for Chemical and Toxics Safety
Friends Committee on Legislation of California
Friends of The Earth
Green Science Policy Institute
Innersense Organic Beauty
Integrated Resource Management
Intelligent Nutrients
Just the Goods
Just Transition Alliance
Los Angeles County Sanitation Districts
Los Angeles Waterkeeper
Mamavation - Non-toxic Products for Healthy Families
Monterey Bay Aquarium
National Resources Defense Council
National Stewardship Action Council
Naturepedic
Northern California Recycling Association
Oakland Recycles
Pacoima Beautiful
Plastic Free Future
Plastic Pollution Coalition
Regen Monterey
Rethink Waste
Salinas Valley Solid Waste Authority
San Francisco Bay Area Chapter Physicians for Social Responsibility
San Francisco Baykeeper
Save Our Shores
Save the Albatross Coalition
Save the Bay
Sierra Club California
Skinowl, INC

So Cal 350 Climate Action
Surfrider Foundation
Sustainable Rossmoor
The Last Plastic Straw
U.S. Green Building Council, California
Zero Waste Marin Joint Powers Authority
Zero Waste San Diego
Zero Waste Sonoma

Opposition

American Chemistry Council
American Cleaning Institute
American Coatings Association
Cal Chamber
California Grocers Association
California Manufacturers & Technology Association
California Retailers Association
Fragrance Creators Association
Household and Commercial Products Association
Personal Care Products Council
Western Plant Health Association

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 900 (Papan) – As Amended March 24, 2025

SUBJECT: Environmental protection: 30x30 goals: land conservation: science-based management and stewardship

SUMMARY: Require the Natural Resources Agency (NRA), on or before July 1, 2026, to update the Pathways to 30x30 Report, and requires the update to include, among other things, recommendations to increase science-based management and stewardship of 30x30 lands, including innovative ways to reduce barriers and increase federal, state, and local support for science-based management and stewardship, as specified.

EXISTING LAW:

- 1) Directs California Natural Resources Agency (NRA) to combat the biodiversity and climate crisis by, among other things, establishing the California Biodiversity Collaborative and establishing the 30x30 goal. (Executive Order No. N-82-20)
- 2) Codifies the 30x30 goal. (Public Resources Code (PRC) 71450)
- 3) Requires NRA, in implementing actions to achieve the 30x30 goal, to prioritize specified actions. Requires the Secretary of NRA to prepare and submit, beginning on or before March 31, 2024, an annual report to the Legislature on the progress made during the prior calendar year toward achieving that goal, as provided. (PRC 71451-71452)
- 4) Authorizes, pursuant to the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Proposition 4), \$10 billion to finance projects for safe drinking water, drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate-smart, sustainable, and resilient farms, ranches, and working lands, park creation and outdoor access, and clean air programs. (PRC 91535)

THIS BILL:

- 1) Requires NRA to develop strategies to reduce barriers and increase support for science-based management and stewardship of conserved lands in order to further the findings from the Pathways to 30x30 Report, which provided that designating an area as conserved is only the beginning of effective conservation and that protected areas require ongoing stewardship and monitoring.
- 2) Requires, on or before July 1, 2026, NRA to update the Pathways to 30x30 Report. Requires the update to include, but not be limited to, all of the following information:
 - a) An accounting of backlogged, critical, recurring, and future stewardship needs throughout the state with associated costs;
 - b) Case studies of successful science-based management and stewardship;

- c) A review of science-based management and stewardship best practices for conserved lands that includes, but is not limited to, new technology and innovative practices that improve outcomes and cost-effectiveness;
 - d) A valuation of the benefits of science-based management and stewardship on biodiversity and ecosystem services;
 - e) Identification of the ecological workforce needs for science-based management and stewardship and opportunities to support workforce training;
 - f) A review of the co-benefits of science-based management and stewardship that includes, but is not limited to, recreation and public access, the provision of habitat and resources for wildlife, carbon sequestration, water and air purification, and climate regulation; and,
 - g) Recommendations to increase science-based management and stewardship of 30x30 lands, including innovative ways to reduce barriers and increase federal, state, and local support for science-based management and stewardship.
- 3) Requires the update to be posted on NRA's internet website.
 - 4) When appropriating funds, science-based management and stewardship funding may be included as part of a land acquisition project to further the goals of this bill.
 - 5) Provides that "science-based management and stewardship" includes, but is not limited to, adaptive management, traditional ecological knowledge, and best land management practices across all land types.

FISCAL EFFECT: Unknown

COMMENTS:

1) Author's statement:

AB 900 is the next step in furthering the state's 30x30 initiative. California has been making steady progress toward conserving lands that support biodiversity, access, and climate resiliency. However, with over a quarter of state lands considered '30x30 conservation areas,' it is important that we follow through and promote strategies that ensure these lands are both 'durably protected and managed.' 30x30 is a critical safeguard in the face of climate change, so it is essential to support our statewide partners in their pursuit of sustainably managing and stewarding our precious natural resources.

- 2) **30x30.** In October 2020, Governor Newsom issued Executive Order N-82-20 which establishes a state goal of conserving 30% of California's lands and coastal waters by 2030 – known as 30x30. The 30x30 goal is intended to help conserve our lands and coastal waters through voluntary, collaborative action with partners across the state to meet three objectives: conserve and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change. The 30x30 goal was codified by SB 337 (Min), Chapter 392, Statutes of 2023. California's 30x30 commitment is part of a global effort to increase biodiversity conservation, including in the United States.

As of June 2024, 25.2% of California's lands and 16.2% of its coastal waters are under long-term conservation and care for the benefit of plant, animal, and human communities. This includes an addition of 861,000 acres of conserved lands that are verified across the state. The state must conserve an estimated 750,000 acres of land per year between now and 2030 to meet its goal.

- 3) **Stewardship.** The September 2024 NRA progress report *Pathways to 30x30 California Annual Progress Report* acknowledges that “effectively caring for lands and waters depends upon adaptive management that integrates the best available science and Traditional Ecological Knowledge.”

For state lands, between state land managers, local governments, and land trusts, there is likely sufficient capacity to meet 30x30 land manager needs, but there could be future workforce constraints.

The state's Regional Investment Initiative under the Labor and Workforce Development Agency identified natural and working lands as a key sector of the economy and as essential sectors to invest in. Also in recognition of the need for workforce development in these sectors, the Governor's Office of Business and Economic Development categorized elements of clean economy and working lands and waters under its “Bet” category, indicating sectors with significant investment or high strategic importance to the innovation ecosystem. Tourism and outdoor recreation (a part of the 30x30 goals) is under the “Strengthen” category, indicating it probably needs a bump.

Many of the areas currently conserved and counting toward the 30x30 goal are within our state parks, national parks, national forests, and Bureau of Land Management (BLM) lands and are counted in the 24.4% of what NRA calls “durably protected and managed” 30x30 lands. The state may need to redefine what it determines is “durably managed” as it relates to those lands under federal jurisdiction; since taking office, President Trump has downsized the federal workforce by more than two million employees, including more than 7,000 employees at the U.S. Forest Service (USFS), and hundreds of positions at the National Park Service, the Environmental Protection Agency (US EPA), and BLM. Further, the Department of Government Efficiency plans to terminate lease contracts at nearly two dozen California offices including the National Oceanic and Atmospheric Administration, US EPA, USFS, and Geological Survey. The result will undoubtedly lead to sparse and unreliable land management for conserved areas on federal lands.

Given the need for land managers on state lands and the uncertainty of federal land management, identifying stewardship needs will be critical if these lands are genuinely to be conserved in perpetuity.

- 4) **This bill.** AB 900 requires NRA to develop strategies to reduce barriers and increase support for science-based management and stewardship of conserved lands, and requires NRA to update the Pathways to 30x30 Report to include an accounting of current and future stewardship needs and recommendations to increase science-based management and stewardship of 30x30 lands.

5) Related legislation.

AB 2440 (Reyes), Chapter 716, Statutes of 2024 requires NRA to prioritize promoting and supporting partnering state agencies and departments, including, but not limited to, the Department of Parks and Recreation, in the acquisition and responsible stewardship of state land.

AB 2320 (Irwin) 2024 requires NRA's annual report to the Legislature on progress made to achieve the 30x30 goals to include the identification of key wildlife corridors in the state, connections between large blocks of natural areas and habitats, progress on protecting additional acres of wildlife corridors, and goals for wildlife corridor protection in the next five years. This bill was held in the Senate Appropriations Committee.

AB 2285 (Rendon) 2024 encourages the Governor's office, state agencies, and the Legislature, when distributing resources towards conservation and restoration goals during future budgetary deliberations, to ensure parity in allocations toward urban nature-based investments and requires state funding agencies to amend guidelines as necessary to meet the 30x30 goal to allow for urban nature-based projects on degraded lands to be eligible and competitive for state funds. This bill was held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

Backcountry Hunters and Anglers,
California Chapter
Big Sur Land Trust
Bolsa Chica Land Trust a Non-profit
Corporation
California Council of Land Trusts
California Environmental Voters
California Invasive Plant Council
California Native Plant Society
California Outdoor Recreation Partnership
Climate Reality Project Bay Area Chapter
Climate Reality Project San Diego
Climate Reality Project San Fernando
Valley Chapter
Climate Reality Project, Los Angeles
Chapter
Climate Reality Project, Orange County
Coachella Valley Conservation Commission
Defenders of Wildlife

Land Trust of Santa Cruz County
Mojave Desert Land Trust
Peninsula Open Space Trust
Placer Land Trust
Rural County Representatives of California
San Joaquin River Parkway & Conservation
Trust, INC.
Sanctuary Forest INC.
Sempervirens Fund
Sequoia Riverlands Trust
Sierra Business Council
Sierra Club
Sierra Consortium
Solano Land Trust
Sonoma Land Trust
Sustainable Conservation
The Nature Conservancy
Wildlands Conservancy

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 907 (Chen) – As Introduced February 19, 2025

SUBJECT: State Air Resources Board: board members: compensation

SUMMARY: Requires the six part-time members of the Air Resources Board (ARB) representing air districts receive an annual salary.

