California State Assembly

NATURAL RESOURCES

ISAAC G BRYAN
CHAIR

AGENDA

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

BILLS HEARD IN SIGN-IN ORDER

** = Bills Proposed for Consent

1.	SB 14	Blakespear	State agencies: solid waste diversion: single-use plastic bottles.
2.	SB 34	Richardson	Air pollution: South Coast Air Quality Management District: mobile sources: public seaports.
3.	SB 279	McNerney	Solid waste: compostable materials.
4.	SB 326	Becker	Wildfire safety: fire protection building standards: defensible space requirements: The California Wildfire Mitigation Strategic Planning Act.
5.	**SB 514	Cabaldon	Wildfire prevention: qualified entities: assessments.
6.	SB 542	Limón	Oil spill prevention: administrator for oil spill response: duties.
7.	SB 613	Stern	Methane emissions: petroleum and natural gas producing low methane emissions.
8.	SB 643	Caballero	Carbon Dioxide Removal Purchase Program.
9.	SB 674	Cabaldon	Beverage containers: recycling: redemption payment and refund value.
10.	SB 676	Limón	California Environmental Quality Act: judicial streamlining: state of emergency: fire.
11.	**SB 856	Natural Resources and Water	California Coastal Act of 1976: filing fee waiver: Marine Invasive Species Act: biennial reports: semiannual updates.

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 14 (Blakespear) – As Amended May 23, 2025

SENATE VOTE: 21-10

SUBJECT: State agencies: solid waste diversion: single-use plastic bottles

SUMMARY: This bill prohibits state agencies from entering into a contract to purchase single-use plastic bottles, as defined, and requires state agencies to take appropriate steps to replace the use of single-use plastic bottles at food service facilities with nonplastic, recyclable, and reusable alternatives, as specified. Additionally, this bill requires state agencies to include in their integrated waste management plan (IWMP) descriptions of actions to be taken to source reduce materials, as specified, and submit an IWMP to California's Department of Resources Recycling and Recovery (CalRecycle) for review and approval, as specified.

EXISTING LAW:

1) Establishes the State Agency Buy Recycled Campaign (SABRC), which:

    a) Requires agencies to purchase products that contain specified minimum amounts of postconsumer recycled content (PCR) material in 16 reportable product categories, as specified. (Public Contracts Code (PCC) 12209)

    b) Requires, fitness and quality being equal, that each state agency to purchase recycled products instead of nonrecycled products whenever recycled products are available at the same or lesser total cost than recycled products. (PCC 12201)

    c) Requires state agencies to ensure that at least 75% of the purchases in a specified product category to be recycled products. Specifies that for paint, antifreeze, and tires, 50% of the purchases must be recycled products. (PCC 12203)

    d) Requires annual reporting of progress in meeting these requirements. Require the Department of General Services (DGS), if a requirement has not been met, in consultation with CalRecycle, to review purchasing policies and make recommendations for immediate revisions to ensure that the recycled product purchasing requirements are met, as specified. (PCC 12217)

2) Requires DGS, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, to provide state agencies with information and assistance regarding environmentally preferable purchasing. (PCC 12401)

3) Establishes the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill), which requires beverage containers, as defined, to have a California redemption value (CRV) of 5 cents for containers that hold fewer than 24 ounces and 10 cents for containers that hold 24 ounces or more. Requires beverage distributors to pay a redemption payment to CalRecycle for every beverage container sold in the state. Provides that these funds are

continuously appropriated to CalRecycle for, among other things, the payment of refund values and processing payments. (PRC 14500 *et seq*.)

4) Establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54 [Allen], Chapter 75, Statutes of 2022), which imposes minimum recycled content requirements and source reduction requirements for single-use packaging and food service ware, as defined. Requires compliance with the requirements to take place through an expanded producer responsibility program. Excludes beverage containers subject to the Bottle Bill from the definition of single-use packaging and food service ware. (Public Resources Code (PRC) 42040 *et seq*.)

5) Requires plastic beverage containers subject to the Bottle Bill to contain specified percentages of PCR plastic annually:

    i) From January 1, 2022 until December 31, 2024, no less than 15%;

    ii) From January 1, 2025 until December 31, 2029, no less than 25%; and,

    iii) On and after January 1, 2030, no less than 50%. (PRC 14547)

6) Establishes the Sustainable Packaging for the State of California Act of 2018, which requires food service facilities, as defined, located in a state-owned facility or operating on state property from dispensing prepared food using food service packaging unless the food service packaging has been determined by CalRecycle to be reusable, recyclable, or compostable. (PRC 42370-42370.7)

7) Requires each state agency to develop an IWMP for source reduction, recycling, and composting activities. (PRC 42920)

8) Requires state agencies and large state facilities to divert at least 50% of all solid waste through source reduction, recycling, and composting activities. (PRC 42921)

9) Requires each state agency to submit an annual report to CalRecycle summarizing its progress in reducing solid waste as required by PRC 42921. (PRC 42926)

THIS BILL:

1) Prohibits state agencies from entering into, modifying, amending, or renewing a contract to purchase single-use plastic bottles with a capacity less than 24 ounces made of less than 90% recycled plastic for internal use or resale. Exempts bottles containing milk and 100% fruit juice.

2) Encourages every state agency to install and maintain at least one water bottle refill station located to ensure maximum access by all visitors and to allow visitors to bring their own reusable beverage bottle.

3) Requires state agencies to take appropriate steps to replace the use of single-use plastic bottles at food service facilities with nonplastic, recyclable, and reusable alternatives, including, but not limited to, glass bottles, aluminum cans, water fountains, or water bottle refill stations.

4) Authorizes state agencies to enter into a contract to purchase single-use plastic bottles made from less than 90% recycled plastic only when reasonably necessary to protect the general health, safety, and welfare in preparing for or responding to an emergency.

5) Authorizes the Department of Corrections and Rehabilitation (CDCR) to enter into or renew a contract to purchase single-use plastic bottles made of less than 90% recycled plastic to provide for sale in a canteen or to provide bottled water as required by statute.

6) Requires DGS to ensure that any new, modified, or renewed agreements, contracts, or procurement undertaken by a food service facility as part of a contract or agreement with DGS complies with the requirements of the bill.

7) Requires a state agency to submit a report to the Joint Legislative Budget Committee confirming its compliance with this bill on or before January 1, 2027.

8) Requires state IWMPs to include a description of actions to be taken to source reduce materials, including, but not limited to:

    a) Actions to achieve 50% reusable options for foodware, including utensils and containers;

    b) Actions to source reduce organic material waste and single-use plastics;

    c) Actions to reduce paper purchasing relative to 2024 levels by at least 30% by 2030;

    d) Actions to divert solid waste in accordance with PRC 42921;

    e) Actions to provide adequate educational tools to inform occupants of each facility under its purview on best practices for recycling and composting to achieve higher composting and recycling outcomes; and,

    f) Actions to have recyclable and organic material reach responsible end markets.

9) Requires each state agency to submit its IWMP to CalRecycle for review and approval on or before July 15, 2027.

10) If a state agency does not have an approved IWMP by January 1, 2028, specifies that the model IWMP shall take effect on that date.

11) Requires CalRecycle to publish a list of products available for purchase by state agencies that would reduce the overall amount of plastic or paper waste generated by January 1, 2027.

12) Requires state agencies to include information relating to efforts and progress made regarding recycling and composting within state buildings in its annual report to CalRecycle.

13) States that if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

FISCAL EFFECT: According to the Senate Appropriations Committee, "CalRecycle reports ongoing costs of approximately $188,000 beginning in Fiscal Year (FY) 2025-26 for one

additional personnel year (PY) to develop, review, and approve IWMPs. CalRecycle notes that its primary fund source, the Integrated Waste Management Account (IWMA), cannot support the additional workload resulting from this bill. Staff notes if the fiscal impact of this bill cannot be absorbed through the IWMA, cost will likely be from the General Fund.

Additionally, CDCR reports a significant fiscal impact, potentially ranging in the hundreds of thousands to millions of dollars, to source compliant alternatives to single-use plastic bottles and foodware in its custodial settings. Other costs to CDCR include workload related to revising purchasing policies, updating IWMPs, and for additional staff time for ongoing compliance monitoring and reporting.

Additionally, DGS reports a one-time cost of approximately $340,000 for a limited-term PY over a period of two years to develop policy and training materials, update the State Contracting and Administrative Manuals, and monitor compliance with contract requirements (Service Revolving Fund).

Also, unknown significant fiscal impact across all state agencies, totaling into the high hundreds to millions of dollars, to update IWMPs and to revise purchasing policies (General Fund and various special funds). For example, the Department of Transportation anticipates costs in the low hundreds of thousands of dollars for a limited-term staff to develop and update its IWMP for over 1,000 buildings, implement the IWMP, and provide education and training on recycling and composting best practices for its 22,000 employees cross the state. While not all state agencies may require the same resources as Caltrans, total costs to comply with the bill will still be significant.

Furthermore, unknown significant increase in contracting costs, potentially ranging in the millions of dollars annually, for state agencies to adhere to procurement requirements as specified in this bill. The actual impact on overall contracting costs will depend on the extent that state agencies may already be phasing out the use and procurement of single-use plastic bottles and other single-use plastics, and providing reusable options for foodware.

Finally, unknown state reimbursable mandate costs. By requiring state agencies to comply with specified contracting and reporting requirements, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but potentially in excess of $50,000 annually (General Fund).

COMMENTS:

1) **Plastic pollution**. 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. Nearly all plastic (99%) is made from fossil fuels, and the plastic industry is the fastest-growing source of industrial greenhouse gases in the world: the plastic industry's greenhouse gas emissions are expected to surpass those of coal-fired power in the United States by 2030. 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 and 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 can travel in the air and water, and can be easily absorbed 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.

Micoplastics are found in household dust and drinking water (bottled and tap), causing people to inhale and consume them. In January of this year, the National Institutes of Health tested three popular brands of bottled water. On average, the researchers found that "a liter of bottled water included about 240,000 tiny pieces of plastic." The water did not just contain plastic from the bottle; they found seven common forms of plastic. A March 2024 study published in Science of the Total Environment identified microplastics in all human tissues sampled, with the polyvinyl chloride being the dominant polymer. The highest abundance of microplastics were found in human lung tissue, followed by the small intestine, large intestine, and tonsils. A February 2024 study published in *Toxicological Sciences* analyzed samples of 62 human placentas and found microplastics present in every sample. 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. Both due to plastics and to the environmental impacts of plastic production. 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, cited 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.

2) **Postconsumer recycled content**. Recycling plastic can reduce the harms associated with producing new plastic and reduce the overall amount of plastic in the environment. Plastic recycling saves between 30% and 80% of the carbon emissions associated with virgin plastic; and recycling uses around 75% less energy to make a plastic bottle, depending on the recycling technology used. Recycling plastic material also has the potential to reduce plastic

pollution; using recycled plastic instead of creating new plastic means that there is less plastic overall to end up as litter. In addition, viewing plastic as a valuable source of material that can be converted into new products helps to support a circular economy in which plastic is viewed as a commodity rather than a waste product.

While 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, recycling is currently only feasible for some of the more common, and least toxic, forms of plastic.

Setting ambitious PCR content requirements is only effective if the PCR is actually physical recycled content. Recycled plastic can be indistinguishable from newly synthesized plastic, and making recycled content can be more expensive than making new plastic. This creates an unfortunate incentive for unscrupulous businesses that want to sell new plastic as PCR. Recent concerns have been raised that postconsumer recycled content may in fact be sourced from new material or that the accounting for PCR rates in bottles may lead to inflated PCR rates on paper that do not reflect the actual amount of PCR content in a finished product.

3) **State Agency Buy Recycled Campaign**. SABRC is a joint effort between CalRecycle and DGS to implement laws that require state agencies and the Legislature to purchase recycled-content products and track those purchases. SABRC requires state agencies to ensure specific percentages of reportable purchases are recycled products.

   Under SABRC, if fitness and quality are equal, each state agency must purchase recycled products instead of nonrecycled products whenever recycled products are available with no more than a 10% cost differential. Each state agency is required to report annually its progress in meeting the recycled product purchasing requirements to CalRecycle. If DGS determines a requirement has not been met, DGS must, in consultation with CalRecycle, review purchasing policies and recommend immediate revisions to ensure the recycled product purchasing requirements are met. The 16 reportable categories are:

   - Paper products;
   - Printing and writing papers;
   - Soil amendments and toppings;
   - Glass products;
   - Lubricating oils;
   - Plastic products;
   - Paint;
   - Antifreeze;
   - Tires;
   - Tire-derived products;
   - Metal Products;
   - Building finishes;
   - Carpet;
   - Erosion control products;
   - Textiles; and,
   - Pavement surfacing.

4) **Bottle Bill.** The Bottle Bill was established in 1986 to be a self-funded program that encourages consumers to recycle beverage containers and to prevent littering. The program accomplishes this goal by requiring consumers to pay a deposit for each eligible container purchased. Then the program guarantees consumers repayment of that deposit, the CRV, for each eligible container returned to a certified recycler. Statute includes two main goals for the program: (1) reducing litter; and, (2) achieving a recycling rate of 80% for eligible containers. Containers recycled through the Bottle Bill's certified recycling centers also provides a consistent, clean, uncontaminated stream of recycled materials with minimal processing.

   In an effort to promote circularity within the Bottle Bill, the Legislature passed AB 793 (Ting), Chapter 115, Statutes of 2020, which requires plastic beverage containers subject to the Bottle Bill to contain minimum quantities of PCR plastic. Specifically, bottles must contain 15% PCR by 2022, 25% by 2025, and 50% by 2030. AB 793 grants the director of CalRecycle the ability to review and adjust the minimum PCR content requirements.