EXISTING LAW:

- 1) Provides for appointment of 14 voting ARB members, as follows:
 - a) Twelve members appointed by the Governor on the basis of interest and ability in the field of air pollution control, understanding of the needs of the general public in connection with air pollution problems, and additional specific qualifications. These members serve at the pleasure of the Governor and are subject to confirmation by the Senate.
 - b) Two members, one each appointed by the Senate Committee on Rules and the Speaker of the Assembly. These two “environmental justice” members must work directly with communities in the state that are most significantly burdened by, and vulnerable to, high levels of pollution, including communities with diverse racial and ethnic populations and low-income populations.
 - c) Members serve part-time, with the exception of the Chair, who is appointed by the Governor and serves full-time.
- 2) Establishes the following specific qualifications for the 12 Governor-appointed board members:
 - a) One with training and experience in automotive engineering or a closely related field.
 - b) One with training and experience in science, agriculture, or law.
 - c) One who is a physician and surgeon, or health effects expert.
 - d) One with experience in air pollution control, or meeting the qualifications of one of the three categories listed above.
 - e) Two public members.
 - f) One board member from each of the following air districts:
 - i) South Coast Air Quality Management District (SCAQMD);
 - ii) Bay Area Quality Management District (BAAQMD);

- iii) San Joaquin Valley Air Pollution Control District (SJVAPCD);
 - iv) San Diego County Air Pollution Control District (SDAPCD);
 - v) A district in the Sacramento federal nonattainment area; and,
 - vi) Any other district.
- (Health and Safety Code (HSC) 39510)
- 3) Requires each member to receive a salary established for the position in Section 11564 of the Government Code (currently \$57,000/year). (HSC 39512)
 - 4) Requires the six air district members to serve without compensation but provides reimbursement for actual and necessary expenses incurred in the performance of their duties to the extent that reimbursement for expenses is not otherwise provided or payable by another public agency or agencies. Requires each elected public official member to receive \$100/day, not to exceed \$1,000/month, for attending ARB meetings or while on ARB-authorized official business. (HSC 39512.5)

THIS BILL:

- 1) Repeals the prohibition on compensation for the six air district board members.
- 2) Repeals the \$100 per day, up to \$1000 per month, per diem for board members who are elected officials.
- 3) Requires each member of the six air district board members to receive the salary specified in Government Code 11564 (set at \$57,000 for 2025), to be paid by ARB.

FISCAL EFFECT: According to the Assembly Appropriations Committee analysis of an identical bill (AB 2958) in 2024:

- 1) Ongoing annual costs of approximately \$556,000 for ARB to pay the six members of its board from air districts benefits as well as the salary specified in Section 11564 of the Government Code, which was \$55,738 in 2024 (Air Pollution Control Fund (APCF)).
- 2) Minor savings to ARB of approximately \$1,200 annually as a result of the repeal of the \$100 per diem for attending board meetings. ARB notes there is only one board member who currently receives the \$100 stipend, and the board meets approximately one day per month APCF.

COMMENTS:

- 1) **Background.** According to ARB, the current board member salary is \$57,000, with an additional cost of \$39,000/year for benefits. This bill would require that salary be paid to the six air district board members. In the past, the justification for not paying a salary to the air district members has been that they are government officials receiving compensation from the agency they primarily work for.

2) Author's statement:

Voting members on ARB receive compensation as a yearly salary. However, the local air district voting members of the board are prohibited from receiving a salary, despite having similar duties and obligations. Limiting these board members' compensation discredits the important local perspective when evaluating the board's regulations, programs, and future policies. To remedy this, AB 907 seeks to establish pay parity among all board members by authorizing local air district representatives to receive a salary for their service.

- 3) **Prior legislation.** AB 2958 (Calderon, 2024) was identical to this bill. AB 2958 passed this committee on consent on April 8, 2024 and was later held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

Bay Area Air Quality Management District
California Air Pollution Control Officers Association
California Special Districts Association
South Coast Air Quality Management District

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 973 (Hoover) – As Introduced February 20, 2025

SUBJECT: Recycling: plastic packaging and products

SUMMARY: Repeals the state’s Rigid Plastic Packaging Container (RPPC) recycling requirements (RPPC Law) and replaces it with a packaging and plastic packaging and products law that covers RPPCs and film plastic packaging.

EXISTING LAW:

- 1) Pursuant to the RPPC Law (Public Resources Code (PRC) 42300 *et seq.*):
 - a) Defines “rigid plastic packaging container” as any plastic package having a relatively inflexible finite shape or form, with a minimum capacity of eight fluid ounces or its equivalent volume and a maximum capacity of five fluid gallons or its equivalent volume, that is capable of maintaining its shape while holding other products, including, but not limited to, bottles, cartons, and other receptacles, for sale or distribution in the state.
 - b) Requires RPPCs sold or offered for sale in the state to meet, on average, the following:
 - i) Be made from at least 25% postconsumer material;
 - ii) Have a recycling rate of 45%, as specified;
 - iii) Be a reusable or refillable package;
 - iv) Be a source-reduced container; or,
 - v) Is a container for floral preservative that is subsequently reused by the floral industry.
 - c) Requires the Department of Resources Recycling and Recovery (CalRecycle) to adopt regulations to implement these requirements.
 - d) Establishes penalties for violations of the RPPC Law of up to \$100,000, as specified.
 - e) Authorizes CalRecycle to issue waivers from the postconsumer recycled content requirements under specified circumstances.
 - f) Exempts from the RPPC Law containers that are destined for shipment to destinations outside of the state, contain drugs, medical devices, cosmetics, food, medical food, or infant formula, contain toxic or hazardous products, as specified, or are manufactured for use in the shipment of hazardous materials, as specified.
- 2) Pursuant to the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill):

- a) From January 1, 2022 to December 31, 2024, requires plastic beverage containers, as defined, to contain a minimum of 15% postconsumer recycled plastic, on average;
 - b) From January 1, 2025 to December 31, 2029, requires plastic beverage containers, as defined, to contain a minimum of 25% postconsumer recycled plastic, on average; and,
 - c) On and after January 1, 2030, requires plastic beverage containers, as defined, to contain a minimum of 50% postconsumer recycled plastic, on average. (PRC 14547)
- 3) Pursuant to SB 54 (Allen), Chapter 75, Statutes of 2022, establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act) (PRC 42040 *et seq.*), which:
- a) Requires, by January 1, 2024, producers of covered material to form and join a producer responsibility organization (PRO), subject to specified requirements and CalRecycle approval, to carry out the requirements of the Act. Prohibits a producer of covered material from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the PRO.
 - b) Requires that all covered material offered for sale, distributed, or imported into the state on and after January 1, 2032, is recyclable in the state or eligible to be labeled "compostable," as specified.
 - c) Requires that all plastic covered material offered for sale, distributed, or imported into the state to meet the following recycling rates:
 - i) Not less than 30% of covered material on and after January 1, 2028;
 - ii) Not less than 40% of covered material on and after January 1, 2030; and,
 - iii) Not less than 65% of covered material on and after January 1, 2032.
 - d) Prohibits producers of expanded polystyrene (EPS) food service ware from selling, offering for sale, distributing, or importing into the state EPS food service ware unless the producer demonstrates to CalRecycle that all EPS meets the following recycling rates:
 - i) Not less than 25% on and after January 1, 2025;
 - ii) Not less than 30% on and after January 1, 2028;
 - iii) Not less than 50% on and after January 1, 2030; and,
 - iv) Not less than 65% on and after January 1, 2032 and annually thereafter.
 - e) By January 1, 2032, requires the PRO to develop and implement a plan to achieve 25% reduction by weight and 25% reduction by plastic component for covered material sold, offered for sale, or distributed in the state, as prescribed, including interim targets of 10% by January 1, 2027, and 20% by January 1, 2030.
 - f) Establishes civil penalties for violations of SB 54 of up to \$50,000 per day per violation, as specified.

THIS BILL repeals the state's RPPC Law, and instead:

- 1) Defines "covered product" as a rigid plastic container, as specified, a rigid plastic product, as specified, film plastic used in packaging overwrap and shrink wrap, lawn or garden bags, heavy-duty industrial bags, and plastic trash bags.

- 2) Exempts from this bill:
 - a) Packages or containers that contain food;
 - b) Products that are associated with a product that is produced in, or brought into, the state that is destined for shipment to a destination outside the state, and that remains with the product upon shipment;
 - c) Packaging used for medical products and products defined as medical devices or prescription drugs;
 - d) Packaging used for drugs that are used for animal medicines;
 - e) Packaging used for products intended for animals that are regulated as animal drugs, biologics, parasiticides, medical devices, or diagnostics used to treat, or administered to, animals, as specified;
 - f) Packaging used for infant formula;
 - g) Packaging used for medical food, as specified;
 - h) Packaging used for fortified oral nutritional supplements used for persons who require supplemental or sole source nutrition, as specified;
 - i) Packaging used to contain products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act;
 - j) Plastic packaging containers that are used to contain and ship products that are classified for transportation as dangerous goods or hazardous materials, as specified;
 - k) A product manufactured for use in the shipment of hazardous materials, as specified;
 - l) Packaging used to contain hazardous or flammable products, as specified;
 - m) A reusable or refillable package;
 - n) Containers that are certified by the Biodegradable Products Institute as compostable;
 - o) A bag that is designed and manufactured to hold, store, or transport hazardous waste or regulated medical waste; and,
 - p) Other items as designated by CalRecycle in regulation for a period not to exceed five years.
- 3) Defines “plastic” as a synthetic material made of linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during the life cycle and after disposal. Specifies that “plastic” does not include material that is designed to be composted in a municipal or industrial anaerobic composting facility and that is certified by a recognized third-party independent verification body as meeting the standards therefore established by the American Society for Testing and Materials (ASTM) in ASTM D6400 or D6868.
- 4) Requires CalRecycle to adopt regulations to implement the bill, as specified.
- 5) Authorizes CalRecycle to review and adjust the postconsumer recycled content requirements and requires CalRecycle to specify a limited time period and applicable conditions to the adjustment, based on specified considerations.
- 6) Authorizes CalRecycle to participate in the establishment and implementation of a multistate clearinghouse to assist in carrying out the requirements of this chapter and to help with coordinating the review of registrations, waiver requests, and certifications; and, implementing education and outreach activities.