5) **State agency IWMPs**. State agencies and large state facilities are required to develop IWMPs and implement waste prevention, reuse, and recycling programs to reduce waste and meet waste diversion goals. State agencies and large state facilities are required to:

   - Divert at least 50 percent of their solid waste;
   - Arrange for recycling and organics recycling services;
   - Designate at least one solid waste reduction and recycling coordinator to oversee waste management plans and programs;
   - Provide adequate receptacles, signage, education, and staffing to implement the waste and recycling programs;
   - Review the adequacy and condition of recycling receptacles, associated signage, education, and staffing for each covered state agency and large state facility at least annually; and,
   - Submit an annual report for the prior calendar year, a summary of compliance, disposal amounts, and an explanation of diversion activities to CalRecycle.

   The requirements for state agencies have not kept pace with other state policies expand waste management policies to focus on circularity – moving beyond a focus on diversion to ensuring that materials diverted from in-state disposal are actually recycled into new products.

6) **Bottle bans**. In 2018, the California State University system enacted a policy that banned plastic straws and single-use plastic bags in 2019, expanded polystyrene food service items in 2021, and single-use plastic water bottles by 2023. Subsequently, the University of California enacted a policy in 2020 that eliminated the use of plastic bags by 2021, single-use food service items by 2022, and single-use plastic bottles by 2023.

   In Massachusetts, Executive Order 619 of 2023 prohibits state executive departments from purchasing single-use plastic bottles. The order applies to single-use plastic bottles 21 ounces or less containing beverages including, but not limited to, water, juice, milk, and soft drinks. The order authorizes state departments to limit the purchase or use of single-use plastic bottles only under the following circumstances: 1) No alternative is available or practicable; 2) Necessary to protect health, safety, and welfare; 3) Compliance would conflict

with contract requirements or labor agreements solicited before the effective date of the order; and, 4) To prepare for an emergency.

7) **This bill**. Rather than banning plastic bottles in state facilities, this bill sets an ambitious recycled content requirement for plastic bottles purchased by state facilities. According to the author, this requirement is intended to spur markets for recycled content plastic in the state. In practice, it would be infeasible for beverage manufacturers to produce separate bottles for sale in state facilities. Instead, this bill will most likely result in state facilities only purchasing beverages that are already available in high-PCR plastic bottles, aluminum containers, and glass containers.

   This bill additionally updates the requirements for state agency IWMPs by requiring state agencies to include plans to move away from single-use plastic foodware and to ensure that organics and plastics are actually recycled after they are collected in state facilities.

8) **Author's statement**:

   > Every day, California sends 12,000 tons of plastic to landfills – enough to fill 219 Olympic-sized swimming pools. Across the United States, only 5-6% of plastic was recycled in 2021. Waste that isn't sent to landfills often ends up polluting communities and the environment. Single-use plastic are among the most extractive, wasteful and harmful products in our society. One way to tackle the problem and reduce the enormous flow of waste is to move to a circular economy, which focuses on reusing and recycling products. This, in turn, slows resource consumption and prevents today's products from becoming tomorrow's throwaway garbage. The circular economy principle applies not only to plastic, but to all waste, including organics, which can be turned into useful products like compost or energy.
   >
   > Pursuing a circular economy helps California achieve its environmental and clean energy goals. SB 14 ensures that state agencies are leading the charge. The legislation requires state agencies to purchase and sell only single-use plastic bottles that contain at least 90% postconsumer recycled content. This will not only reduce the amount of plastic generated, it will also leverage the state's considerable purchasing power to support recycling markets. In addition, the bill will require state agencies to take more measures to reduce waste and recycle plastic and organic material, as part of their integrated waste management plans.

9) **Suggested amendment**. Given the challenges associated with procuring plastic bottles with 90% PCR, *the committee may wish to amend the bill* to remove Section 1 from the bill and instead require that state facilities purchase plastic beverage containers that comply with the PCR requirements established by AB 793 and to include actions to promote the use of water refill stations in state facilities in their IWMPs.

10) **Previous/related legislation**.

   AB 2648 (Bennet, 2024) would have prohibited state agencies from purchasing single-use plastic bottles, as specified. This bill was held on the Assembly Inactive File.

AB 661 (Bennett), Chapter 517, Statutes of 2022, made numerous changes to SABRC: 1) Mandates CalReycle and DGS, in consultation with impacted agencies, to update the list of identified products and update the minimum recycled content percentages commencing January 1, 2026, and every three years thereafter; 2) Requires state agencies to purchase recycled products instead of nonrecycled products whenever recycled products are available at no more than 10% greater total cost than nonrecycled products; 3) Revises and expands the product categories; 4) Requires CalRecycle to update the list of products and minimum recycled content percentages, as specified; and, 5) Requires DGS to maintain procedures for complying with SABRC.

AB 793 (Ting), Chapter 115, Statutes of 2020, establishes a tiered program requiring the total number of plastic beverage containers sold by a beverage manufacturer to contain specified average amounts of PRC plastic starting January 1, 2022, and reaching at least 50% recycled content by January 1, 2030.

SB 1335 (Allen), Chapter 610, Statutes of 2018, prohibits a state food service facility from dispensing prepared food using type of food service packaging unless the packaging is on a specified list maintain by CalRecycle and has been determined to be reusable, recyclable, or compostable.

9) **Double referral**. This bill has also been referred to the Assembly Governmental Organization Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Compost Coalition
California Product Stewardship Council
CR&R, Inc.
Green Policy Initiative
Republic Services
South Bayside Waste Management Authority
Stopwaste

Opposition

American Beverage Association
California Automatic Vendors Council
California Manufacturers & Technology Association
Consumer Brands Association
International Bottled Water Association
PET Recycling Corp. of California

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 34 (Richardson) – As Amended April 30, 2025

SENATE VOTE: 31-1

SUBJECT: Air pollution: South Coast Air Quality Management District: mobile sources: public seaports

SUMMARY: Imposes specified conditions and limits on actions by the South Coast Air Quality Management District (SCAQMD) to regulate air pollution from mobile sources associated with operation of the Ports of Long Beach and Los Angeles. Covered actions include the SCAQMD's proposed Rule 2304 to regulate indirect sources at the ports, as well as a wide range of other past and future SCAQMD actions, until 2036.

EXISTING LAW:

1) The federal Clean Air Act (CAA) and its implementing regulations set National Ambient Air Quality Standard (NAAQS) for six criteria pollutants, designate air basins that do not achieve NAAQS as nonattainment, and require states with nonattainment areas to submit a State Implementation Plan (SIP) detailing how they will achieve compliance with NAAQS. (42 U.S.C. 7401 *et seq.*)

2) Establishes the Air Resources Board (ARB) as the air pollution control agency in California and requires the ARB, among other things, to control emissions from a wide array of mobile sources and coordinate with local air districts to control emissions from stationary sources in order to implement the CAA. (Health and Safety Code (HSC) 39000 *et seq.*)

3) Requires, subject to the powers and duties of the ARB, air districts to adopt and enforce rules and regulations to achieve and maintain the state and federal air quality standards in all areas affected by emission sources under their jurisdiction, and to enforce all applicable provisions of state and federal law. (HSC 40001)

4) Authorizes a district to adopt and implement regulations to reduce or mitigate emissions from indirect and areawide sources of air pollution, while preserving the existing authority of counties and cities to plan or control land use. (HSC 40716)

5) Requires each district with moderate air pollution to include provisions to develop areawide source and indirect source control programs in its attainment plan. (HSC 40918)

6) Establishes SCAQMD as the agency within the South Coast Air Basin with the responsibility for comprehensive air pollution control, with the duty to represent the citizens of the basin in influencing the decisions of other public and private agencies whose actions might have an adverse impact on air quality in the basin (HSC 40400 *et seq.*)

THIS BILL:

1) For SCAQMD actions to control port-related sources of air pollution:

a) Requires the action to:

   i) Recognize the contributions of sources of air pollution outside of the control of the ports.

   ii) Require the ports to prepare assessments of energy demand and supply, cost estimates, and funding source, workforce, and environmental impacts.

   iii) Use the assessments prepared by the ports to determine the timelines for achieving the action's targets.

   iv) Create a process by which the ports can request extensions to the timelines developed to achieve the action's targets.

b) Prohibits the action from:

   i) Imposing a cap on cargo throughput or limiting operations at the ports.

   ii) Requiring any actions that reduce pollution from sources that are exclusively under the purview of the state or federal government.

   iii) Setting any shorter timeline for achieving zero-emission technology or zero-emission drayage trucks than what was stated in the 2017 Update to the San Pedro Ports Clean Air Action Plan and the 2017 Joint Declaration of the Mayors of the Cities of Los Angeles and Long Beach.

   iv) Using public funds or grants, whether municipal, county, state, or federal funds or grants, to require, incentivize, encourage, or otherwise promote the use of automated, remotely controlled, or remotely operated equipment, or infrastructure to support automated, remotely controlled, or remotely operated equipment.

2) Authorizes actions that result in the procurement and operation of human-operated, zero-emission equipment and infrastructure to support human-operated, zero-emission equipment at the ports.

3) Defines "action" as either of the following:

   a) The adoption or amendment to Rule 2304 Commercial Marine Ports, or any successor or replacement rule or regulation.

   b) The adoption or amendment of any other rule or regulation adopted by, or the entering into of any agreement, including, but not limited to, a compact, pact, contract, pledge, settlement, covenant, accord, letter of agreement, letter or declaration of intent, letter of understanding, or memorandum of understanding by, the south coast district board to address pollution from any mobile source that is already subject to regulation by ARB and that is associated with an operation at any public seaport or marine terminal facility at a public seaport.

4) Sunsets January 1, 2036.

5) Makes related findings.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- ARB estimates cost pressures in the millions to tens of millions of dollars (various funds) to find and fund equivalent emissions reductions from other sources during the period this bill would be in effect, or until January 1, 2036, in order to ensure the same progress toward meeting state climate goals as what otherwise would have occurred absent this bill.

- By imposing additional duties on the SCAQMD and the ports, this bill would create a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. (General Fund).

COMMENTS:

1) **Background**. The San Pedro Bay Ports are the busiest in the nation. As such, the Ports are also major economic drivers through direct job creation and by supporting manufacturing and industry related to goods movement activity, generating employment for nearly three million Americans nationwide. They handle millions of tons of cargo a year worth hundreds of billions of dollars – 40% of the nation's imports and exports of goods, from produce to electronics to pharmaceuticals.

   These neighboring ports are also the region's largest single sources of air pollution. Every day, their equipment, trucks, rail yards and ships emit 23 tons of smog-forming nitrogen oxides, half a ton of fine particles and nearly a ton of sulfur into the air, according to 2023 data from SCAQMD. That amounts to 8,472 tons of nitrogen and 183 tons of fine particles a year.

   Recognizing the need for a comprehensive, far-reaching strategy to reduce port-related air pollution and related health risks, the Port of Los Angeles and Port of Long Beach developed the San Pedro Bay Ports Clean Air Action Plan (CAAP). Originally adopted in 2006, with updates in 2010 and 2017, the CAAP includes goals of achieving 100% zero emissions operations for cargo handling equipment by 2030, and drayage trucks by 2035. Though laudable, these two categories comprise only about 14% of total port emissions, combined.

   Port emissions have declined substantially since 2005 and the ports have met the emission reductions goals established in their 2010 CAAP – which the ports elected not to revise in the 2017 CAAP. These targets therefore do not reflect the additional reductions still needed from port operations to meet air quality standards. Moreover, most of the emissions reductions to date at the Ports have been from ARB regulations, including regulations covering Heavy-Duty Trucks and Busses, Drayage Trucks, Ocean Going Vessel Fuels, Ultra Low Sulfur Diesel, Cargo Handling Equipment, and Ocean Going Vessel At-Berth power.

   The SCAQMD Governing Board had directed staff to work with the Ports on a Memorandum of Understanding (MOU) until February 4, 2022, and then shift efforts to develop a rule if no agreement was reached. Although the Port of Long Beach's MOU proposal did include a number of clean air investments, the Ports' overall proposals did not provide sufficient measures to reduce emissions. The Ports' proposal also did not allow for enforceability should the agreed-upon actions not be implemented.

The SCAQMD published on February 21, 2025, its first draft of a proposed rule (Rule 2304) that would require the two ports to develop a plan by August 2027 to build charging and fueling stations to switch thousands of pieces of diesel equipment, trucks and vessels to electricity and hydrogen.

The rule would aim to ensure that the Los Angeles and Long Beach ports can achieve the clean-air goals they set for themselves back in 2017: converting 100% of their diesel cargo-handling equipment – such as tractors and giant, 60-foot cranes that move containers – to zero emissions by 2030. They also aim for all drayage trucks, which haul the ports' containers of cargo to warehouses, to run on electricity or hydrogen by 2035.

The most recent draft Rule 2304 was published June 13. The draft rule states "Nothing in this rule shall be construed to impose a limit on cargo throughput." The rule is scheduled for board consideration October 3, 2025.

2) **Author's statement**:

SB 34 is designed to protect jobs in local communities in addition to the local, regional, state and national economies, while continuing to improve air quality in the communities surrounding the San Pedro Bay Port Complex area. It does not prevent SCAQMD from proposing any action. It simply asks that certain criteria be considered when adopting an action. Given the current fluctuation of the economy, stubborn inflation, and the imposition of tariffs, now is certainly not the time to hinder productivity at our ports. SB 34 seeks to allow the Port of LA and the Port of Long Beach to continue to focus on its joint Clean Air Action Plan to meet 2030 and 2035 goals.

3) **Collateral effects**. In its current form, this bill goes well beyond the sponsors' stated concerns with proposed Rule 2304's potential impacts on port commerce and jobs. The bill applies to an indefinite range of SCAQMD actions, past and future. The bill empowers the ports to frustrate and delay a wide range of SCAQMD actions and purports to retroactively impose burdensome conditions on past rules and other actions that were valid at the time they were adopted. In addition to delaying or preventing future actions until 2036, the bill may require SCAQMD to update many past actions and existing rules affecting the ports to comply with the bill's conditions. This may impose additional, unjustified cost and delay on district rules and all manner of other lesser actions, including voluntary agreements where the district is but one of multiple parties. The bill may also invite litigation over conditions that are subjective or not clearly defined, such as applying to any action that "addresses pollution" and prohibiting any action that "limits operations" at the ports.

REGISTERED SUPPORT / OPPOSITION:

Support

International Longshore & Warehouse Union Local 13 (sponsor)
International Longshore & Warehouse Union Local 63 (sponsor)
International Longshore & Warehouse Union Local 94 (sponsor)
Avance Democratic Club
California Human Development

California Retailers Association
California Trucking Association
Center for Employment Training
Central Valley Opportunity Center
First Day Foundation
LA Cooperativa Campesina De California
Latino Heritage LA
Los Amigos De LA Comunidad
Proteus
Utility Workers Union of America, Local 483

Opposition

Active San Gabriel Valley
American Lung Association
Bay Area Air Quality Management District
California Air Pollution Control Officers Association
California Business Alliance for a Clean Economy
California Coastal Protection Network
California Nurses for Environmental Health & Justice
Center for Biological Diversity
Clean Air Task Force
Cleanearth4kids.org
Climate Action Campaign
Coalition for Clean Air
Communities for a Better Environment
E2 (Environmental Entrepreneurs)
Earthjustice
East Yard Communities for Environmental Justice
Environmental Defense Fund
Environmental Health Coalition
Facts Families Advocating for Chemical and Toxics Safety
Greenlatinos
Greenlining Institute
Los Angeles Cleantech Incubator
Mothers Out Front Silicon Valley
Move LA
NRDC
Ocean Conservancy
Pacific Environment
Pacific Maritime Association (unless amended)
Pacific Merchant Shipping Association (unless amended)
People's Collective for Environmental Justice
Regional Asthma Management and Prevention (RAMP)
S.F. Bay Physicians for Social Responsibility
San Diego County Air Pollution Control District
Santa Cruz Climate Action Network
Sierra Club California

South Coast Air Quality Management District
Union of Concerned Scientists

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 279 (McNerney) – As Amended June 30, 2025

SENATE VOTE: 38-0

SUBJECT: Solid waste: compostable materials

SUMMARY: Reduces the regulatory requirements for small composting operations and agricultural operations.

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) Establishes regulatory tiers for composting facilities based on size and materials, including:

    a) Excluded Activities Tier, which excludes the following activities from the Department of Resources Recovery and Recycling's (CalRecycle's) composting regulatory requirements:

        i) Composting green material, agricultural material, food material, and vegetative food material if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards (CY) and 750 square feet. Specifies that individuals composting these materials are obligated to obtain all permits, licenses, and other clearances that may be required by other regulatory agencies, including, but not limited to, local health entities and local land use authorities.

        ii) An activity that handles agricultural material, derived from an agricultural site if no more than 1,000 CY of compost product are given away or sold annually from this operation.

        iii) Vermicomposting operations.

        iv) Mushroom farming.

        v) Storage of bagged compost material if such bags are no greater than 5 cubic yards. (California Code of Regulations (CCR) 17855)

    b) Enforcement Agency Notification Tier, which requires notification of the operation to local enforcement agencies (LEAs) and other specified criteria. This tier includes agricultural material composting operations, green material composting operations,

biosolids composting operations at publicly owned treatment works, research composting operations less than 5,000 CY, chipping and grinding operations less than 200 tons per day, and land application, as specified. (CCR 17854.1)

c) Registration Permit Tier, which requires operators to submit specified information, including a Report of Facility Information (RFI) and pertinent California Environmental Quality Act (CEQA) documents. Compost operations in the registration tier may be approved or denied a permit based on the content of their registration tier application. This tier includes vegetative food material composting facilities that process up to 12,500 CY and chipping and grinding facilities from 200 tons per day to 500 tons per day. (CCR 18104.1 and 17854.1)

d) Full Solid Waste Facilities Permit Tier, which requires operators to submit specific information in an RFI and pertinent CEQA documents and, for landfills, to include a complete closure plan, financial assurance, and operating liability. This tier includes composting facilities, green material composting facilities over 12,500 CY, vegetative food material composting facilities over 12,500 CY, and chipping and grinding facilities over 500 tons per day. (CCR 21570 and 17854.1)

e) Authorizes operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 CY of compost per year to handle an unlimited amount of agricultural material and green material, but authorizes the LEA to limit the amount of green material feedstock to 12,500 CY upon making a written finding that handling the excess material may pose a risk to public health and safety or the environment. Authorizes operations that sell or give away 1,000 CY or more of compost per year to handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 CY of green material feedstock on the site at any time. (CCR 17856)

THIS BILL:

1) Specifies that the following activities are excluded activities for purposes of CCR 17855:

   a) Composting green material, agricultural material, food material, and vegetative food material activities, alone or in combination, if the total amount of feedstock and compost onsite at any one time does not exceed 500 CY.

   b) The composting is of agricultural materials and residues that are from a large-scale biomass event, such as removing a whole orchard or vineyard, at an agricultural facility that does not otherwise operate as a solid waste facility. Materials or residues from a large-scale biomass management event do not include whole or partial animal carcasses or animal byproducts other than manure.

      i) Allows the composting to include the acquisition and use of agricultural materials, agricultural byproduct materials, and agricultural manure from an agricultural site to blend with those onsite agricultural materials and residues resulting from the large-scale biomass event.

      ii) Requires specified recordkeeping.

iii) Allows for is exclusion to be used not more than once every 10 years for a period not to exceed 24 months.

2) Specifies that the composting activities excluded from regulation by the bill are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies.

3) Authorizes a composting operation to give away or sell up to 5,000 CY of compost product annually, as specified. Authorizes CalRecycle to increase, by regulation, the amount of material a composting operation may give away or sell.

FISCAL EFFECT: According to the Senate Appropriates committee:

- Ongoing costs in the hundreds of thousands of dollars annually for CalRecycle (Integrated Waste Management Account) to develop compostable material regulation, prepare rulemaking documents, provide ongoing assistance to stakeholders, and implement review of permitting and inspection reports.

- Unknown, potentially significant costs for the State Water Resources Control Board (SWRCB) and other state agencies as a result of additional composting operations as allowed under the provisions of this bill.

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.

   To achieve this, California's waste management infrastructure is going to have to process and recycle much greater 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. Composting operations in California range from large-scale commercial operations to onsite agricultural composting activities to backyards. One important component of California's organics management system is community composters. According to the California Alliance for Community Composting, community composting is any organics recovery program for

public benefit and/or for locally-distributed benefits that process locally-generated organic materials, including green materials, agricultural materials, food materials, and vegetative food materials, on a small-scale within the same community where these materials are generated, and which operates to achieve community, social, economic, and environmental well-being and without compounding local or systemic environmental & social justice issues. 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 chipped or mulched and applied to agricultural land for beneficial use, known as land application.

2) **SWRCB general order**. In 2020, SWRCB adopted General Waste Discharge Requirements For Commercial Composting Operations State Water Resources Control Board Order WQ 2020-0012-DWQ (General Order), which includes requirements to protect water quality from composting activities while streamlining the permitting process. The General Order classifies compost facilities into two tiers, depending on the feedstock, quantities of materials, and hydrogeologic site conditions. The requirements include lined detention basins, surfaces with low permeability in the areas where composting occurs, and berms and ditches designed to prevent water from running on or off the site for facilities accepting food waste or processing over 25,000 CY at any given time. Regional water boards may require other criteria for compost operations if warranted. The General Order applies to compost facilities that receive, process, and store at least 500 CY of material at any given time.

3) **Burn ban**. Until this year, organic material from a large biomass event, such as clearing a vineyard, was likely to be burned in an open pile. Since the passage of SB 705 (Florez), Chapter 481, Statutes of 2003, the San Joaquin Valley Air Pollution Control District has been required to phase out agricultural burning. Originally required by 2010, the air district was allowed to postpone the ban based on specified criteria, which it did in 2005, 2007, 2010, 2012, 2015, and 2024, when the last postponement ended.

   The material that is no longer allowed to be burned will need alternative management options. The scale of material is significant: according to the Almond Board, an estimated 71,000 acres of orchards will be removed by the end of the crop year. The most environmentally sound option is generally composting. Composting agricultural waste has fewer emissions than open-pile burning, and compost is also one of the highest and best uses for recycling organic material. However, composting, especially large-scale composting, does have environmental impacts, including emissions of air pollutants, odors, and the potential for leaching into the groundwater. The potential impacts increase dramatically if compost facilities are not operated properly. In addition to making large-scale composting of agricultural material an excluded activity in CalRecycle's regulatory tiers, SB 279 also allows off-site material, including manure, to be brought onto farms to mix with the material from a "large-scale biomass management event" like removing an orchard. Mixing in other agricultural materials can be necessary to create healthy and robust compost. However, because there is no size constraint on the amount of material from a large-scale biomass event that can be composted, there is also no constraint on the amount of agricultural material that could be brought in to blend with that material. This means that large quantities of manure, which can have health and nuisance smell impacts on nearby communities, could be brought into areas and still be considered an excluded activity under the bill.

4) **Enforcement challenges**. The infrastructure needed to implement the requirements of SB 1383 has not kept pace with the increased materials that need to be recycled. This is, in part, due to the costs and timelines associated with facility siting and construction. As a result, some parts of the state are facing increased illegal disposal. According to the Los Angeles Times, more than 80 unpermitted sites in the Antelope Valley appear to be accepting some forms of organic waste for "land application;" however, the materials contain significant amounts of solid waste, including plastics. In some cases, the property owners are the victims of illegal dumping by third parties; in others, landowners are charging to accept illegally disposed material. At least one site is located in sensitive Joshua Tree habitat. News reports state that some of these sites cover hundreds of acres and are dozens of feet deep. Residents in the area complain of toxic odors and worry about fire risk.

   In response to the deluge of illegal dumping activity, CalRecycle adopted emergency regulations in February of this year. The regulations define land application activities as "the final deposition of compostable material and/or digestate spread on a parcel of land that meet the conditions for physical contamination, metals concentrations, pathogen levels, application frequency and depth, and includes the act of incorporating the material into the soil." The regulations incorporate land application activities into CalRecycle's compost facility tiers and subject them to the appropriate operator filing requirements, state minimum standards, record keeping, and LEA inspection requirements to ensure that LEAs are able to appropriately regulate and enforce these activities.

   While this bill is focused on composting operations rather than land application activities, increasing the size and number of operations that will be excluded from CalRecycle regulatory oversight may make it more challenging for CalRecycle and LEAs to ensure that these facilities are operated properly.

5) **Author's statement**:

> Now that California has banned nearly all burning of agricultural waste, the state's farmers and winegrape growers need assistance in dealing with large amounts of organic material. Currently, farms and vineyards ship large amounts of agricultural waste to offsite composting facilities, often hundreds of miles away, rather than composting the green waste themselves onsite in a sustainable way. SB 279 will help farmers and winegrape growers by allowing them to compost agricultural waste onsite when they have a large biomass removal event, like the removal or an orchard or vineyard. It will also benefit community composters, urban farms and school farms by allowing them to compost larger amounts of green waste and food scraps onsite.

REGISTERED SUPPORT / OPPOSITION:

Support
Climate Health Now Action Fund
Climate Reality Project - Silicon Valley Chapter
Community Alliance With Family Farmers
Courage California
Democrats of Rossmoor
Ecology Center

Elders Climate Action NorCal Chapter
Elders Climate Action SoCal Chapter
Endangered Habitats League
Friends Committee on Legislation of California
Garden School Foundation
Glendale Environmental Coalition
Green Policy Initiative
Living Classroom
Los Angeles Waterkeeper
National Resources Defense Council
Northern California Recycling Association
Oakland Recycles
Pacific Beach Coalition
People Food and Land Foundation
People, Food and Land Foundation
Plastic Pollution Coalition
Regen Monterey
Salinas Valley Solid Waste Authority
San Francisco Baykeeper
Santa Cruz Climate Action Network
Save Our Shores
Save the Albatross Coalition
See (social Eco Education)
Sierra Club California
Sierra Harvest
SoCal 350 Climate Action
Solana Center for Environmental Innovation
StopWaste
Sustainable Rossmoor
The Climate Center
The Climate Reality Project Los Angeles Chapter
The Climate Reality Project Orange County Chapter
The Last Plastic Straw
U.S. Green Building Council, California
Ventura County Farm to School
Western Growers Association
Western Tree Nut Association
Wildcoast
Wine Institute
Zero Waste Marin
Zero Waste San Diego
Zero Waste Sonoma

Opposition

California Compost Coalition
SWANA California Chapters Legislative Task Force

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 326 (Becker) – As Amended July 1, 2025

SENATE VOTE: 39-0

SUBJECT: Wildfire safety: fire protection building standards: defensible space requirements: The California Wildfire Mitigation Strategic Planning Act

SUMMARY: Requires the deputy director of Community Wildfire Preparedness within the Department of Forestry and Fire Protection (CAL FIRE) to prepare a Wildfire Risk Mitigation Planning Framework (Framework), a Wildfire Risk Baseline and Forecast (Forecast), and a Wildfire Mitigation Scenarios Report (Report). Requires, contingent upon an appropriation, CAL FIRE to provide local assistance to local governments to achieve wildfire risk reduction consistent with the aforementioned plans, for defensible space inspections, and to facilitate compliance with forthcoming ember-resistant zone (known as zone o) regulations.