- 7) Specifies that if a manufacturer authorizes a representative organization to implement the bill's requirements, the organization shall act on behalf of the manufacturer to ensure that specified requirements are fulfilled.
- 8) Specifies that if a manufacturer authorizes a representative organization to implement the bill's requirements, the organization, and not the manufacturer, are subject to any enforcement actions taken for specified requirements.
- 9) Specifies that the bill does not apply to an exempted product, except the bill's registration requirement.
- 10) On or before July 1, 2026, and on or before July 1 every year thereafter, requires manufacturers to register with CalRecycle and pay the annual registration charge. Exempts small manufacturers, as defined, from the annual registration charge. Requires the registration to include:
 - a) The name of the manufacturer and the brand name of each of the manufacturer's covered and exempt products;
 - b) The total weight of the manufacturer's covered products sold in the state and the total weight by product category for the prior calendar year;
 - c) The average percentage of postconsumer recycled content used by the manufacturer for each covered product category sold in the state;
 - d) Proof of third-party certification; and,
 - e) Any other information required by regulation.
- 11) Requires manufacturers to meet the following annual minimum postconsumer recycled content percentages, on average, for the total quantity of covered products by weight that are sold, offered for sale, or distributed into the state:
 - a) On and after January 1, 2028:
 - i) For rigid containers with a maximum capacity of 5 gallons, no less than 25%;
 - ii) For plastic trash bags, no less than 10%;
 - iii) For roll carts, no less than 10%; and,
 - iv) For all other covered products, no less than 30%;
 - b) On and after January 1, 2030, for roll carts, no less than 30%.
- 12) Specifies that for each pound of postconsumer resin purchased from a source in state or in adjacent regions, as determined by CalRecycle, for use in the manufacture of covered products, CalRecycle shall credit the certifying manufacturer with using 1.2 pounds of postconsumer resin.
- 13) Until January 1, 2030, authorizes manufacturers to calculate and report the annual average postconsumer recycled content contained in all of their covered products, whether in or out of state. On and after January 1, 2030, requires manufacturers to calculate and report the average based on products sold or distributed in state.
- 14) On and after January 1, 2034, requires manufacturers to calculate the amount of postconsumer recycled content in each covered product category sold or offered for sale within the state.

- 15) Requires manufacturers to submit an annual report to CalRecycle on and after January 1, 2028, which includes the amount, in pounds, of virgin plastic by resin type and the amount of postconsumer recycled content by resin type, as specified.
- 16) Authorizes CalRecycle, upon application by a manufacturer, to grant a waiver of up to two years from the postconsumer resin content requirements if CalRecycle finds:
 - a) The manufacturer cannot comply with the requirement and remain in compliance with applicable rules and regulations adopted by the United States Food and Drug Administration, or any other state or federal law, rule, or regulation;
 - b) It is not technologically feasible for the manufacturer to comply with the requirement;
 - c) The manufacturer cannot meet the requirement because of supply limitations;
 - d) The manufacturer cannot meet the requirement because of a reason authorized by CalRecycle in regulations.
- 17) Authorizes CalRecycle reduce the amount of civil penalties if the manufacturer submits a corrective action plan that is approved by CalRecycle and includes the reasons for noncompliance and planned steps to comply, as specified.
- 18) For a violation of the postconsumer recycled content requirements, requires CalRecycle to assess a civil penalty based on a per-pound basis for each pound of virgin material that was used by a manufacturer in its products instead of the required recycled material. Until January 1, 2029, specifies that the penalty is \$0.20 per pound. After January 1, 2029, authorizes CalRecycle to use a formula and methodology to calculate the penalty for each resin type that is, over the prior six months, greater than the market price difference between postconsumer resin and virgin resin, as specified. Requires CalRecycle to publish a report on the fines and penalties levied every year.
- 19) Requires CalRecycle to provide written notice to a manufacturer that is not in compliance with the registration and waiver requirements and to offer information on how to comply. Requires CalRecycle to provide at least two notices by certified mail before assessing a penalty. After the written notice, a manufacturer in violation of these requirements is subject to a civil penalty not to exceed \$1,000 per day.
- 20) Maintains the existing Rigid Container Account under the RPPC Law. Requires fines and penalties to be paid into the account for purposes of assisting local governmental agencies with developing and implementing collection and processing systems for the recycling of materials subject to the bill, for the development of markets for these materials, and for CalRecycle's actual and reasonable costs of implementing the bill.
- 21) Upon appropriation by the Legislature, authorizes CalRecycle to expend funds from the Integrated Waste Management Account to implement the bill.
- 22) States related legislative findings and declarations.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Plastic.** Plastics pose a threat to the environment from origin to end-of-life. Plastic production is responsible for three and a half percent of all greenhouse gas emissions—more than the entire aviation sector. In 2021, global plastics production was estimated at 390.7 million metric tons, a 4% increase from the previous year. The United Nations Environment Programme reports that only 9% of all plastic ever made has been recycled, 12% has been incinerated, and the remaining 79% has accumulated in landfills or the environment.

Once plastics enter the environment, they remain there for hundreds to thousands of years. Plastics do not break down into their constituent parts, but instead break down into smaller and smaller particles, or microplastics. Because they are so small, microplastics are carried in the air and in water, and are easily ingested or inhaled by living things and accumulate up the food chain. Microplastics have been found in the most pristine natural environments on earth, including in the deep ocean, Antarctic sea ice, and in the sand of remote deserts. Microplastics are found in household dust and drinking water (bottled and tap), and humans are inhaling and consuming them. A March, 2024, study published in *Science of the Total Environment* identified microplastics in all human tissues sampled, with the polyvinyl chloride (PVC) being the dominant polymer. In February of this year, a study published in *Nature Medicine* found microplastics in human brains in higher concentrations than other body systems. This plastic accumulation increased 50% over the past eight years. Shockingly little information exists about the potential health impacts of microplastics exposure. Laboratory studies have found that microplastics increase the risk of cancer and disrupt hormone pathways in lab rats.

Plastic pollution and the impacts of microplastics on human health fall disproportionately on marginalized communities. Nearly all plastic is produced from fossil fuels and generates greenhouse gas emissions and toxic chemicals that impact air and water quality. About 14% of oil is used in petrochemical manufacturing, a precursor to producing plastic. By 2050, plastic production is predicted to account for 50% of oil and fracked gas demand growth. According to *Feeding the Plastics Industrial Complex: Taking Public Subsidies, Breaking Pollution Limits*, a report released on March 14, 2024, by the Environmental Integrity Project, “more than 66% of people within three miles of factories that manufacture the main ingredients in plastic products are people of color living in communities that are over-exposed to air pollution while schools and other public services are chronically underfunded.” The report notes that these facilities receive billions in subsidies while repeatedly violating environmental laws and regulations. For example, Indorama, the world’s largest producer of polyethylene terephthalate (PET) resins used in beverage containers and other single-use packaging, operates a facility in Louisiana that cracks natural gas or oil into ethylene. The facility received both a \$1.5 million grant from the state and an exemption from local taxes – a subsidy estimated to be worth at least \$73 million over 10 years. In return, Indorama violated its permitted air pollution control limits. In one example, over five months in 2019, the facility released more than 90 times the permitted level of volatile organic compounds. Instead of coming into compliance after multiple violations, the state revised the facility’s pollution control permit to allow higher levels of emissions.

Recycling plastic into new products is one way to reduce plastic pollution, as it keeps the recycled plastic out of the environment and reduces our dependence on virgin resin. However, recycling is currently only feasible for some of the more common, and least toxic,

forms of plastic. The most effective way to tackle the plastic pollution crisis is to use less of it, particularly the types that are not readily recyclable.

- 2) **Recycled content.** The US has not developed significant markets for recycled content materials, including plastic. Historically, China has been the largest importer of recyclable materials. In an effort to improve the quality of the materials it accepts and to combat the country's significant environmental challenges, China established Operation National Sword in 2017, which included inspections of imported recyclable materials and a filing with the World Trade Organization indicating its intent to ban the import of 24 types of scrap, including PET, high density polyethylene (HDPE), PVC, and PS beginning January 1, 2018. In November 2017, China announced that imports of recyclable materials that are not banned will be required to include no more than 0.5 percent contamination.

Following China's actions, other Southeast Asian countries have enacted policies limiting or banning the importation of recyclable plastic materials. Last year, Malaysia and Vietnam implemented import restrictions. India and Thailand have also banned scrap plastic imports.

These limitations are important to reducing plastic pollution worldwide, as these countries have received low-quality mixed plastic waste that is challenging to recycle and has little to no scrap value. The plastic is sorted to remove the materials that can be easily recycled, and the rest is left to be burned or otherwise disposed. In countries with inadequate waste management systems, this can include being left on beaches or otherwise dumped into the environment, contributing to the ocean plastic pollution crisis.

In order to foster markets for recycled materials, the state has established recycled content requirements for various products. The RPPC Law requires that RPPCs contain at least 25% postconsumer material, have a recycling rate of 45%, be reusable or refillable, or be a source-reduced container. Plastic beverage containers subject to the state's Bottle Bill are required to contain a minimum of 25% postconsumer recycled plastic through 2029, and 50% on and after January 1, 2030. Statute requires that newsprint contain a minimum of 25% recycled content. Plastic trash bag manufacturers are required to ensure that the bags contain a quantity of postconsumer recycled content equal to 10% of the weight of the regulated bag, or ensure that at least 30% of the weight of material used in all of its plastic products is postconsumer recycled content.

- 3) **Compostable plastic.** Compostable plastics are plastics that are designed to decompose under certain conditions. There are various standards in place to determine if a plastic product is compostable or not. Generally, the state has relied upon ASTM International standards, which include specifications for home compostable (D6868-19) and for industrially compostable (D6400-19). The home compost standard requires degradation within 180 days. The standard for industrially compostable runs between 90 to 180 days; however, California's industrial compost operations process material more quickly than those timelines, resulting in incomplete degradation of the materials composted. In practice, compostable plastics are screened out of most industrial compost operations and landfilled.

In recognition of the issues with the current ASTM standards, SB 1335 (Allen), Chapter 610, Statutes of 2018, which establishes reuse, recycling, and compost requirements for food packaging used in state facilities, required CalRecycle to adopt regulations to create standards for those terms. For composability, CalRecycle regulations require that the

packaging must meet the ASTM standards D6400-19 or D6868-19, demonstrate 90% biodegradation within 60 days, and comply with related statutory requirements to be labeled “compostable” in the state.

Further, the United States Department of Agriculture’s National Organic Program (NOP), which sets rules and regulations for the certification of organic products, including compost, prohibits the inclusion of compostable plastic as a feedstock. Therefore, any compost that contains compostable plastic is prohibited from being labeled organic or used on organic crops. This prohibition limits the marketability of the finished compost, discouraging many compost facility operators from accepting compostable plastic.

- 4) **RPPC.** The state’s RPPC Law was established in 1991 to reduce the amount of plastic waste disposed in California’s landfills and to develop markets for recycled content materials. RPPCs include containers that are made from rigid plastic, such as tubs, buckets, bottles, trays, and other rigid plastic containers. The law has seven compliance options: 1) The container must contain at least 25% postconsumer recycled content; 2) The container must be routinely reused at least five times; 3) The container must be recycled at a 45% recycling rate; 4) The product manufacturer or another company under the same corporate ownership uses postconsumer material generated in California equivalent to or exceeding 25% postconsumer material; 5) The RPPC is source reduced by container weight, product concentration, or a combination of the two; 6) The container is routinely returned and refilled by the product manufacturer at least five times; or, 7) The container contains floral preservatives and is reused by the floral industry for at least two years.
- 5) **SB 54.** SB 54 (Allen), Chapter 75, Statutes of 2022, established the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which created sweeping new minimum recycling requirements for single-use plastic packaging and food service ware (covered material), source reduction requirements for plastic covered material, and prohibits the sale or distribution of expanded polystyrene food service ware unless it meets accelerated recycling rates. SB 54 requires producers to comply with the bill’s requirements through an expanded producer responsibility program. Under SB 54, covered material must meet specified recycling and source reduction requirements by 2027, which ramp up until all covered material must achieve and maintain a 65% recycling rate and a 25% source reduction requirement by 2032. This bill additionally requires producers, through the PRO, to pay \$500 million per year for ten years (from 2027 to 2037) to be deposited into the California Plastic Pollution Mitigation Fund, which is established to fund various environmental and public health programs.
- 6) **This bill.** This bill replaces the current, outdated RPPC Law with a new plastic packaging and products law that covers RPPCs and film plastic packaging. AB 973 also increases the minimum content to 25% for rigid containers with a maximum capacity of five fluid gallons, 10% for plastic trash bags, 10%-30% for roll carts, and 30% for other covered products. The bill eliminates the alternative compliance options available under the RPPC Law to focus only on the use of postconsumer recycled content. This is intended to reduce reliance on virgin plastic and drive markets for recycled content plastic to foster a circular economy. Additionally, this bill grants a small increase in credit for recycled plastic purchased from in-state or in adjacent regions to encourage the use of California and other nearby domestic recycled content and the related businesses and jobs.

7) Author's statement:

This bill would require the use of postconsumer recycled content plastic (PCR) for a wider range of plastic packaging and durable plastic goods by updating California's Rigid Plastic Packaging Container (RPPC) law, originally passed in 1991. Today, the increased use of plastic packaging, including new film or soft plastics, along with growing concerns about reducing plastic pollution, demonstrate a strong need to update this law to best serve the state's goals. Furthermore, a 2024 University of California, Berkeley study found that the most impactful policy to reduce plastic pollution is to require the use of more recycled plastics to make new products. Given that companies can now use recycled content in more applications and at higher rates than previously required, it's time for California to modernize and expand its recycled content laws. This will allow California to build a stronger recycling system and reduce plastic pollution.

8) Suggested amendments. *The committee may wish to amend the bill to:*

- a) Repeal the Plastic Trash Bag Law, which is being replaced by this bill.
- b) Remove the definition of "plastic," which is unnecessary and inaccurate.
- c) Increase the credit for postconsumer recycled content from in state or adjacent states from 1.2 pounds for each pound used to 1.5 pounds.
- d) Clarify that postconsumer recycled content credited accurately reflects the amount of postconsumer recycled content plastic in the finished covered product.
- e) Codify CalRecycle audit authority over the program.
- f) Consolidate and clarify the enforcement provisions. Increase the initial penalty for violations of the recycled content requirements from 20 cents per pound to 40 cents per pound, and increase the administrative civil penalty amount from up to \$1,000 to up to \$5,000.
- g) Make related technical and clarifying amendments.

9) Double referral. This bill has also been referred to the Assembly Judiciary Committee.**REGISTERED SUPPORT / OPPOSITION:****Support**

National Stewardship Action Council
Republic Services – Western Region

Opposition

American Institute for Packaging and Environment
Consumer Brands Association
Flexible Packaging Association

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1046 (Bains) – As Amended March 27, 2025

SUBJECT: Short-lived climate pollutants: recovered organic waste product: food processing establishments

SUMMARY: Exempts food processing establishments that have not historically disposed of organic waste in a landfill from specified organic waste management requirements.

EXISTING LAW:

- 1) Requires the Air Resources Board (ARB) to develop a comprehensive strategy to reduce the emissions of short-lived climate pollutants (SLCP) to achieve a 40% reduction in methane emissions, 40% reduction in hydrofluorocarbon gases, and 50% reduction in anthropogenic black carbon below 2013 levels by 2030. (Health and Safety Code (HSC) 39730-39730.5)
- 2) Requires the state to reduce the disposal of organic waste by 40% from the 2014 level by 2020 and 75% by 2025 to help achieve the state's methane reduction goal. (HSC 39730.6)
- 3) Requires the Department of Resources Recycling and Recovery (CalRecycle), in consultation with ARB, to adopt regulations to achieve the state's organic waste reduction requirements. Specifies that the regulations, in part:
 - a) May require jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.
 - b) Include requirements intended to meet the goal that not less than 20% of edible food is recovered for human consumption by 2025.
- 4) Requires local jurisdictions to implement edible food recovery programs, which include actions jurisdictions will take to educate commercial edible food generators; increase commercial edible food generator access to food recovery options; monitor commercial edible food generator compliance; and, increase edible food recovery capacity. (Section 18001.1 of the California Code of Regulations (CCR))
- 5) Requires local jurisdictions to maintain and report specified information relating to commercial edible food generators. (CCR 18991.2)
- 6) Requires commercial edible food generators to arrange to recover the maximum amount of edible food that would otherwise be disposed through a contract with a food recovery organization. Establishes limited exemptions from this requirement for extraordinary circumstances, as specified. (CCR 18991.3)
- 7) Requires commercial edible food generators and food recovery organizations to keep specified records. (CCR 18991.4 – 18991.5)

- 8) Defines “food processing establishment” as any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food, except restaurants. Specifies that food processing establishment does not include a cottage food operation, as specified. (HSC 111955)

THIS BILL exempts a food processing establishment, as defined by HSC 111955, that “historically has not disposed of organic waste, including, but not limited to, culls, fruit skins, hulls, leaves, seed pits, shells, and sticks, to a landfill” from regulations relating to edible food recovery pursuant to Article 10 (commencing with Section 18991.1) of Chapter 12 of Division 7 of Title 14 of the CCR.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Organic waste recycling.** Nearly 40 million tons of waste are disposed of in California's landfills annually. Nearly half of those materials are organics (~48%). Organic waste includes food, yard, paper, and other organic materials. As that material decomposes in landfills, it generates significant amounts of methane, a potent greenhouse gas (GHG) with 84 times the climate impact as carbon dioxide. ARB states that about 20% of methane emissions in California comes from landfills.

SB 1383 (Lara), Chapter 395, Statutes of 2016, requires ARB to approve and implement a comprehensive SLCP strategy to achieve, from 2013 levels, a 40% reduction in methane, a 40% reduction in hydrofluorocarbon gases, and a 50% reduction in anthropogenic black carbon, by 2030. In order to accomplish these goals, the law specifies that the methane emission reduction goals include targets to reduce the landfill disposal of organic waste, including food, 50% by 2020 and 75% by 2025 from the 2014 level. SB 1383 also requires that 20% of edible food that would otherwise be sent to landfills is redirected to feed people by 2025. Specifically, the law requires: jurisdictions to establish food recovery programs and strengthen existing food recovery networks; food donors to arrange to recover the maximum amount of edible food; and, food recovery organizations and services that participate in SB 1383 to maintain specified records.