EXISTING LAW:

1) Establishes the State Fire Marshal (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 (HSC) 13100 – 13100.1)

2) Requires the SFM, by regulation, to designate fire hazard severity zones (FHSZs) and assign to each zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone. Provides that no designation of a zone and assignment of a rating shall be adopted by the SFM until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located at least 45 days before the adoption of the proposed regulation and a public hearing has been held in that county during that 45-day period. (Public Resources Code (PRC) 4203)

3) Establishes the Board of Forestry and Fire Protection (Board) to determine, establish, and maintain an adequate forest policy for the state, and protect all wildland forest resources in California that are not under federal jurisdiction. (PRC 740)

4) Defines the state responsibility area (SRA) as areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the Board to be primarily the responsibility of the state. (PRC 4102)

5) Requires the Board to adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to SRA lands under the authority of CAL FIRE, and to lands classified and designated as very high fire hazard severity zones (VHFHSZs). (PRC 4290)

6) Requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, 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. (PRC 4291.5)

7) 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 VHFHSZ 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)

8) Requires the SFM to identify areas in the state as moderate, high, and very high 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. (GC 51178)

9) Requires an ember-resistant zone to be required within five feet of a structure, known as zone 0, based on regulations promulgated by the Board, in consultation with CAL FIRE, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. (PRC 4291 (a)(1)(A))

10) Prohibits the ember-resistant zone pursuant from taking effect for new structures until the Board updates the regulations and the corresponding guidance document. (PRC 4291 (g)(1))

11) Requires the SFM, in consultation with CAL FIRE and the Director of Housing and Community Development, to propose fire protection building standards for roofs, exterior walls, structure projections, such as porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in FHSZs designated by the SFM. Provides that adopted building standards also apply to buildings located in urban wildland interface communities (Health and Safety Code 13108.5)

12) Requires CAL FIRE to establish a local assistance grant program for fire prevention and home hardening education activities in California to establish a robust year-round fire prevention effort in and near fire-threatened communities that focuses on increasing the protection of people, structures, and communities. Specifies eligible grant-funded activities. (PRC 4124.5)

13) Requires, on and after July 1, 2021, a seller of a real property that is located in a high or VHFHSZ in the SRA and local responsibility areas (LRA), to provide to the buyer documentation stating that the property is in compliance with defensible space requirements. (Civil Code 1102.19)

14) Requires each electrical corporation to annually prepare and submit a wildfire mitigation plan (WMP) to the Wildfire Safety Division for review and approval. Defines 23 variables a WMP is required to contain, including a description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks. (Public Utilities Code 8386)

THIS BILL:

1) Establishes the California Wildfire Mitigation Strategic Planning Act.

2) Defines the following terms:

   a) "Deputy director" means the deputy director of Community Wildfire Preparedness and Mitigation within the Office of SFM;

   b) "Risk to spend efficiency" means the net present value of monetized reduction in wildfire consequences per dollar of risk mitigation expenditure;

   c) "State hazard mitigation officer" as the person designated by the Director of the Office of Emergency Services to serve as the primary point of contact with the Federal Emergency Management Agency, other federal agencies, and local governments in mitigation planning and implementation of mitigation programs and activities required under Chapter 68 of Title 42 of the United State Code; and,

   d) "Wildfire risk mitigation action" means an action undertaken by a private or public actor with the stated purpose of reducing either the chances of a wildfire ignition or the consequences of a wildfire ignition after one occurs, excluding fire suppression activities.

3) Requires, on or before January 1, 2027, and every three years thereafter, the deputy director, in consultation with the state hazard mitigation officer, to prepare a Framework sufficient to quantitatively evaluate wildfire risk mitigation actions as determined by the deputy director.

4) Requires the Framework to be updated in conjunction with the Forecast.

5) Requires the Framework to allow for geospatial evaluation and comparison of wildfire risk mitigation actions sufficient to direct coordinated mitigation efforts and long-term collaborative mitigation planning.

6) Authorizes the Framework to incorporate, for each wildfire mitigation action, including near-term and long-term estimates and projections, as determined to be appropriate by the deputy director, all of the following:

   a) The entity or entities responsible for the wildfire risk mitigation action;

   b) Risk events and consequences targeted, including cost and other appropriate metrics of unmitigated damages;

   c) Cost of the wildfire risk mitigation action;

   d) Methodologies for evaluating, and estimates of risk to spend efficiency and cost-effectiveness of, the wildfire risk mitigation action;

   e) Geographic areas to which the wildfire risk mitigation action applies;

   f) Interactions, cobenefits, and joint impacts with other wildfire risk mitigation activities;

g) Interactions and joint impacts with climate change, drought, past wildfires, and other environmental factors and environmental metrics, as appropriate;

h) Effects on stakeholders and other affected parties;

i) Personnel requirements to effectuate the wildfire risk mitigation action; and,

j) Other factors as determined to be appropriate by the deputy director.

7) Requires the deputy director to make the Framework available as a planning tool for all entities included in the Report.

8) Requires the deputy director, each year the Framework is completed, to submit a copy of the Framework to the Legislature, the Office of Energy Infrastructure Safety (OEIS), and the Public Utilities Commission (CPUC) for review and consideration.

9) Requires the deputy director, to the maximum extent possible, to make the factual and analytical basis for the Framework available to the public on its internet website.

10) Requires, on or before April 1, 2027, and every three years thereafter, the deputy director, in consultation with the state hazard mitigation officer, to prepare a Baseline and Forecast for the State of California delineated on a statewide level and by county, and to include geographic specificity as determined by the deputy director to be sufficient to evaluate targeted wildfire risk mitigation actions.

11) Requires the Forecast to be prepared in coordination with the wildfire mitigation plan.

12) Requires the Forecast to accomplish all of the following:

a) Contain, at a minimum, estimates of current ignition risk and an evaluation of the consequences of potential ignitions to human life and safety, structures and critical infrastructure, cultural and historic resources, public health, ecosystems and ecosystem services, and any other material consequences as determined by the deputy director;

b) Establish key risk metrics for wildfire risk for the state as a whole, by county, and by geographic location;

c) Establish reasonable levels of unmitigated planned risk for the state to assume and manage through fire suppression;

d) Include an estimated wildfire risk and consequence, in 1-year, 3-year, and 10-year projections, assuming implementation and extension of current wildfire risk mitigation actions;

e) Include targets for wildfire risk reduction for the State of California in 1, 3, and 10 years; and,

f) Beginning January 1, 2030, evaluate current wildfire risk relative to targets in the most recent prior Forecast.

13) Authroizes the Forecast to take into account the contribution to wildfire risk and consequence created by all of the following factors:

    a) Weather;

    b) Fuel type and fuel loading;

    c) Historic fire regimes and changing fire patterns;

    d) Climate change;

    e) Human population and population density;

    f) Development patterns;

    g) Electric infrastructure; and,

    h) Other factors as determined to be relevant by the deputy director.

14) Requires the deputy director to provide recommendations in the Report on how to achieve better coordination, risk to spend efficiency, and overall cost-effectiveness, in specific regions and statewide, between utility-related wildfire mitigation investments made pursuant to a wildfire mitigation plan and nonutility wildfire mitigation investments.

15) Requires the deputy director, each year the Forecast is completed, to submit a copy of the Forecast to the Legislature, the OIES, and the CPUC for review and consideration.

16) Requires, to the maximum extent practicable, the deputy director to make available to the public on its internet website the factual and analytical bases for the wildfire risk and consequence estimates included in the Forecast.

17) Requires, on or before August 1, 2027, the deputy director, in consultation with the state hazard mitigation officer, to prepare a Wildfire Mitigation Scenarios Report, to be updated annually.

18) Requires the Report to contain all of the following information:

    a) Identification of a reasonable range of possible scenarios for overall wildfire risk mitigation spending over the next one-year and three-year periods;

    b) Planned and likely statewide wildfire risk mitigation actions by all of the following entities:

        i) State agencies;

        ii) Federal agencies;

        iii) Electric utilities;

        iv) Municipalities and local governments;

v) Nongovernmental organizations and private actors seeking state funding; and,

vi) Other stakeholders as determined appropriate by the deputy director.

c) A quantification of the overall risk reduction achieved via implementation of all planned and potential wildfire risk mitigation actions relative to the baseline level of unmitigated risk contained in the most recent Forecast;

d) A quantification of the risk-spend efficiency of all planned wildfire risk mitigation actions using the Framework.

e) Using the Framework, identification and description, in detail, of one or more cost-effective statewide wildfire risk reduction strategies that are approximately equal in cost to planned spending by all entities identified in the Report and that achieve maximum estimated reduction in overall wildfire risk and consequence for the State of California; and,

f) Recommendations on how to achieve better coordination, risk to spend efficiency, and overall cost-effectiveness, in specific regions and statewide, between utility-related wildfire mitigation investments made pursuant to a wildfire mitigation plan and nonutility wildfire mitigation investments.

19) Requires the deputy director, each year upon its completion, to submit a copy of the Report to the Legislature, and to the CPUC, for review and consideration.

20) Requires, to the maximum extent practicable, the deputy director to make available to the public on its internet website the factual and analytical bases for the Report.

21) Authorizes the deputy director to contract with a private consultant or a public university with special expertise in the quantitative assessment of wildfire risk and risk mitigation to conduct quantitative wildfire and community risk modeling and for preparation of the reports.

22) Requires, contingent upon an annual appropriation by the Legislature in the annual Budget Act for the purposes of the Framework, Forecast, and Report, beginning in the 2029–30 fiscal year and extending to the 2044-45 fiscal year, inclusive, CAL FIRE to allocate funds for programs to be implemented by local governments to achieve wildfire risk reduction in a cost-effective manner that is maximally consistent with the Framework.

23) Authorizes, for fiscal years 2025–2026 to 2028–2029, inclusive, a local agency to submit an application to the deputy director to fund wildfire inspector positions sufficient to conduct inspections in VHFHSZs. As a condition of receiving funds, requires a local agency to adopt, by an ordinance that is applicable to existing structures in VHFHSZs, the zone 0 regulations.

24) Requires, as a condition of receiving funding, the local agency to adopt, by ordinance, a civil fine authority for violations of defensible space regulations, including zone 0 regulations applicable to very high FHSZs.

25) Limits funds to those that are necessary to fund incremental inspector positions at the fully burdened rate plus any vehicles, uniforms, technological resources, and other equipment necessary to carry out inspections.

26) Prohibits funding from covering administrative costs, personnel, or equipment to perform activities beyond parcel inspections.

27) Requires a local agency receiving funding to submit an annual report to deputy director that includes all of the following information:

    a) The baseline number of inspections conducted in the prior fiscal year in VHFHSZs;

    b) The number of additional inspections conducted within VHFHSZs during the prior fiscal year;

    c) The number of unique parcels inspected during the prior fiscal year;

    d) The number of inspected homes that are fully compliant with defensible space regulations, including zone 0 regulations, by the end of the prior fiscal year; and,

    e) The number of homes and disposition of homes inspected but not compliant by the end of the prior fiscal year.

28) Requires the deputy director to post all reports on the internet website of the SFM within six months of the end of each fiscal year.

29) Requires the deputy director to prepare a report evaluating the data collected from local agencies, which shall include an examination of the best performing local agencies for each year, and shall post this Report on the internet website of the OSFM within six months of the end of each fiscal year.

30) In addition to funds for wildfire inspectors, a local agency that complies may request additional funds to provide grants to homeowners to assist with costs associated with early compliance with zone 0 regulations within VHFHSZs subject to the discretion of the deputy director.

31) Requires, if there are additional funds available from the appropriation, those funds to be used to improve community safety, forest health, and wildfire resilience.

32) Requires, contingent upon an appropriation by the Legislature, in the annual Budget Act, beginning in the 2025–26 fiscal year and extending to the 2028–29 fiscal year, inclusive, CAL FIRE to allocate funds to facilitate early implementation of zone 0 regulations for existing commercial and residential structures, and for other allowable purposes.

33) Requires the SFM to propose to extend the applicability of the building standards adopted pursuant to this section to all reconstruction of all buildings destroyed within the perimeters of a wildfire that occurs on and after July 1, 2026.

34) Expands the eligible activities under CAL FIRE's local assistance grant program to include:

a) Projects to plan and carry out risk-targeted wildfire prevention work within a local government's jurisdiction. Provides that costs for these projects may include the following:

   i) Costs necessary to use the risk targeting Framework once available, to select, plan, and implement projects for both of the following purposes:

      (1) Maximum cost-effective wildfire risk reduction value within and near to communities.

      (2) Maximum cost-effective wildfire risk reduction value to wildlands within the state.

   ii) Implementation of activities consistent with early zone 0 implementation for fiscal years 2025–2026 to 2028–2029, inclusive.

35) Requires the application of the ember-resistant zone regulation to take effect as follows:

   a) For an existing structure not used as a rental property, the requirement for an ember-resistant zone applies either upon the sale of that structure or three years after the regulatory effective date for a new structure, whichever comes first.

   b) For an existing structure that is used as a rental property, the requirement for an ember-resistant zone applies on the same date as the effective date for a new structure.

36) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement**:

   Preventing catastrophic wildfire requires strong coordination between all of our investments, Building on current efforts, this bill would create a planning structure to maximize the effectiveness of California's work to reduce the impacts of wildfire. As California spends more to prevent catastrophic wildfire, we should also make sure that these investments go as far as possible in keeping residents safe. This bill creates a planning structure that does just that and ensures that all our efforts are well coordinated.

2) **Wildfire prevention**. Wildfires have been growing in size, duration, and destructivity over the past 20 years. Over just the last two years, more than 17,000 fires consumed nearly 7 million acres of California – an area the size of the state of Massachusetts. These fires decimated mountain communities including Grizzly Flats, Greenville, and Berry Creek and forced more than a quarter of a million people to evacuate. These figures do not include the

recent destruction of the Palisades and Eaton Fires in Los Angeles, which burned an area nearly the size of Washington, D.C.

3) **Wildfire risk mitigation**. In 2019, the Legislature enacted SB 209 (Dodd), Chapter 405, Statutes of 2019, to establish the state's Wildfire Forecast and Threat Intelligence Integration Center (Center), which requires Office of Emergency Services and CAL FIRE to jointly establish a first-of-its-kind center focused on wildfire forecasting; wildfire risk, hazard, and threat assessments; fire weather and fire behavior; and, intelligence gathering, analysis, and dissemination. The Center began operations on July 1, 2022, and is developing a statewide Wildfire Forecast and threat intelligence strategy to improve how wildfire threats are identical, understood, and shared in order to reduce threats to residents, businesses, and governments.

   AB 9 (Wood), Chapter 225, Statutes of 2021, created the Community Wildfire Preparedness and Mitigation Division within the OSFM. The deputy director is responsible for fire preparedness and mitigation missions of CAL FIRE, including oversight of the Fire Prevention Grants Program, defensible space requirements, the California wildfire mitigation financial assistance program, the establishment of fire hazard severity zones, consultation with the OEIS regarding wildfire mitigation plans, general plan safety element review, wildland building code standards, and implementation of the minimum fire safety standards.

   To further wildfire risk reduction strategies, this bill requires the deputy director to prepare three coordinated efforts:

   1) A Wildfire Risk Mitigation Planning Framework sufficient to quantitatively evaluate wildfire risk mitigation actions. It will be required to allow for geospatial evaluation and comparison of wildfire risk mitigation actions sufficient to direct coordinated mitigation efforts and long-term collaborative mitigation planning.

   2) A Wildfire Risk Baseline and Forecast for the state that delineates on a statewide level and by county, and include geographic specificity to sufficiently evaluate targeted wildfire risk mitigation actions. The Forecast will contain, at a minimum, estimates of current ignition risk and an evaluation of the consequences of potential ignitions to human life and safety, structures and critical infrastructure, cultural and historic resources, public health, ecosystems and ecosystem services, and any other material consequences, among other things.

   3) A Wildfire Mitigation Scenarios Report to identify a reasonable range of possible scenarios for overall wildfire risk mitigation spending over the next one-year and three-year periods, quantify the overall risk reduction achieved via implementation of all planned and potential wildfire risk mitigation actions relative to the baseline level of unmitigated risk contained in the most recent Forecast, and quantify the risk-spend efficiency of all planned wildfire risk mitigation actions using the Framework.

   The Los Angeles County Fire Department writes that SB 326 aligns with the County's wildfire prevention initiatives, promoting a coordinated approach to risk mitigation and states, "establishing clear expectations for risk assessment and mitigation planning will maximize the impact of statewide investments in wildfire preparedness."

4) **Wildfire Mitigation Plans**. Electrical infrastructure is a common ignition point for wildfires. Other common sources of ignition include arson, campfires, equipment use, lightning, and vehicles. While high winds can blow vegetation into utility lines from far distances, removing vegetation in contact with utility lines has been found effective in reducing fire starts. A dozen fires that ripped through Northern California in October 2017 were sparked by downed power lines owned by PG&E, according to CAL FIRE. The fires burned across Napa, Sonoma, Humboldt, Butte, and Mendocino counties and killed 19 people. A year later, the Camp Fire was sparked in Butte County by faulty electrical equipment operated by PG&E. The fire decimated several communities, including the town of Paradise. In total, 85 people died in the fire, making it the deadliest blaze in the state's history. In 2019, 10% of wildfires and 65% of acres burned were caused by electrical equipment. In 2021, the Dixie Fire ignited after a Douglas fir tree fell and struck energized conductors owned and operated by PG&E.

   Electric utilities are required to implement WMPs assessing their level of wildfire risk and providing plans for wildfire risk reduction. The six investor owned utilities currently employ an enhanced sensor technology that can sense a disturbance on an energized distribution line and turn the circuit off. If an object makes contact with an energized line, such as a tree that falls on a line as a result of high winds, or an animal chews through the line, the sensor trips the line off.

   Pacific Forest Trust notes that while recent years have brought substantial investments in fire mitigation, there has not been systematic coordination between state and federal government, electric utilities, and other parties.

   More recently, the California Wildfire and Forest Resilience Task Force, a multi-agency effort to identify needs and develop strategies to better manage wildfires, has produced plans to better manage wildfire risk. Wildfire prevention funding is derived from multiple sources. At the state level, Investor Owned Utilities (IOUs) spend more than $10 billion per year. The state is investing around $2.7 billion over five years, plus $200 million Greenhouse Gas Reduction Fund annually. Additionally, the U.S. Forest Service is spending approximately $930 million towards these efforts. In other words, IOUs are annually spending nearly 10 times the combined state and federal expenditures. No framework exists to evaluate how these multiple wildfire prevention programs interact and can best be coordinated to maximize their success and cost-effectiveness for wildfire risk reduction.

   This bill requires the deputy director, in consultation with the state hazard mitigation officer, to prepare the Forecast in coordination with WMPs and local hazard mitigation plans. Further, the bill requires the deputy director to provide recommendations in the Report on how to achieve better coordination, risk to spend efficiency, and overall cost-effectiveness, in specific regions and statewide, between utility-related wildfire mitigation investments made pursuant to a WMP and nonutility wildfire mitigation investments.

5) **Fire Hazard Severity Zones**. FHSZs are categorized as moderate, high, and very high based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. FHSZ maps evaluate "hazard" based on the physical conditions that create a likelihood and expected fire behavior over a 30 to 50-year period without considering mitigation measures such as home hardening, defensible space, vegetation management, or fuel reduction efforts.

CAL FIRE mapped the three tiered FHSZs for the SRA and the VHFHSZ for the lands managed locally in the LRA, which includes incorporated cities, urban regions, agriculture lands, and portions of the desert where the local government is responsible for wildfire protection. This is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract.

SB 63 (Stern), Chapter 382, Statutes of 2021, requires CAL FIRE to adopt of all three FHSZs in the LRA. On March 10, CAL FIRE released maps that added thousands of acres of lands within FHSZs across 15 Central Valley counties that previously had no acres zoned for fire hazard. New maps for Southern California were released March 24.

CAL FIRE uses the same modeling data that are used to map the SRA to develop the FHSZs in the LRA. Creating maps is a laborious process that requires scrutinizing detailed data across the state, including small pockets of potentially flammable wildlands within cities, and then coordinating with hundreds of local jurisdictions for validation of the mapping.

6) **Defensible space.** The defensible space requirements for all structures within the SRA and VHFHSZs in the LRA 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, required the Board to adopt regulations, by January 1, 2023, to create an ember-resistant zone (i.e., zone 0). The Board has not yet promulgated regulations effectuating that defensible space requirement for an ember resistant zone. On February 6, Governor Newsom signed executive order N-18-25 directing the Board to adopt the final ember-resistant zone regulations by December 31, 2025.

   AB 38 (Wood), Chapter 391, Statutes of 2019, requires defensible space inspections upon the sale of a home in areas designated high and VHFHSZs. The ember-resistant zone regulations will be verified under that law once the regulations are in effect.

   This bill would authorize a local agency to apply for funding from CAL FIRE to fund wildfire inspections in VHFHSZs, and require, as a condition of receiving funds, the local agency to adopt an ordinance applying the ember-resistance regulations in VHFHSZs and adopted a civil penalty for noncompliance.

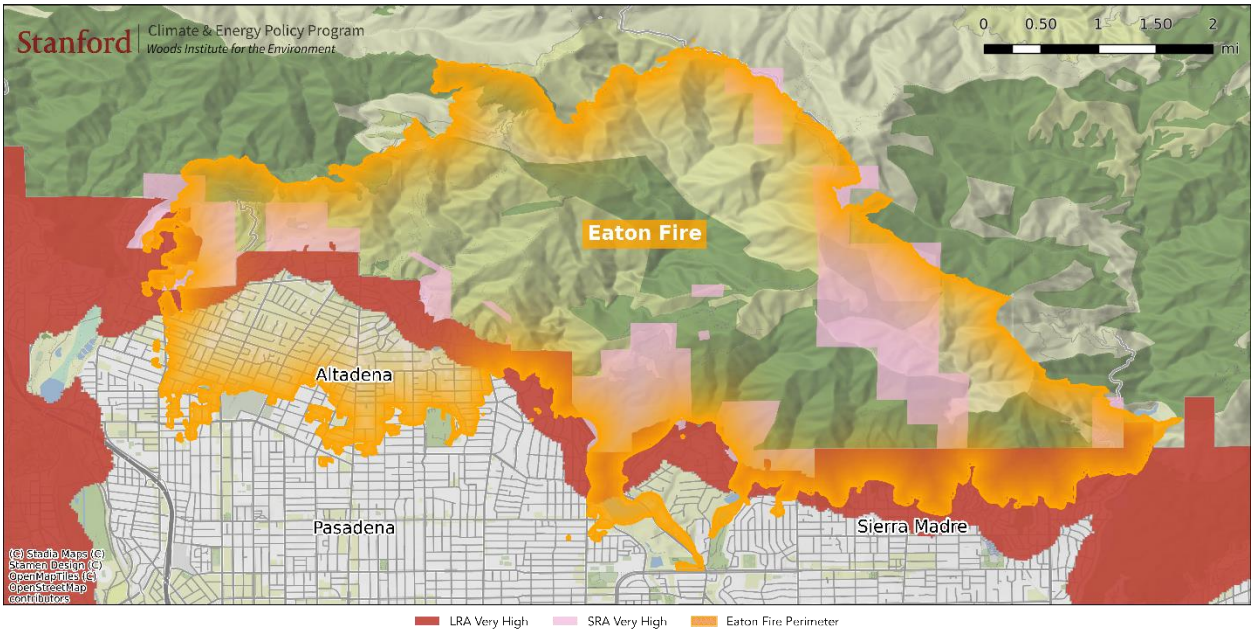
   Local governments are not required to adopt regulations to effectuate defensible space requirements locally, though some have. Los Angeles County adopted County Fire Code 327.1 to require defensible space compliance consistent with PRC 4291.5 and authorizes administrative fines, noncompliance fees, and/or possible liens for noncompliant parcels. The intent with this bill is to encourage local governments to apply for funding and push them to adopt ordinances to enforce the defensible space requirements.

7) **Building standards**. Applicable to all new developments located in the SRA and the VHFHSZs in LRAs, California's Building Code Chapter 7A establishes building standards for building materials used to resist the intrusion of flames or embers projected by a wildfire. It can be applied to new construction or for retrofitting an older home. California's wildfire building code went into effect in 2008 and mandates fire-resistant siding, tempered glass, vegetation management, and ignition-resistant roofs, standards for vents, decks, under eves,

siding, windows, gutters, vents for attics and crawlspaces designed to resist embers and flames. These standards, which are periodically updated, have been shown to work. An analysis by the Sacramento Bee showed that approximately 51% of the 350 single-family homes built after 2008 in the path of the Camp Fire were undamaged. By contrast, only 18% of the 12,100 homes built prior to 2008 escaped damage. Existing structures are not mandated to be retrofitted to the Chapter 7A standard. Property owners and tenants are highly encouraged to adopt best management practices to harden a home from wildfire. CAL FIRE recently created a low cost retrofit list with a number of home retrofits that can be completed at relatively minimal cost.

This bill requires the SFM, and on or before July 1, 2026, to propose to extend the applicability of the home hardening building standards to all reconstruction of all buildings destroyed within the perimeters of a wildfire that occurs on or after July 1, 2026. Provided by the Standard University Climate & Energy Program, the map below shows the current (expanded in 2024/2025) areas where CAL FIRE mapping will require implementation of Chapter 7a building standards compared to the area that burned in Altadena during the Eaton Fire. Everywhere not in the CAL FIRE VHHSZ in the LRA will not be required to rebuild to the Chapter 7a code.

A comparison of areas where the Ch. 7a building code would apply 2025 and the Eaton Fire perimeter



8) **Existing structures**. Current law requires the ember-resident zone regulations to take effect for existing structures three years after the effective date for the new structures. This bill modifies the effective dates for existing structures in the SRA to discern between primary residences and rental properties. For an existing structure not used as a rental property, the requirement for an ember-resistant zone applies either upon the sale of that structure (consistent with AB 38) or three years after the regulatory effective date for a new structure, whichever comes first. For an existing structure that is used as a rental property, the requirement for an ember-resistant zone applies on the same date as the effective date for a new structure.