According to CalRecycle guidance for jurisdictions, commercial edible food generators are comprised of two tiers. Tier one generators generally have more produce, fresh grocery, and shelf-stable foods, and include wholesale food vendors, food service providers, food distributors, and grocery stores. Tier two generators generally have more prepared foods to donate, and include hotels, restaurants, health care facilities, cafeterias, and large venues. Both tiers of commercial edible food generators, as specified by CalRecycle, are required to send surplus food to food recovery organizations as of January, 1, 2024. These generators are required to maintain specified records and work with CalRecycle inspectors to demonstrate compliance with the requirements.

To achieve this, California’s waste management infrastructure is going to have to process and recycle much higher quantities of organic materials, involving significant investments in additional processing infrastructure. Organic waste is primarily recycled by composting the material, which generates compost that can be used in gardening and agriculture as a soil

amendment and engineering purposes for things like slope stabilization. Anaerobic digestion is also widely used to recycle organic wastes. This technology uses bacteria to break down the material in the absence of oxygen and produces biogas, which can be used as fuel, and digestate, which can also be used as a soil amendment. Tree trimmings and prunings can also be mulched.

In order to ensure that there are adequate markets for the state's increasing quantities of products made from organic waste, like mulch, compost, and digestate, CalRecycle established procurement requirements for local jurisdictions. The procurement targets are based on the average amount of organic waste generated by Californians annually multiplied by the population of a jurisdiction. Jurisdictions can meet the target by procuring, giving away, or arranging for the use of the material through contracts with direct service providers. Eligible materials include compost, mulch, biomass electricity, or renewable gas, as specified.

- 2) **Food processors.** When developing the SB 1383 program, CalRecycle cast a wide net to ensure that the program covers all sources of organic waste. This has resulted in all food processors being subject to the program, even though a number of processors do not routinely dispose of any food materials to a landfill. As noted above, SB 1383 requirements were intended to reduce the landfill disposal of organic waste to avoid SLCP emissions, which raises a question about the appropriateness of requiring these facilities to be subject to SB 1383 requirements.

Little guidance exists for local jurisdictions from CalRecycle about how to regulate processors who do not dispose of material in a landfill. According to the author, there have been several instances in which county officials have assumed agricultural processors generate organic waste and therefore must comply with the program's recordkeeping and inspection requirements.

- 3) **This bill.** This bill is intended to clarify that SB 1383 regulations for commercial edible food generators do not apply to food processing establishments, as defined, that "historically has not disposed of organic waste to landfill."
- 4) **Suggested amendments.** The *committee may wish to amend the bill* to narrow the types of exempt facilities to agricultural crop preparation services, as defined, and required that the service demonstrate to CalRecycle that it has not disposed of organic waste in a landfill since 2016.

REGISTERED SUPPORT / OPPOSITION:

Support

American Pistachio Growers
California Citrus Mutual
California Fresh Fruit Association
Western Tree Nut Association

Opposition

None on file

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1139 (Rogers) – As Introduced February 20, 2025

SUBJECT: California Environmental Quality Act: exemption: public access: nonmotorized recreation

SUMMARY: Expands an exemption from the California Environmental Quality Act (CEQA) for a change in use approved by a park district to allow public access for non-motorized recreation on preexisting roads, trails, and pathways owned or managed by the park district to allow the exemption in cases where the lead agency is a “county department.”

EXISTING LAW:

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines.) (Public Resources Code (PRC) 21000, *et seq.*)
- 2) Exempts from CEQA a change in use approved by a park district to allow public access for non-motorized recreation on preexisting roads, trails, and pathways owned or managed by the park district (PRC 21080.28.5)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Background.** CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that the project would not have a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the project may have a significant effect, the lead agency must prepare an EIR.

AB 2091 (Grayson), Chapter 377, Statutes of 2024, established a narrow CEQA exemption for a change in use approved by a park district to allow public access for non-motorized recreation on preexisting roads, trails, and pathways owned or managed by the park district. The source of AB 2091 were two Bay Area regional park districts – East Bay Regional Park District and Midpeninsula Regional Open Space District.

AB 2091 stemmed from the question whether CEQA applies in the first instance to a public agency action to provide public access to existing open space, where no other physical changes are involved in the agency’s action. Though such an action seems insignificant, controversy and questions of environmental impacts could arise, e.g., from neighbors concerned about an increase in traffic or the access introducing recreational activities that cause impacts on protected species or tribal cultural resources. AB 2091 established a

relatively narrow exemption, confirming that minor actions to provide public access for non-motorized recreation are not subject to CEQA.

The source of AB 1139 is Sonoma County, who seeks to permit its park agency to use the AB 2091 exemption. As passed by this committee last year, AB 2091 would have permitted a county park agency to use the exemption. However, the bill was later amended in the Senate to limit its application to projects where a park district is the lead agency. The final Assembly Floor vote on AB 2091 was 73-0.

2) Author's statement:

Sonoma County has recently acquired thousands of acres of open space parklands that border existing regional parks, open spaces or regional trails. Most of these newly acquired parklands have roads or trails that connect to existing roads and trails sharing a border with existing public parks. This bill will increase access to recreational opportunities and meets the Governor's 30x30 initiative to get more residents outdoors. Communities need greater access and opportunities to parks and outdoor spaces – AB 1139 would enable greater public use of trails and hiking options.

- 3) **Proposed author's amendments.** The author proposes amendments to replace "county department" with "county park agency" and make other technical and conforming amendments.
- 4) **Double referral.** This bill has been double-referred to the Water, Parks and Wildlife Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Sonoma (sponsor)
California Mountain Biking Coalition
Sierra Consortium

Opposition

Arroyos & Foothills Conservancy
California Chaparral Institute
California Wildlife Foundation
Coastal Corridor Alliance
Endangered Habitats League
Environmental Center of San Diego
Inland Empire Waterkeeper
Los Angeles Audubon Society
Orange County Coastkeeper
Planning and Conservation League
Santa Clarita Organization for Planning and The Environment
Sea and Sage Audubon Society
Socal 350 Climate Action

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1153 (Bonta) – As Introduced February 20, 2025

SUBJECT: Solid waste disposal and codisposal site cleanup: illegal disposal site abatement

SUMMARY: Revises the Department of Resources Recycling and Recovery's (CalRecycle) Solid Waste Disposal and Codisposal Site Cleanup Program (cleanup program) to specify that illegal disposal site cleanup includes the funding of removal and disposal of recreational vehicles (RVs), enforcement strategies, and developing local enforcement teams and illegal dumping enforcement officers, as specified.

EXISTING LAW:

- 1) Establishes the cleanup program for the cleanup of solid waste disposal sites and the cleanup of solid waste at codisposal sites (i.e., sites that contain both solid and hazardous waste) where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. (Public Resources Code (PRC) 48020)
- 2) Establishes the Solid Waste Disposal and Codisposal Site Cleanup Trust Fund (trust fund). (PRC 48027)
- 3) Requires CalRecycle to prioritize grants depending on the degree of risk to public health and safety and the environment posed by the site, the ability of the site owner to clean up the site, the ability of CalRecycle to clean up the site with available funds, maximize the use of available funds, and other factors determined by CalRecycle. (PRC 48021)
- 4) Requires CalRecycle to pursue reimbursement from responsible parties in an amount equal to the amount expended for the cleanup, a reasonable amount to cover administration, and an amount equal to the interest that would have been earned on expended funds. (PRC 48023)
- 5) Specifies that any costs or damages incurred by CalRecycle constitute a lien on the real property owned by any responsible party that is subject to remedial action, whether or not the party is insolvent. (PRC 48023.5)
- 6) Prohibits a peace officer or unauthorized person from removing an unattended vehicle from a highway to a garage or any other place, except as specified. Specifies that the removal of a vehicle is a seizure under the Fourth Amendment of the United States Constitution. (Vehicle Code (VC) 22650)
- 7) Authorizes local governments to adopt ordinances establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property. (VC 22660)
- 8) Authorizes the California Highway Patrol (CHP) to administer a local jurisdiction's abandoned vehicle abatement and removal program (AVA Program) and establishes procedures for the abatement and removal of abandoned vehicles. (VC 22665-22666)

- 9) Authorizes a county to establish a service authority for the abatement of abandoned vehicles (AVA authority) and allows a \$1 vehicle registration fee to be imposed, in the county. Authorizes the service authority to adopt an ordinance establishing procedures for the abatement, removal, and disposal of abandoned, wrecked, dismantled, or inoperative vehicle or part of the vehicle from private or public property and for the recovery of costs associated with the enforcement of the ordinance. (VC 22710)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Illegal dumping.** Illegal dumping is the act of disposing of solid waste at a location that is not a permitted solid waste facility. In California, illegal dumping is often done for economic gain, either by individuals who opt to dump their own waste illegally to avoid paying disposal fees or by illegitimate “junk hauling” entities that collect waste for disposal for a fee, but don’t haul the material to a permitted facility. Illegal dumping poses significant social, environmental, and economic impacts statewide. According to CalRecycle, local governments spend tens of millions of dollars annually to remove illegally dumped materials, and private property owners incur significant costs to clean up illegal dumping on private lands. Once a site has illegally dumped material, the site tends to grow in size and becomes more difficult to abate.

Most local governments treat illegal dumping as a nuisance/litter issue rather than a violation of solid waste laws. The methods used by local governments to manage illegal dumping vary widely. Local and state law enforcement entities will cite people caught illegally dumping, but those agencies are not responsible for cleanup programs. No single state or local agency is given responsibility for a comprehensive program to combat littering and illegal dumping. CalRecycle is responsible for investigation, cleanup, and enforcement of sites that qualify as illegal solid waste disposal sites and shares this responsibility with local enforcement agencies.

In spite of state and local efforts, illegal dumping is increasing in many parts of the state. For example, reports of illegal dumping soared early this year compared to the same period in 2024. According to data compiled by Crosstown LA, there were 22,046 reports of trash, furniture, and other debris illegally disposed in the months of January and February, compared to 16,212 last year over the same two-month period.

- 2) **Illegal dumping technical advisory committee (IDTAC).** CalRecycle established a state and local technical advisory committee in 2006 to assess the extent of illegal dumping and to develop recommendations to improve the effectiveness of local and regional responses to the problem. Originally established as a task force, the group developed recommendations that were presented to the former California Integrated Waste Management Board in 2007. IDTAC is comprised of local government entities, state government entities, nonprofit organizations, and others. The Illegal Dumping Toolbox was created by the IDTAC to provide resources to local governments to help combat illegal dumping.

In 2020, IDTAC completed a Work Plan to develop new and expanded resources and objectives to address illegal dumping. The Work Plan includes priorities and objectives in three areas: enforcement, outreach, and standards. In addition to the Work Plan, the IDTAC

has focused on, and provides information to local governments and the public about, the topics of homeless encampments and abandoned vehicles.

- 3) **Abandoned vehicles.** Abandoned vehicle abatement efforts encompass everything from motorcycles to ships. This bill is focused on the abatement of abandoned RVs. According to the US Department of Justice's *Problem Oriented Guide for Police: Problem Specific Guides: Abandoned Vehicles*, factors that contribute to abandonment include the costs of operating and maintaining vehicles, regulation and licensing requirements, and other circumstances, such as using them for shelter and difficulty associated with removal.

Unlike other forms of illegal dumping, removal of abandoned vehicles is complex and requires numerous steps. Vehicles are personal property, and there are constitutional and other laws governing their removal. Generally, abandoned vehicles must be tagged or cited, efforts must be undertaken to identify and notice the owner, and specified time periods must pass before they can be removed. Upon removal, they are generally stored for some time before being dismantled or disposed. RVs often require specialized towing and are more costly to remove and store than cars, and costs vary depending on their size, condition, and location. According to one removal service, costs vary from around \$500 to \$2500 for removal. Estimates for the dismantling of inoperable RVs range from approximately \$5,000 to \$9,000 per vehicle.

- 4) **Abandoned Vehicle Abatement Program.** The CHP's AVA Program was designed to provide guidance for counties that wish to develop and administer AVA authorities. The AVA Program provides a means to remove abandoned vehicles that create a public nuisance or a health and safety hazard. There are currently 37 counties participating in the AVA Program, and additional counties have expressed interest in sample plans to develop local plans that conform to program guidelines. Counties participating in the program are eligible for funding for the removal of abandoned vehicles using funding from a \$1 vehicle registration fee for all vehicles registered within the county.
- 5) **Solid Waste Disposal and Codisposal Site Cleanup Program.** The cleanup program allocates \$1 million annually for public entities to fund illegally disposed waste removal and disposal, security measures (i.e., fences, signs, etc.), and health and safety measures associated with the cleanup. Grant awards are limited to \$50,000 per applicant per year.
- 6) **Farm and Ranch Solid Waste Cleanup and Abatement Program.** CalRecycle administers a grant program to eligible cities, counties, resource conservation districts, and Native American tribes for the cleanup and abatement of illegal dumping on farm and ranch properties. Funding for this program is limited to \$1 million each fiscal year. Grants are limited to \$50,000 per site and \$200,000 per applicant per year.

7) **Author's statement:**

Across California, the growing number of abandoned recreational vehicles (RVs) is creating significant public health, safety, and environmental hazards in our communities. Currently, local governments lack adequate resources and authority to properly address the removal and disposal of these vehicles. The cost to dismantle and dispose of RVs can reach up to \$9,000 per vehicle, far exceeding what most cities can absorb in their illegal dumping budgets.

AB 1153 the Funding Clean Streets Act ensures that local governments have the tools they need to tackle this growing issue by expanding CalRecycle's Illegal and Abandoned Disposal Sites Program to cover abandoned recreational vehicles. This bill will help protect our communities, improve public safety, and ensure clean and accessible streets for everyone—especially in neighborhoods that have historically been overburdened by illegal dumping and environmental neglect.

- 8) **This bill.** This bill is intended to expand the existing grant program for illegal dump site cleanup to include the removal of abandoned RVs, which pose significant and costly challenges for local governments and communities. Given the high cost of RV removal and the small amount of funding allocated for the grant program, this bill has the potential to significantly reduce the amount of funds available for traditional illegal disposal sites.
- 9) **Suggested amendments.** The *committee may wish to amend the bill* to create a new subdivision for this provision within the existing grant program.

REGISTERED SUPPORT / OPPOSITION:

Support

A Voice for Choice Advocacy
California State Association of Counties
Californians Against Waste
County of Alameda

Opposition

None on file

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1358 (Valencia) – As Amended March 13, 2025

SUBJECT: Santa Ana River Conservancy Program: lower Santa Ana River region

SUMMARY: Requires the Santa Ana River Conservancy (SARCON) to invest at least 60% of the funds allocated to undertake or fund specified projects to be for projects in heavily urbanized areas of the lower Santa Ana River region to benefit disadvantaged communities (DAC), severely disadvantaged communities (SDAC), or vulnerable populations.

EXISTING LAW, pursuant to Santa Ana River Conservancy Program (Public Resources Code 311750-31180):

- 1) Establishes the SARCON Program.
- 2) Requires SARCON to have, and authorizes it to exercise, all necessary rights and powers, expressed or implied, except as otherwise provided.
- 3) Without limitation, authorizes SARCON to do all of the following:
 - a) Acquire interests and options in real property and make acquisition grants for these purposes;
 - b) With respect to real property acquisitions by the conservancy of watersheds and lands that are within the Santa Ana River region but not within one-half mile on either side of the riverbed of the Santa Ana River, requires SARCON to provide to the city or county with geographic jurisdiction over the affected real property 30 days' written notice of the conservancy's intent, unless the city or county agrees to accept less notice in a given case;
 - c) Exercise a right of first refusal, to the extent not in conflict with another law, for surplus public agency property located within the Santa Ana River region, consistent with the Santa Ana River Parkway and Open Space Plan (Plan);
 - d) Undertake or fund projects to implement site improvements, upgrade deteriorating facilities or construct new facilities for outdoor recreation, public access, nature appreciation and interpretation; historic and cultural preservation; or protection, restoration, or enhancement of natural resources and habitat; and,
 - e) Prepare a Plan that shall, at minimum, do all of the following: 1) determine the policies and priorities for conserving the Santa Ana River and its watershed; 2) identify underused, existing public open spaces and recommend ways to provide better public use and enjoyment in those areas; and, 3) identify and prioritize additional low-impact recreational and open-space needs, including additional or upgraded facilities and parks that may be necessary or desirable.

THIS BILL:

- 1) Defines the following terms:
 - a) “Disadvantaged community” as a community with a median household income of less than 80% of the area average or less than 80% of statewide median household income;
 - b) “Heavily urbanized area” as a city with a population of 300,000 or more;
 - c) “Lower Santa Ana River region” as those lands west of the Santa Ana Mountains that are located within one-half mile on either side of the riverbed of the Santa Ana River, or any of its tributaries, and adjacent watersheds and lands that are west of the Santa Ana Mountains;
 - d) “Severely disadvantaged community” as a community with a median household income of less than 60% of the area average or less than 60% of statewide median household income; and,
 - e) “Vulnerable population” as a subgroup of population within a region or community that faces a disproportionately heightened risk or increased sensitivity to impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from such impacts.
- 2) Requires at least 60% of the funds allocated to undertake or fund projects to implement site improvements, upgrade deteriorating facilities or construct new facilities for outdoor recreation, public access, nature appreciation and interpretation; historic and cultural preservation; or, protection, restoration, or enhancement of natural resources and habitat be for projects in heavily urbanized areas of the lower Santa Ana River region to benefit DACs, SDACs, or vulnerable populations.

FISCAL EFFECT: Unknown

COMMENTS:**1) Author’s statement:**

The Santa Ana River is an extraordinary resource we are privileged to have in southern California. Over the years, the river has undergone intense usage and development, particularly in the highly urbanized areas. Therefore, the river and is in need of restoration and conversation. AB 1358 will uplift the needs of both disadvantaged and severely disadvantaged communities who are located alongside it. These disproportionately affected communities are bearing the brunt of extreme heat, air pollution, wildfires, and more because of the effects of climate change. These effects will continue to get worse and worse in future years. Unfortunately, when efforts are funded to help reduce the harmful impacts caused by climate change, these communities with the greatest need are not always prioritized. With voters approving Proposition 4, California has the opportunity to fund projects that will mitigate the effects of climate change, strengthen our infrastructure, create green and accessible spaces, and more. AB

1358 strives to ensure our communities with the greatest needs are prioritized and not left behind.

- 2) **Santa Ana River Conservancy.** Flowing nearly 100 miles from its northernmost reaches at the crest of the San Bernardino Mountains out to the coast at Huntington Beach, the Santa Ana River is the largest watershed in Southern California. The Santa Ana River watershed drains approximately 3,200 square miles, and includes portions of San Bernardino, Riverside, and Orange counties. According to 2016 census data, the population of Riverside County, San Bernardino County and Orange County combined is 7.7 million – roughly 20% of the state’s population lives in these three counties.

In 2014, the Legislature enacted SB 1390 (Correa), Chapter 562, Statutes of 2014, to create the SARCON Program within the State Coastal Conservancy (SCC). The Program addresses the resource and recreational goals of the Santa Ana River region including open space, trails, wildlife habitat, agricultural land protection, water quality protection, educational use, and public access.