9) **Inspections.** Current law requires CAL FIRE to maintain a defensible space training program for qualified entities (PRC 4291.5). That statute currently only applies to defensible space education and outreach in the SRA. It is worth noting the legislature is also currently considering SB 514 (Cabaldon) to expand the training program to do inspections and outreach in the LRA. The author may wish to coordinate efforts.

10) **CAL FIRE grants**. This bill requires CAL FIRE, upon appropriation, to make grant funding available to local governments to implement fire reduction efforts consistent with the Framework and for conducting zone 0 inspections. CAL FIRE administers an existing local assistance grant program for fire prevention and home hardening education activities in California to establish a robust year-round fire prevention effort in and near fire-threatened communities that focuses on increasing the protection of people, structures, and communities. The grant-funded opportunities in this bill could be more efficiently provided through that local assistance grant program, or another program at CAL FIRE.

11) **Double referral**. This bill was heard in the Assembly Emergency Management Committee on June 30 and approved 5-0.

12) **Committee amendments**: The *Committee may wish to amend the bill* to require the opportunities for local grants in the bill to be administered through an existing local assistance grant program at CAL FIRE.

13) **Related legislation**:

a) AB 1455 (Bryan) clarifies the Board's authority to adopt regulations to implement defensible space requirements for an ember-resistant zone in the LRA and authorizes adoption of the regulations for the SRA and LRA as emergency regulations. This bill is referred to the Senate Natural Resources & Water Committee.

b) SB 514 (Cabaldon) deletes the sunset date on the statewide program to allow qualified entities to support and augment CAL FIRE in its defensible space and home hardening assessment; adds nonprofit entities focused on wildfire resiliency and contractors who conduct specified wildfire resiliency activities to the list of qualified entities; and, authorizes qualified entities to additionally assess compliance with defensible space requirements applicable to LRA. This bill is referred to the Assembly Natural Resources Committee.

c) SB 629 (Durazo) requires the SFM to map areas of the state previous burned by a wildfire and requires the application of specified wildfire risk mitigation regulations to those mapped areas. This bill is referred to the Assembly Natural Resources Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Environmental Voters
County of Los Angeles Board of Supervisors
Independent Insurance Agents & Brokers of California, INC.
James Hardie
League of California Cities

Marin Clean Energy
San Mateo; County of
USGBC California
Vibrant Planet, a Public Benefit Corporation

Opposition

None on file

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 514 (Cabaldon) – As Amended June 25, 2025

SENATE VOTE: not relevant

SUBJECT: Wildfire prevention: qualified entities: assessments

SUMMARY: Eliminates the sunset date on the statewide program to allow qualified entities to support and augment CAL FIRE in its defensible space and home hardening assessment; adds nonprofit entities focused on wildfire resiliency and contractors who conduct specified wildfire resiliency activities to the list of qualified entities; and, authorizes qualified entities to additionally assess compliance with defensible space requirements applicable to local responsibility areas (LRA).

EXISTING LAW:

1) 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. (Public Resources Code (PRC) 4291.5 (b))

2) 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))

3) Requires CAL FIRE to annually report to the Legislature all defensible space data collected. 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, requires the report to 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. Sunsets the reporting requirement on January 1, 2026. (PRC 4291.5 (h)(1))

4) 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)

5) 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 in the LRA 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. (Government Code (GC) 51182)

6) Defines "property owner" as a person who owns, leases, controls, operates, or maintains a building or structure in the state responsibility area (PRC 4291) and as a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure within a very high fire hazard severity zone (FHSZ) designated by the local agency. (GC 51182 (a))

THIS BILL:

1) Expands the definition of "qualified entity" to include nonprofit entities focused on wildfire resiliency and contractors who conduct defensible space, homehardening, fuel reduction, roadside clearance, and other contracting activities for wildfire reiliency efforts.

2) Requires the qualified entities participating in the program to be authorized by the director to additionally assess compliance with the defensible space requirements in the LRA.

3) Requires data obtained voluntarily from a property owner to be anonymized and kept confidential if requested by the property owner, and prohibits the data from being used for compliance or enforcement purposes associated with ordinances that directly relate to defensible space and home hardening investigations unless specifically requested by the property owner.

4) Requires CAL FIRE's annual reporting to the Legislature on defensible space compliance to additionally include defensible space compliance in the LRA.

5) Finds and declares that the amendments to PRC 4291.5 impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution.

6) Eliminates the January 1, 2026, sunset date on CAL FIRE's defensible space training program.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement**:

> As California's wildfire season lengthens, and the number of residential areas considered high risk grows, it's more critical than ever that property owners maintain defensible space around their homes. Existing ordinances and regulations require them to do so, but research suggests that many do not – either because they lack the resources or don't fully understand the risk that fire poses to their property. The state has left defensible space rules largely unenforced with an average inspection rate of just 17 percent. Nonetheless, fear of enforcement can make homeowners reluctant to seek technical assistance on how to create defensible space. SB 514 will help by encouraging property owners to voluntarily

comply. The bill lets those who request defensible space inspections keep their data confidential and ensures the information won't be used for enforcement against them. It also allows wildlife resiliency non-profits and qualified contractors to do inspections. Finally, it removes the sunset from the defensible space data reporting platform, which allows the state to gather information about compliance, helping California further understand how our homes can be protected.

2) **Defensible space**. 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.

   Current state law requires the Board of Forestry to establish defensible space requirements for structures in the SRA and very high FHSZs in the LRAs in California. (There are estimated to be about 768,000 structures in the SRA and roughly 700,000 structures in very high FHSZs in the LRA.) 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.

   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.

3) **Statewide training program**. In 2023, the Office of the State Fire Marshal (OSFM) established a statewide program to allow qualified entities to support CAL FIRE in its defensible space and home hardening assessment and education efforts. Qualified entities include the California Conservation Corps, California Volunteers, Resource Conservation Districts, Fire Safe Councils, Firewise, University of California Fire Advisors, Registered Professional Foresters, and local agencies, and who, once certified, can then provide nonregulatory assistance to homeowners to reduce fire risk and achieve compliance with defensible space requirements within the SRA. This includes educating property owners about wildfire safety improvements that may be undertaken to harden a structure and make it more resistant to wildfire and assessing whether wildfire safety improvements have been completed on or around a structure.

   A pilot program was established using trained personnel from the El Dorado County Fire Safe Council with the first Defensible Space and Home Hardening Assessor course being taught in April 2023. The California Conservation Corps hosted a training for its

Corpsmembers and staff in in the fall of 2023. As of May 2025, there were 214 trained assessors under the program.

4) **This bill**. CAL FIRE acknowledges that the training program will create more face-to-face interaction and educational opportunities between homeowners and individuals who are trained in defensible space and home hardening. By expanding the program to the LRA, this bill will have a farther reach to more properties across the state to provide greater wildfire resilience.

   Further, SB 514 expands the list of qualified entities to include nonprofits and contractors, boosting the workforce that can skillfully inform and educate residents living in more urban areas in the LRA.

   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 $25 million is available to create a Defensible Space Financial Assistance Program under CAL FIRE, providing direct financial assistance to implement defensible space and best practices.

   Should the bill advance, the author may wish to work with CAL FIRE to appropriately clarify jurisdiction over inspections in each responsibility area.

5) **Related legislation**:

   a) AB 261 (Quirk Silva) authorizes the SFM to confer with entities and members of the public on wildfire safety improvements and other actions that may impact the degree of fire hazard in an area or the area's recommended FHSZ designation, and authorizes the SFM to provide a written response to an entity on actions that may impact the degree of fire hazard, and would require this written response to be posted on the SFM's internet website. This bill is referred to the Senate Governmental Organization and Natural Resources & Water Committees.

   b) AB 1143 (Bennett) requires, on or before January 1, 2027, the SFM's Wildfire Mitigation Advisory Committee to develop a home hardening certification program that identifies home hardening measures, including defensible space, that can be implemented during renovation or property improvement projects, or both, to substantially reduce the risk of loss during a fire and bring existing building stock into alignment with state building standards for wildland-urban interface areas. This bill is referred to the Senate Governmental Organization and Natural Resources & Water Committees.

   c) AB 1457 (Bryan) requires the CAL FIRE 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. This bill is referred to the Senate Natural Resources & Water Committee.

   d) SB 326 (Becker) requires the deputy director of CAL FIRE to prepare a framework sufficient to quantitatively evaluate wildfire risk mitigation actions as determined by the deputy director; to prepare a Wildfire Risk Baseline and Forecast delineated on a statewide level and by county, and to include geographic specificity as determined by the

deputy director to be sufficient to evaluate targeted wildfire risk mitigation actions; and, to prepare a Wildfire Mitigation Scenarios Report, to be updated annually. This bill is referred to the Assembly Natural Resources Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Napa Communities Firewise Foundation
Napa County

Opposition

None on file

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 542 (Limón) – As Amended May 23, 2025

SENATE VOTE: 28-11

SUBJECT: Oil spill prevention: administrator for oil spill response: duties

SUMMARY: Prohibits the restart of an existing oil pipeline that has not been in use for five or more years from being restarted without certain hydrostatic testing in order to reduce the risk of an oil spill upon returning to service; requires public notice and comment before a certificate of financial responsibility (COFR) is issued; and, requires that the formulas for determining the amount of a COFR reviewed every 10 years, among other provisions.

EXISTING LAW:

1) Pursuant to the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act:

    a) Requires the administrator for the Office of Spill Prevention and Response (OSPR), acting at the direction of the governor, to implement activities relating to oil spill response, including emergency drills and preparedness, and oil spill containment and cleanup. (Government Code (GC) 8670.1)

    b) Bestows the administrator with primary authority to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in the waters of the state as specified. (GC 8670.6 - 8670.14)

    c) Prohibits the following unless the responsible party has received a copy of a COFR issued by the administrator: (GC 8670.37.51)

        i) A tank vessel or vessel carrying oil as a secondary cargo from being used to transport oil across waters of the state;

        ii) An operator of a marine terminal within the state from transferring oil to or from a tank vessel or vessel carrying oil as a secondary cargo; and,

        iii) An operator of a marine terminal within the state from transferring oil to or from any vessel that is or is intended to be used for transporting oil as cargo to or from a second vessel.

    d) Requires an owner or operator of a facility where a spill could impact waters of the state to apply for and obtain a COFR issued by the administrator for the facility or the oil to be handled, stored, or transported by the facility. (GC 8670.37.51)

2) Pursuant to the Elder California Pipeline Safety Act of 1981:

a) Requires the State Fire Marshal (SFM) to exercise safety regulatory jurisdiction over intrastate pipelines used for the transportation of hazardous or highly volatile liquid substances. (GC 51010)

b) Defines "hydrostatic testing" as the application of internal pressure above the normal or maximum operating pressure to a segment of pipeline, under no-flow conditions for a fixed period of time, utilizing a liquid test medium. (GC 51010.5)

c) Requires the following testing requirements: (GC 51013.5)

   i) Every newly constructed pipeline, existing pipeline, or part of a pipeline system that has been relocated or replaced, and every pipeline that transports a hazardous liquid substance or highly volatile liquid substance, to be tested in accordance with Subpart E of Part 195 of Title 49 of the Code of Federal Regulations;

   ii) Every pipeline not provided with properly sized automatic pressure relief devices or properly designed pressure limiting devices to be hydrostatically tested annually;

   iii) Every pipeline older than 10 years of age and not provided with effective cathodic protection to be hydrostatically tested every three years, except for those on the SFM's list of higher risk pipelines, which shall be hydrostatically tested annually;

   iv) Every pipeline older than 10 years of age and provided with effective cathodic protection to be hydrostatically tested every five years, except for those on the SFM's list of higher risk pipelines which shall be hydrostatically tested every two years; and,

   v) Piping within a refined products bulk loading facility served by pipeline to be tested hydrostatically at 125% of maximum allowable operating pressure using the product ordinarily transported in that piping if that piping is operated at a stress level of 20% or less of the specified minimum yield strength of the pipe. Requires the frequency for pressure testing these pipelines to be every five years for those pipelines with effective cathodic protection and every three years for those pipelines without effective cathodic protection.

THIS BILL:

1) Prohibits, in order to reduce the risk of an oil spill upon returning to service, every existing oil pipeline that has not been in use for five or more years to not be restarted without passing a spike hydrostatic testing program performed in segments to ensure every elevation point will be tested with a minimum test pressure between 100% and 110% of the specific minimum yield strength for a 30-minute spike test, immediately followed by a pressure test in accordance with Subpart E of Part 195 of Title 49 of the Code of Federal Regulations.

2) Requires, for an oil pipeline subject to testing pursuant to #1 above, there to be a public notice and comment process before the administrator issues a COFR.

3) Requires, commencing January 15, 2026, and at least once every 10 years thereafter, the administrator to review and revise the formulas for calculating reasonable worst-case spills

and the financial assurances necessary to respond to an oil spill to reflect the best available information through a notice and comment rulemaking procedure.

4) Provides that no reimbursement is required by this bill pursuant to the California Constitution.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill would have likely significant ongoing costs (special fund) for OSPR to implement the hydrostatic testing requirements, review and revise formulas for calculating financial assurances, and provide notification and a public comment process as specified.

COMMENTS:

1) **Author's statement**:

> There has been an extensive and unfortunate history of disastrous oil spills along the Central and Southern California coasts. Even with technological advancements and expansion of spill response capabilities, damaging spills cause millions of dollars in damage, severely impact the economies of local communities, and kill innumerable animal life.
>
> SB 542 strengthens current statute to help reduce the risk of an oil spill by requiring a public process prior to the issuance of a COFR for oil pipelines and require, prior to the restart of any pipeline that has not been in use for five or more years, a comprehensive hydro test to in addition to any other in-line pipeline tests.

2) **Hydrostatic testing**. According to the SFM, California is home to more than 5,600 miles of hazardous liquid pipelines that transport crude oil, refined products (e.g., gasoline, diesel, jet fuel) and highly volatile liquids around the state from production facilities to refineries and ultimately to market. These pipelines operate at high pressures. Should they fail, they would pose a threat to the residents of California, property, and the environment. To prevent accidents and spills, state and federal regulations require pipeline operators to conduct hydrostatic pressure tests to ensure the integrity of their pipelines.

   Under current state law, operators are required to pressure test each hazardous liquid pipeline by an independent third-party approved by the SFM at least once every five years, once every two years for high risk, and once per year for buried pipelines without cathodic protection. Testing results are submitted to the SFM for review and concurrence. Tests are randomly witnessed by SFM Pipeline Safety Engineers to verify compliance with the SFM pressure testing requirements.

   A pressure test involves pressurizing a pipeline with a test medium (usually water) to a pressure more than its Maximum Operating Pressure (MOP). The pipeline successfully passes the hydrostatic pressure test if it can withstand that pressure for a set period of time (usually 8 hours). A MOP hydrotest determines the proof of fitness for service of a pipeline at the time of the test. This test is typically done prior to the start of a pipeline and prior to the transmission of any gases or liquids. The regulation overseeing MOP hydrotesting can be found in Subpart E of Part 195 of Title 49 of the Code of Federal Regulations, which is referenced in the language of SB 542.

Spike hydrotesting, another pressure test, is meant to find cracking threats or corrosion in a pipeline's walls, welds, seals, or joints by using water testing at higher pressures. A spike hydrotest is designed to load pressure on a pipe to between 100% and 110% of the specified minimum yield strength (%SMYS) of the pipeline and usually requires pressurized testing for 15 minutes to one hour. The SMYS is the minimum amount of stress a pipe can withstand before experiencing permanent damage.

The author's office explains that most pipelines that carry hazardous liquids, including oil, are designed to operate at a hoop stress level equal to 72% of SMYS, so pressurizing the pipeline to 100 %SMYS through a hydrotest would equal the hoop stress level of 72% of SMYS operating pressure, simulating normal transmission of oil. A 110 %SMYS hydrotest would equal 80% of SMYS operating pressure. Pushing the pressure to 110 %SMYS would elevate the pipeline pressure in exceedance of the normal operating to 80% of SMYS, therefore ensuring any corrosion or leaks are easily detected. However, adding additional pressure beyond 110 %SMYS would potentially damage the pipeline or make the pipeline unusable.

SB 542 requires, in order to reduce the risk of an oil spill upon returning to service, notwithstanding any other law, every existing oil pipeline that has not been in use for five or more years are not be restarted without passing a spike hydrostatic testing program with a minimum test pressure between 100% and 110% of the SMYS for a 30-minute spike test, immediately followed by a pressure test in accordance with federal regulations.

3) **Financial assurances and worst case scenarios**. Identifying that the threat of an oil spill is never zero, OSPR issues COFRs to facilities, vessels, and pipelines that are required to have a California Oil Spill Contingency Plan, following submittal of an application and proof that the applicant has the financial resources to cover the cost of response for a "worst-case scenario" spill.

   There are numerous methods available to an owner or operator of an oil facility to demonstrate financial responsibility including insurance, self-insurance, guaranty, a letter of credit, surety bonds, Protection and Indemnity Club membership, a combination of methods, or even other methods deemed acceptable to OSPR. In order to maintain a COFR, the applicant is required to annually provide evidence of renewed COFR and prior to the expiration of the COFR the owner or operator must submit a renewal application.

   There is no requirement that the regulations governing worst-case spills be regularly updated, and as such, they have not been. The worst-case spill regulation oversees not only oil pipelines and oil facilities, but also vessels and marine terminals. The marine facility reasonable "worst-case spill" volume calculations were established in regulation in 1993 using methods aligned with federal worst-case discharge calculations. There were minor changes to the offshore platform calculations in 2011 and a minor change to the facility persistence multiplier in the early- to mid- 2000s. Inland facility reasonable worst-case spill calculation methods were established in 2019 and have not changed.

   The last time the maximum amounts for a particular COFR were set in regulation was the maximum for Inland Facilities in 2019 at $100 million. Additionally, the maximum for marine facilities ($300 million) was set in 1995. The max for non-tank vessels ($300 million) was set in 2000, and small tank barges ($1 billion) was set in regulation in 2003. There are

statutory maximum amounts for tank and non-tank vessels but there are no statutory maximum amounts for pipelines and facilities.

4) **The bill**. SB 542 requires, starting January 15, 2026, and at least once every 10 years thereafter, the OSPR administrator to review and revise the formulas for calculating reasonable worst-case spills and the financial assurances necessary to respond to an oil spill to reflect the best available information through a notice and comment rulemaking procedure. According to the author, adding a public review period adds transparency to a largely internal procedure that determines what a "worst-case scenario" spill from an oil pipeline may be.

5) **Double referral**. This bill is also referred to the Assembly Emergency Management Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

350 Bay Area Action
350 Santa Barbara
Azul
Bixby Residential, INC.
Business Alliance for Protecting the Pacific Coast
Center for Biological Diversity
Center on Race, Poverty, & the Environment
Central Coast Climate Justice Network
Cleanearth4kids.org
Climate First: Replacing Oil & Gas
Climate Hawks Vote
Clue-SB Environmental Justice Group
Coastal Band of the Chumash Nation
Defenders of Wildlife
Elected Officials to Protect America - Code Blue
Environmental Action Committee of West Marin
Environmental Defense Center
Food & Water Watch
Friends Committee on Legislation of California
Get Oil Out!
International Marine Mammal Project of the Earth Island Institute
Ocean Conservation Research
Oil and Gas Action Network
Patagonia
Quabajai Coastal Chumash Keepers of the Western Gate
S.F. Bay Physicians for Social Responsibility
Sacred Places Institute for Indigenous Peoples
Sandiego350
Santa Barbara Channelkeeper
Santa Barbara County Action Network
Sierra Club California
Sierra Club Santa Barbara Group
Socal 350 Climate Action
Society of Fearless Grandmothers of SB
Solano County Democratic Central Committee
Stand.earth
Sunflower Alliance
The Climate Center
UCSB As Environmental Affairs Board
Ventura Coastkeeper
Wishtoyo Chumash Foundation

Opposition

None on file

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 613 (Stern) – As Amended June 30, 2025

SENATE VOTE: 37-0

SUBJECT: Methane emissions: petroleum and natural gas producing low methane emissions

SUMMARY: Requires state agencies to prioritize strategies to reduce methane emissions from imported petroleum and natural gas and requires the Air Resources Board (ARB) to encourage procurement of certified natural gas producing low methane emissions, as specified.

EXISTING LAW:

1) Requires ARB to use the best available science to quantify and annually report on its website the amount of greenhouse gas (GHG) emissions resulting from the loss or release of natural gas during all processes associated with the production, processing, and transport of natural gas imported into the state from out-of-state sources. (Health & Safety Code (HSC) 39607)

2) Requires ARB to consult with specified entities to gather information for purposes of carrying out life-cycle GHG emissions analyses of natural gas imports.

3) Requires the Public Utilities Commission (PUC), in consultation with ARB, to minimize natural gas leaks from PUC-regulated gas pipeline facilities, and provide for the development of metrics to quantify the volume of emissions from leaking gas pipeline facilities, and to evaluate and track leaks geographically and over time.

4) Requires all state agencies to consider and implement strategies to reduce their GHG emissions. (HSC 38592)

THIS BILL:

1) Defines "measure, monitor, report, and verify" or "MMRV" as a framework used for the systematic measuring of emissions, including the documentation and verification of the accuracy of the reported data.

2) Requires state agencies to prioritize strategies to reduce methane emissions, including emissions from imported petroleum and natural gas, where feasible and cost effective.

3) Authorizes ARB, the PUC, and other relevant agencies to apply approved MMRV protocols to existing programs to reduce methane emissions, including emissions from imported petroleum and natural gas procured by utilities and other large gas users.

4) Requires ARB to encourage natural gas procurement on behalf of the state to shift to certified natural gas producing low methane emissions, as verified by MMRV, where feasible, cost effective, and in the best interests of ratepayers as determined by the PUC.

5) Provides that these requirements shall not be construed to require any new or additional petroleum and natural gas utility procurement or to promote the expanded use of petroleum and natural gas from fossil resources and is not intended to interfere with state efforts to reduce the use of petroleum and natural gas or increase the production and use of renewable gas.

6) Makes related findings.

FISCAL EFFECT: According to the Senate Appropriations Committee, unknown but likely significant ongoing costs (Cost of Implementation Account) for ARB to implement the provisions of this bill.

COMMENTS:

1) **Background**. Methane is the principal component of natural gas. It is also produced biologically under anaerobic conditions in ruminant animals and solid waste facilities. Methane is termed a Short-Lived Climate Pollutant (SLCP) because it has a much shorter lifetime in the atmosphere than carbon dioxide, but has a much higher global warming potential. According to the United Nations Environment Programme, methane is more than 80 times more effective than carbon dioxide in trapping heat in the atmosphere over a 20-year period. SLCPs, including methane, are responsible for 30-40% of global warming to date.

   Atmospheric methane concentrations have been increasing as a result of human activities related to agriculture, fossil fuel extraction and distribution, and waste generation and processing. Methane gas from oil and gas production and distribution is a growing source of emissions in many countries, including the United States, due to increased exploration and use of natural gas for energy.

   Natural gas is primarily methane. It can be burned for energy or used as a chemical feedstock. Nearly 45% of the natural gas burned in California is used for electricity generation, and much of the remainder is consumed in the residential (21%), industrial (25%), and commercial (9%) sectors. California continues to depend on out-of-state imports for nearly 90% of its natural gas supply.

   Regardless of the end uses, making natural gas ready for use relies on extensive processing and transportation. These steps are categorized as either “upstream” (exploration and production), “midstream” (processing, compressing, and transporting the gas), or “downstream” (distribution to industrial, residential, or commercial customers).

   The term “fugitive emissions” is used to refer to unintended emissions at any step in this process. Notably, many of these fugitive emissions are not necessarily at the “point of production” of the natural gas. Overall, the majority of methane emissions from natural gas occur in the mid- and upstream processes.

   Identifying and addressing points of methane leakage along the natural gas supply chain is a pressing issue. However, identifying fugitive methane emissions is technologically challenging. Given the strong warming effects of methane in the atmosphere, minimizing its release is important to mitigate climate change. Given the value of supplying natural gas to

end users, minimizing its release can benefit suppliers' bottom line and much of the methane emission mitigation work can actually save producers money. The International Energy Agency (IEA) has stated that there is a huge opportunity to cut methane emissions from the energy sector. The IEA estimates that more than 70% of current emissions from oil and gas operations are already technically feasible to prevent, and around 45% could typically be avoided at no net cost because the value of the captured gas is higher than the cost of the abatement measure.

With natural gas drawing increasing scrutiny for its emissions footprint, the industry has responded with a cleaned-up version of its traditional product, known as certified gas. While a universally accepted definition has yet to emerge, broadly this term refers to gas that has been verified by an independent third party to have been produced in a manner consistent with certain environmental, social, and governance standards. Methane emissions are a key performance metric for certified gas, with an emphasis on monitoring and measurement.

2) **Author's statement**:

> California imports about 90% of its natural gas from other states and countries, and imports about 50% of our oil from Iraq, Saudi Arabia, Ecuador, Brazil, Guyana, and Canada. We are still amongst the largest users of fossil petroleum and fossil gas in the whole world. It is important to reduce methane emissions, including emissions from imported petroleum and natural gas. This bill will encourage natural gas procurement to shift to low-leakage natural gas where feasible, cost effective, and in the best interests of ratepayers. State agencies can utilizing existing state reporting and data collection efforts such as the world-leading state satellite tracking efforts to reduce emissions and send market signals.

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

REGISTERED SUPPORT / OPPOSITION:

Support

PureWest Energy

Opposition

None on file

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 643 (Caballero) – As Amended June 26, 2025

SENATE VOTE: 37-0

SUBJECT: Carbon Dioxide Removal Purchase Program

SUMMARY: Establishes the Carbon Dioxide Removal Purchase Program (CDRPP), which is intended to advance the development of carbon dioxide removal (CDR) technologies through a competitive grant program administered by the Air Resources Board (ARB), subject to future appropriation of funds for this purpose.

EXISTING LAW:

1) Requires ARB, pursuant to the California Global Warming Solutions Act, to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to 1990 levels by 2020 and to adopt rules and regulations to achieve maximum technologically feasible and cost-effective GHG emission reductions. (Health and Safety Code (HSC) 38500 *et seq*.)

2) Requires ARB to ensure that statewide GHG emissions are reduced to at least 40% below the 1990 level by 2030. (HSC 38566)

3) Establishes, pursuant to the California Climate Crisis Act, the policy of the state to achieve net zero GHG emissions by 2045, maintain net negative GHG emissions thereafter, and ensure that by 2045, statewide anthropogenic GHG emissions are reduced to at least 85% below the statewide GHG emissions limit. (HSC 38562.2)

4) Requires ARB to prepare and approve a scoping plan, at least once every five years, for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions from sources or categories of sources of GHG emissions. (HSC 38561)

5) Requires ARB to establish CDR targets for 2030 and beyond, taking into consideration the Natural and Working Lands Climate Smart Strategy, science-based data, cost-effectiveness, and technological feasibility. (HSC 39740.2)

6) Requires ARB to establish a Carbon Capture, Removal, Utilization, and Storage Program and defines CDR as anthropogenic activities that use technologies or engineered strategies to remove carbon dioxide from the atmosphere and put it into long-term storage, including direct air capture. (HSC 39741 and 39741.1)

THIS BILL:

1) Requires ARB establish and administer the CDRPP, a competitive grant process for eligible CDR projects, to advance the development of CDR technologies in order to achieve the state's climate goals, while supporting the development of eligible CDR projects that provide economic, community, and environmental benefits within the state.