In the enacting legislation, the Legislature acknowledged that not all Orange County residents have equal access to green space. The communities with the worst access to parks lie along the river in north Orange County, with low-income levels and high concentrations of people of color. Further, the statute states that despite vast areas of parkland in the region, many communities in San Bernardino and Riverside Counties are park poor, with less than three acres of green space per 1,000 residents. As more working class families moved to the area in search of jobs, the population in these older neighborhoods swelled but public resources for parks and recreation were not invested proportionally to the growth.

Since its creation, SARCON has supported access and enhancement projects in the Santa Ana River watershed, particularly within the coastal watersheds of Orange County. SARCON began actively working on development of the Trail and the Parkway since passage of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), which made \$45 million available for projects developed in consultation with local government agencies to expand and improve the Parkway.

- 3) **Santa Ana River Parkway and Open Space Plan.** The 2018 Plan is a vision document that describes goals and objectives for the Santa Ana River region, and identifies potential priority projects for the SARCON Program, and is approved by SCC. Current law requires SARCON prepare the Plan to, among other things, identify underused, existing public open spaces and recommend ways to provide better public use and enjoyment in those areas. The three key functions of the Plan are to define a shared vision for the Parkway as a state, regional, and local asset; create a depository for a list of ideas for potential and existing Parkway projects; and, identify tools for prioritizing, evaluating, developing, and implementing projects through proactive collaboration. As such, the Plan functions as a resource for individual agencies and organizations, as well as a document that provides a framework for SARCON and interested government agencies for collaborating and coordinating efforts in the Parkway.
- 4) **DAC investments.** To date, the total grants issued under the SARCON program is \$60.3 million. Of that amount, the total spent on projects benefitting DACs, in a DAC, or both is

more than half of SARCON's total grants issued: \$32.3 million. That is spread across Orange County (\$11,509,700); Riverside County (\$20,574,000); and, San Bernardino County (\$30,000), plus \$185,000 spread across all three counties.

Examples of projects include grants to facilitate and enhance the public's opportunities to explore the Santa Ana River under SARCON's Explore the River grant program, such as no-cost field trips for youth from Title 1 schools and community youth groups throughout San Bernardino and Riverside Counties to visit the Santa Ana River. Investments in the Santa Ana River Trail and Parkway to extend a trail more than 100 miles from the San Bernardino Mountains westward to the coast are ongoing.

The Parkway and the Trail will connect more than 50 parks, historic sites, picnic areas, education facilities, forests, wilderness areas, hiking trails, campgrounds, nature preserves, and equestrian centers along the Santa Ana River. It is being designed to serve user groups with a wide range of interests and abilities ranging from casual pedestrian and family audiences to racing cyclists, commuters, equestrians, and hikers



- 5) **This bill.** AB 1358 will require a minimum of 60% of the funds allocated to undertake or fund projects to implement site improvements, upgrade deteriorating facilities or construct new facilities for outdoor recreation, public access, nature appreciation and interpretation; historic and cultural preservation; or protection, restoration, or enhancement of natural resources and habitat to be for projects in heavily urbanized areas of the lower Santa Ana River region to benefit DACs, severely DACs, or vulnerable populations.
- 6) **Climate bond.** The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Proposition 4) authorizes \$25 million for SARCON. PRC 91032 makes various funding amounts available to the state's conservancies, and specifies that the funds, "At least 40 percent of the allocation made pursuant to this section shall benefit disadvantaged communities, severely disadvantaged communities, or vulnerable populations."

It is unclear if 60% of SARCON's proposed projects would be in those specified communities. The author may wish to work with the Assembly Budget Committee on SARCON's proposed appropriations to verify the voter's intent of Proposition 4 is upheld with the author's intent with this bill.

REGISTERED SUPPORT / OPPOSITION:

Support

City of Santa Ana

Opposition

City of Riverside

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1455 (Bryan) – As Amended March 24, 2025

SUBJECT: California Environmental Quality Act: certified regulatory program: State Board of Forestry and Fire Protection: ember-resistant zone

SUMMARY: Requires the State Board of Forestry and Fire Protection (Board) to adopt emergency regulations to implement defensible space requirements for an ember-resistant zone required within 5 feet of a structure (known as “Zone 0”).

EXISTING LAW:

- 1) Requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency to, at all times, maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. Requires the Board to adopt regulations for an ember-resistant zone for the elimination of materials that would likely be ignited by embers. (Government Code (GC) 51182 (a))
- 2) Requires, on or before January 1, 2023, the Board, in consultation with the Department of Forestry and Fire Protection (CAL FIRE), to update the guidance document to include suggestions for creating an ember-resistant zone within five feet of a structure based on regulations promulgated by Board to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. (GC 51182 (c))
- 3) Provides that implementation of the requirement for an ember-resistant zone regulations is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose. (GC 51182 (c)(2))
- 4) Provides that the requirements for an ember-resistant zone shall take effect for existing structures one year after the effective date for the new structures. (GC 51186 (b))
- 5) Requires CAL FIRE to recommend to the Board the types of vegetation or fuel that are to be excluded from an ember-resistant zone based on the probability that vegetation and fuel will lead to ignition by ember of a structure as a part of the update to the guidance document. (Public Resources Code (PRC) 4291 (f))
- 6) Authorizes, under the California Environmental Quality Act (CEQA), when the regulatory program of a state agency requires a plan or other written documentation containing environmental information to be submitted in support of a specified activity, the plan or other written documentation to be submitted in lieu of the environmental impact report if the Secretary of the Natural Resources Agency (NRA) has certified the regulatory program. (PRC 21080.5)

THIS BILL:

- 1) Requires the Board to adopt regulations to implement defensible space requirements for ember-resistance consistent with a rulemaking process pursuant to Z'berg-Nejedly Forest Practice Act
- 2) Requires the secretary of NRA to certify those regulations as a Certified Regulatory Program.
- 3) Requires the regulations to be adopted as emergency regulations and authorizes re-adoption of the emergency regulation, as needed.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Fire risk.** The 2020 fire season broke numerous records. Five of California's six largest fires in modern history burned at the same time, with more than 4.3 million acres burned across the state, double the previous record. The Los Angeles (LA) fires this year burned an area nearly the size of Washington, D.C., killed 28 people, and damaged or destroyed nearly 16,000 structures, according to CAL FIRE.

Those LA Fires were fanned by the Santa Ana Winds blowing at hurricane force speeds, spreading embers and igniting structure fires miles beyond the limits of the active fires. Ember casts were flying in several directions, sometimes switching course throughout the day. During intense windstorms, embers become fiery invaders of homes. According to CAL FIRE, embers spread wildfire because they can travel long distances in the wind and ignite vegetation, roofs, attics (by getting into vents), and decks and can be responsible for igniting a majority of fires in homes. Homes that are ignited by embers can also then contribute to even more ember generation, and that's typical with wildland-urban interface fires. According to the LA Fire Department, the embers could also get caught up in the "eaves of a house, get in through the attic vent or gather up under an exposed wooden deck – and then the house is burning and another potential ember cast is created."

- 2) **Ember-resistant defensible space (Zone 0).** Governor Newsom issued Executive Order (EO) N-05-19 on January 9, 2019, which directed CAL FIRE, in consultation with other state agencies and departments, to recommend immediate, medium and long-term actions to help prevent destructive wildfires. The subsequent report recommends that state laws governing defensible space be updated to consider, among other things, the home and the 0 – 5 feet zone around the home as the most critical and hardened aspect of home hardening and defensible space, and consider requiring ignition-resistant materials in this area – such as bark and hardscape, not trees or shrubs.

The Board's Resource Protection Committee prioritized addressing the 0 – 5 feet ember-resistant zone for possible regulatory action in 2020 or 2021. While the Board had the discretion to address Zone 0 under its own authority, AB 3074 (Friedman), Chapter 259, Statutes of 2020, required the Board to adopt regulations, by January 1, 2023, to create an ember-resistant zone.

The Board has not yet promulgated regulations effectuating that defensible space requirement for Zone 0. Since AB 3074 was adopted, the Board received \$3.2 million one-

time funds in the 2021-2022 budget; no additional funding has been provided to the Board for regulation development since then.

- 3) **Governor's EO.** On February 6, Governor Newsom signed EO N-18-25 directing the Board to accelerate its work to adopt Zone 0 regulations. The EO requires the Board to post a pre-rulemaking draft regulation on its website and hold a public workshops to gather public input on its draft regulation 45 days from date of the EO, and requires the formal rulemaking to be completed by December 31, 2025.
- 4) **Public input.** Title 14 of the California Code of Regulations subchapter 2 (sec. 1141 *et seq.*), establishes the Board's rulemaking processes under the Z'berg-Nejedly Forest Practice Act and establishes a public process that the Board must follow. Specifically, the Board is required to provide a Statements of Reasons for the regulations that identifies the possible significant adverse environmental effects and any mitigation measures available to minimize the significant adverse environmental impacts; establishes a process for evaluating proposals and comments from CAL FIRE, District Technical Advisory Committees, other public agencies, and the public; and, requires the Board to prepare written responses to significant environmental points raised during the evaluation process and shall make the responses part of the rulemaking file. Finally, the Board is required to file a Notice of Decision with the secretary of NRA to be available for public inspection and remain posted for a period of 30 days.
- 5) **This bill.** Given the existing process required by the Forest Practice Act, emergency regulations can facilitate a faster adoption of the Zone 0 regulations while maintaining public processes.

State agencies may develop their own CEQA-equivalent regulatory programs, and may seek certification of those programs by NRA. This certification exempts agencies from Chapters 3 and 4 of CEQA because the environmental analysis involved in the regulatory program is deemed to be the functional equivalent of traditional CEQA documentation. (14 California Code of Regulations 15250-53.)