2) Requires ARB to do all of the following:

   a) Administer the competitive grant program, as specified.

   b) On or before January 1, 2028, and annually thereafter, conduct and publish on its internet website a survey of CDR projects existing or in development within the state, as specified.

   c) Conduct at least two public workshops to receive comments from the public.

   d) On or before December 31, 2027, and annually thereafter, publish on its internet website a report describing program activities completed CDR projects to date.

   e) On or after July 1, 2026, but on or before December 31, 2035, fund CDR projects in an amount totaling $50 million.

   f) Only fund eligible CDR projects that meet both of the following requirements:

      i) The eligible CDR project demonstrates the ability to secure carbon removal purchases from third parties in an amount at least equal to the amount of funds provided to that project by ARB.

      ii) The eligible CDR is additional, as defined.

   g) To the extent feasible, provide grants CDR projects operating in at least two of the following categories:

      i) Direct air capture.

      ii) Biomass carbon removal and storage.

      iii) Enhanced mineralization or enhanced weathering.

      iv) Marine carbon dioxide removal.

   h) Prioritize the following criteria in selecting eligible CDR projects through the program:

      i) The potential of an eligible CDR project to accelerate development of CDR strategies to the scale needed to achieve the state target for total CDR by the year 2045.

      ii) The potential of an eligible CDR project to be completed on or before December 31, 2035.

      iii) The anticipated impacts of the community benefit mechanisms associated with an eligible CDR project.

      iv) Distribution of program funds across multiple geographic areas and multiple eligible CDR project categories.

i) On or before January 1, 2028, adopt guidelines for the program that include all of the following:

i) The definition of an eligible CDR project.

ii) A requirement that an eligible CDR project be physically located within the state.

iii) A requirement that an eligible CDR project incorporate or fund community benefit mechanisms commensurate with the eligible CDR project.

iv) A requirement that an eligible CDR project results in carbon dioxide removals that are verified in the claimed quantity by an independent third-party verifier using appropriate, industry-standard protocols.

v) A minimum duration of sequestration, elimination, or other storage of removed gases without leakage to the atmosphere that is sufficiently long enough to ensure that the risk of leakage poses no material threat to public health, safety, the environment, or the achievement of net zero greenhouse gas emissions in California, and shall not be less than 100 years.

vi) A prohibition against the use of CDR processes for purposes of enhanced oil recovery.

vii) A prohibition against the use of a biomass feedstock for CDR, unless it is for biomass carbon removal and storage, as defined.

3) Provides that implementation is subject to an appropriation by the Legislature.

4) Makes related findings.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- ARB estimates ongoing costs of about $2.4 million annually (Greenhouse Gas Reduction Fund [GGRF]) and 11 positions to implement the CDRPP.

- One-time costs of $50 million spread over multiple years prior to 2036 (GGRF or other fund) for grants to support CDR projects.

COMMENTS:

1) **Background**. CDR is an umbrella term used to describe a range of strategies used to remove CO2 from the atmosphere, without a relationship to where or when the CO2 was emitted. In contrast to carbon capture, CDR is a negative emissions strategy when it involves capturing legacy CO2 directly from the atmosphere. To store the CO2 for long periods, it is generally injected underground into geological formations, such as former oil and gas reservoirs, deep saline formations, and coal beds.

Radical cuts in GHG emissions are critical to climate change mitigation, but in parallel with emissions reductions, most experts agree that CDR is necessary to avert further climate

disaster. The Intergovernmental Panel on Climate Change's (IPCC) Sixth Assessment asserts that global emissions will need to be cut by almost half by 2030 if warming is to be limited to 1.5°C, the global target in the Paris Agreement. It acknowledged that CDR will be necessary to meet the 1.5°C target, especially in hard-to-abate sectors.

California too has acknowledged the need for CDR. California has a statutory goal to achieve net zero GHG emissions by 2045, with a reduction in emissions of at least 85% from 1990 levels. This leaves 15% of emissions that need to be removed, estimated to be about 65 million metric tons (MMT). To balance out those remaining 15% of emissions, ARB's 2022 Scoping Plan projected that the state will need about 75 MMT of CDR by 2045 (65 MMT to balance out the 15% of remaining emissions in the state inventory plus 10 MMT to balance estimated net emissions from natural and working lands).

There are many biological and non-biological processes that remove carbon dioxide from the air and turn it into a solid form, ranging from photosynthesis in plants to chemical capture with engineered membrane filters. Each process is unique and requires careful consideration to evaluate its usefulness. For example, Frontier (an advanced market commitment to procure and drive market development for CDR) evaluates projects on eight characteristics: durability, physical footprint, cost, capacity, net negativity, additionality, verifiability, and safety and legality.

In this bill, four specific types of CDR are called out: direct air capture, biomass carbon removal and storage, enhanced mineralization or weathering, and marine CDR.

2) **Author's statement**:

   CDR refers to removing carbon dioxide from the atmosphere and permanently storing it in places like cement, or deep underground in geologically secure locations or in the ocean. It does not refer to capturing CO2 from industrial smokestacks. ARB's 2022 Scoping Plan for Achieving Carbon Neutrality stated that "there is no path to carbon neutrality without carbon removal and sequestration" and established CDR targets of 7 million metric tons (MMT) annually by 2030 and 75 MMT annually by 2045.

   Over the last several years, a small number of companies have voluntarily purchased CDR removals as part of their own carbon neutrality goals, but none of the CDR removals have occurred in California. To meet the urgent need to reach carbon neutrality by 2045, this bill directs ARB to fund and track CDR projects. By accelerating CDR development and deployment, the bill is an integral step to remove carbon dioxide from the atmosphere and meet the state's climate goals.

3) **Everything a grant program needs, except the money**. This bill is predicated on an appropriation of $50 million which was not in the budget bill and has yet to be approved.

4) **Double referral**. This bill has been double-referred to the Utilities and Energy Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

4 Corners Carbon Coalition
Airminers
Airmyne
Alkali Earth
Altasea at the Port of Los Angeles
Andes
California State Pipe Trades Council
Carbon Blade Corporation
Carbon Capture
Carbonbuilt
Carbonfuture
CDR.fyi
Charm Industrial
City of King
Clarity Tech
Climeworks
Crew Carbon
Direct Air Capture Coalition
Equatic Tech
Heirloom Carbon
Indigenous Greenhouse Gas Removal Commission
Neocarbon
Noya
Offstream
Openair
Openair Collective
Our Carbon
Pacific Coast Legacy Emissions Action Network
Parallel Carbon
Partnerships for Tribal Carbon Solutions
Patch Technologies
Project 2030
Restore the Delta
Rethinking Removals
Sitos Group
Stripe
US Biochar Coalition
Vycarb
World Resources Institute
Xprize
Yosemite Clean Energy

Opposition

350 Humboldt
Biofuelwatch
Center for Biological Diversity
Center on Race, Poverty & the Environment
Environmental Protection Information Center

Forests Forever
Green America
John Muir Project
Mount Shasta Bioregional Ecology Center
Partnership for Policy Integrity
Sonoma County Climate Activist Network (SOCOCAN!)
We Advocate Thorough Environmental Review

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 674 (Cabaldon) – As Amended March 24, 2025

SENATE VOTE: 38-0

SUBJECT: Beverage containers: recycling: redemption payment and refund value

SUMMARY: Reduces the California Redemption Value (CRV) on beverage containers subject to the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill) that are a box, bladder, pouch, or similar container with a capacity less than 24 fluid ounces that is filled with wine or distilled spirits from 25 cents to 10 cents.

EXISTING LAW:

1) Establishes the Bottle Bill, which is administered by the Department of Resources Recycling and Recovery (CalRecycle). The Bottle Bill requires beverage containers to have a CRV of 5 cents for most beverage containers that hold fewer than 24 ounces and 10 cents for most containers that hold 24 ounces or more. The Bottle Bill additionally sets a CRV of 25 cents for boxes, bladders, or pouches containing wine, distilled spirits, wine coolers, or distilled spirit coolers. (Public Resources Code (PRC) 14500 *et seq*.)

2) Establishes the California Beverage Container Recycling Fund (BCRF) and continuously appropriates moneys in the BCRF to CalRecycle for specified purposes for the Bottle Bill, including paying operation costs, paying grants, and paying handling fees. (PRC 14580)

3) Defines "beverage" to include beer and malt beverages, wine and distilled spirit coolers, carbonated and noncarbonated water, soft drinks, sport drinks, fruit drinks, coffee and tea drinks, vegetable juice, distilled spirits, and wine. (PRC 14504)

4) Defines "beverage container" as the individual, separate bottle, can, jar, carton, or other receptacle in which a beverage is sold, and that is constructed of metal, glass, plastic, or any other material, or any combination of these materials. (PRC 14505)

FISCAL EFFECT: According to the Senate Appropriations Committee, unknown, potentially significant forgone revenue, possibly in the millions of dollars annually (BCRF), due to a reduction in CRV deposits on small box, bladder, or pouched wine or distilled spirits. This decrease in revenue would be largely offset by decreased expenditures for reduced CRV payouts on these containers if they are redeemed by consumers. On average, beverage containers currently in the program are recycled at a rate of about 75%. If the specific containers that would be affected by this bill are recycled at a similar rate, the net fiscal effect would likely be fewer dollars going to the BCRF.

CalRecycle estimates one-time costs of about $200,000 (BCRF) to update database infrastructure to reflect the new CRV rates for the specified container types identified in SB 674.

COMMENTS:

1) **Bottle Bill.** The Bottle Bill was established in 1986 to be a self-funded program that encourages consumers to recycle beverage containers and to prevent littering. The program accomplishes this goal by requiring consumers to pay a deposit for each eligible container purchased. Then the program guarantees consumers repayment of that deposit, the CRV, for each eligible container returned to a certified recycler. Statute includes two main goals for the program: (1) reducing litter; and, (2) achieving a recycling rate of 80% for eligible containers. Containers recycled through the Bottle Bill's certified recycling centers also provides a consistent, clean, uncontaminated stream of recycled materials with minimal processing.

2) **Funding**. The CRV is paid up-front by distributors to CalRecycle for every covered beverage container sold in the state. Next, distributors are paid by retailers for the CRV collected on beverages sold, and retailers collect the CRV from consumers at the time of retail sale. CRV is paid into the BCRF, which is used to fund CRV redemption when consumers return beverage containers for recycling. Unredeemed CRV funds are used to fund the administration of the Bottle Bill, grants that advance recycling, and various payments that keep the program running.

   When the recycling rate increases, less funding is available to make all the budgeted payments prescribed in statute, including funding CRV redemptions, administration, local grants, and other payments. A structural deficit occurs when funding needs exceed revenue. When recycling rates are high, the BCRF operates in a structural deficit. If a structural deficit persists long enough to threaten funding sufficiency, CalRecycle is required to "proportionally reduce" spending equally across nearly all funding expenditures to preserve sufficient funding to refund CRV to consumers.

3) **Recent expansions**. The Bottle Bill historically included most glass, aluminum, and plastic containers for water, beer, soda, sports drinks, and smaller containers of fruit and vegetable juices. In 2022, it was expanded to include wine and distilled spirits, including wine sold in boxes, pouches, and bladders. In 2024, it was expanded to include all vegetable and fruit juice containers. As new containers are added to the program, there tends to be an initial increase in unredeemed CRV due to lower recycling rates for the new containers. As consumers begin returning the containers for recycling, that initial increase in unredeemed CRV slows or potentially even results in a structural deficit, depending on the recycling rate.

4) **Boxes, bladders, and pouches**. The legislation that added wine and distilled spirits, SB 1013 (Atkins), Chapter 610, Statutes of 2022, set the CRV for wine in boxes, bladders, and pouches at 25 cents. The higher CRV was intended to reflect the challenges associated with these container types. These containers have little to no scrap value, and the state does not currently have the infrastructure necessary to collect and recycle them.

5) **Timing**. This bill revises the CRV on containers that were only included in the Bottle Bill at the beginning of 2024. There is very little information available yet regarding redemption rates, recycling costs, and their impact to the BCRF. Additionally, when the CRV reduction goes into effect, the redemption value will be lower (by 15 cents per container) than what the consumer paid at the time of purchase. A fundamental tenet of the Bottle Bill is that consumers are able to redeem the full CRV.

6) **Author's statement**:

Affordability is the top concern for California residents. Whether it's the price of eggs, the cost of a family vehicle, or the variable cost of similar goods, our constituents are constantly evaluating their purchases to find the best price possible.

Unfortunately, due to prior legislation, Californians are being disincentivized from purchasing a product that offers several environmental benefits. Current law assesses a California Redemption Value of $0.25 on all boxed wines and spirits, regardless of their size. Newer to market single serving boxed wines in containers often referred to as Tetra Pak's, are competing with canned products that are only charged a fee of $0.05 if the product is less than 24 ounces.

The environmental benefits of these new single serving beverages are significant and include increased packaging efficiency, reducing greenhouse gas emissions during transportation, decreased product wastage due to longer shelf life, and the ability to be turned into durable, sustainable building materials with an 80% lower carbon