The Forest Practices Act rulemaking is a Certified Regulatory Program. Requiring the Secretary of NRA to certify the rulemaking process for the Zone 0 regulations would provide the Board with greater efficiency in getting the work completed.

6) **Author's statement:**

The state is more than two years past the deadline for having regulations in place to protect homes from flying embers. That's two years too late. If these regulations had been in place, imagine the homes that could have been better protected or even saved during the LA fires last January. After the fires, the governor called on the Board of Forestry to promulgate those regulations by the end of this year. To facilitate meeting that deadline, AB 1455 will authorize the Board to adopt emergency regulations and enable the rulemaking process to be approved as a certified regulatory program to streamline changes to the regulations in the future.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1457 (Bryan) – As Introduced February 21, 2025

SUBJECT: Wildfires: training programs: defensible space: inspections

SUMMARY: Requires the Department of Forestry and Fire Protection’s (CAL FIRE) defensible space and home hardening training program to additionally provide training consistent with the “Home Ignition Zone/Defensible Space Inspector” course plan, established by the State Fire Marshal (SFM), in order to ensure that individuals are trained to conduct home ignition zone inspections.

EXISTING LAW:

- 1) Establishes the SFM as an entity within CAL FIRE to foster, promote, and develop ways and means of protecting life and property against fire and panic. (Health & Safety Code 13100 – 13100.1)
- 2) Requires the SFM to identify areas in the state as moderate, high, and very high fire hazard severity zones (FHSZs) based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Requires FHSZs to be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the SFM as a major cause of wildfire spread. (Government Code (GC) 51178)
- 3) Defines “home hardening” as the replacement or repair of structural features that are affixed to the property with features that are in compliance with Chapter 7A (commencing with Section 701A.1) of Title 24 of the California Code of Regulations. (Public Resources Code (PRC) 4291.5 (a)(1))
- 4) Requires the director of the Department of Forestry and Fire Protection (CAL FIRE) to establish a statewide program to allow qualified entities to support and augment CAL FIRE in its defensible space and home hardening assessment and education efforts. Requires qualified entities to be authorized by the director to conduct defensible space assessments to assess compliance within the state responsibility area (SRA), educate property owners about wildfire safety improvements that may be undertaken to harden a structure and make it more resistant to fire, and assess whether wildfire safety improvements have been completed in or on a structure. (PRC 4291.5 (b))
- 5) Requires the director to establish a common reporting platform that allows defensible space and home hardening assessment data, collected by the qualified entities, to be reported and establish any necessary quality control measure to ensure that the assessment data is accurate and reliable. (PRC 4291.5 (c)(1))
- 6) Requires CAL FIRE to annually report to the Legislature all defensible space data collected. Sunsets the reporting requirement on January 1, 2026. The report may include information on the proportion of unique parcels that were inspected, the degree of compliance with requirements, any enforcement actions that may have been taken for noncompliant parcels,

and the proportion of parcels that were found to be in compliance across jurisdictions. At minimum, the report shall include data with sufficient detail to facilitate comparisons of community compliance between local governmental entities qualified to conduct defensible space assessments pursuant to this section and local governmental entities that are not. (PRC 4291.5 (h)(1))

- 7) Requires CAL FIRE to develop and implement a training program to train individuals to support and augment the department in its defensible space and home hardening assessment and public education efforts. Sunsets this training program on January 1, 2026. (PRC 4291.6)
- 8) Requires, on or after January 1, 2021, the seller of any real property that is located in a high or very high FHSZ to provide a disclosure notice to the buyer that the property is in compliance with PRC 4291 or local vegetation management ordinances. (Civil Code 1102.6f)

THIS BILL:

- 1) Deletes the January 1, 2026, sunset date for CAL FIRE to report to the Legislature on collected defensible space data.
- 2) Requires CAL FIRE's defensible space and home hardening training program to additionally provide training consistent with the "Home Ignition Zone/Defensible Space Inspector" course plan, established by the SFM, in order to ensure that individuals are trained to conduct home ignition zone inspections.
- 3) Deletes the January 1, 2026, sunset date for CAL FIRE's defensible space and home hardening training program.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Reducing wildfire risk.** Upwards of 90% of homes destroyed in a wildfire are the result of flying embers. By reducing the susceptibility of the home and the area immediately around the home, the chances of a home surviving a wildfire are greatly increased.

Current state law requires the Board of Forestry (Board) to establish defensible space requirements for structures in the SRA and VHFHSZs in the LRAs in California. (There are estimated to be about 768,000 structures in the SRA and roughly 700,000 structures in VHFHSZs in the LRAs.) Under the existing regulations, homeowners in these areas must meet specific requirements on their properties within two zones: (1) certain requirements within 100 feet of structures and (2) additional, more stringent requirements within 30 feet of structures. These regulations include requirements related to maintenance of live vegetation (trees, shrubs, and grasses), clearance of dead vegetation, and the location and storage of wood piles and other flammable items near the structures.

Defensible space is the buffer created between a building on a property and the grass, trees, shrubs, or any wildland area that surrounds it. This space is needed to slow or stop the spread of wildfire, and it helps protect structures from catching fire. A 2019 analysis done by CAL FIRE of the relationship between defensible space compliance and destruction of structures

during the seven largest fires that occurred in California in 2017 and 2018 concluded that the odds of a structure being destroyed by wildfire were roughly five times higher for noncompliant structures compared to compliant ones. The same statistic applied to homes in the 2018 Camp Fire and the 2022 Oak fire in Mariposa County.

The defensible space for all structures within the SRA and VHFHSZ is 100 feet. CAL FIRE additionally requires the removal of all dead plants, grass, and weeds, and the removal of dry leaves and pine needles within 30 feet of a structure. In addition, tree branches must be 10 feet away from a chimney and other trees within that same 30 feet surrounding a structure. AB 3074 (Friedman), Chapter 259, Statutes of 2020, established an ember-resistant zone within 5 feet of a structure as part of revised defensible space requirements for structures located in FHSZs. The Board has not yet promulgated regulations effectuating that defensible space requirement (known as Zone 0). On February 6, Governor Newsom signed Executive Order (EO) N-18-25 directing the Board to accelerate its work to adopt Zone 0 regulations. The EO requires the Board to post a pre-rulemaking draft regulation on its website and hold a public workshops to gather public input on its draft regulation 45 days from date of the EO, and requires the formal rulemaking to be completed by December 31, 2025.

Home owners are responsible for maintaining defensible space around their property. According to a 2021 Legislative Analyst's Office report, researchers have explored –mostly using survey data and interviews – some of the barriers homeowners typically face related to completing defensible space work, including prohibitive costs and/or time constraints, inadequate motivation to comply, and incomplete understanding of the nature of the risk to their home.

- 2) **CAL FIRE defensible space inspections.** CAL FIRE employs 95 defensible space instructors under its Defensible Space Inspection Program to enforce defensible space rules and work with residents to help them understand what specific steps they need to take to create defensible space for their home.

In 2023, CAL FIRE inspected 299,273 homes. By working the seasonal Defensible Space Inspectors for a full 9-months and adding permanent staff, CAL FIRE more than doubled the properties previously inspected. Inspections also allow a property owner to ask a fire professional directly about other wildfire preparedness measures to take.

CAL FIRE estimates that very few properties will initially be compliant with the new zero to five-foot ember-resistant zone, once the regulations are adopted. CAL FIRE inspectors will likely be required to spend additional time at each property explaining the requirements of the Zone 0 requirements, which will likely lead to an increase in workload and the inability to inspect as many properties within the same time frame.

- 3) **SFM defensible space training.** AB 38 (Wood), Chapter 391, Statutes of 2019, established requirements for property transfer inspections in areas designated high and very high FHSZs. This change in law, and the frequency in major wildfires over the last handful of years has increase demand for defensible space inspections.

Currently, inspectors are trained through on the job training and ad hoc courses which vary from agency to agency. The Office of the SFM noted in its October 2022 Home Ignition Zone / Defensible Space Inspector Curriculum:

It is of critical importance that inspections are repeatable and conducted in a standardized manner to increase their value and avoid inconsistency. In the State Responsibility Area (SRA) within a fire district, this is of even greater importance “The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California.”

The Home Ignition Zone / Defensible Space Inspector course provides the skills and knowledge needed to perform in the role of a Home Ignition Zone / Defensible Space Inspector (HIZ/DSI) including roles and responsibilities, wildfire in the natural and built environment, codes and regulations, defensible space, home hardening, and the inspection process.

AB 1457 requires CAL FIRE’s defensible space and home hardening training program to additionally provide training consistent with the Home Ignition Zone/Defensible Space Inspector course plan in order to ensure that individuals are trained to conduct home ignition zone inspections.

- 4) **Funding.** The Governor’s proposed FY 2025-26 budget includes \$13 million in General Fund cuts to CAL FIRE and the Office of Emergency Services’ Home Hardening Program and backfilling it with bond funds. The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Proposition 4) authorizes \$1.5 billion for a variety of activities related to wildfire and forest resilience, including the Wildfire Mitigation Grant Program (home hardening). An additional \$25 million is available to create a Defensible Space Financial Assistance Program under CAL FIRE, providing direct financial assistance to implement defensible space and the impending Zone 0 best practices. Of the \$1.5 billion from Proposition 4, the Governor proposes to appropriate \$325 million—22%—in Fiscal Year 2025-26.
- 5) **Double referral.** This bill is also referred to the Assembly Emergency Management Committee.
- 6) **Related legislation.** AB 1143 (Bennett) requires the OSFM to develop a home hardening certification program that identifies the best appropriate combination of products and construction assemblies listed in the products listing, and other home hardening techniques, including defensible space, to substantially reduce the risk of loss during a fire. This bill has been referred to the Assembly Emergency Management Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Pacific Forest Trust

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /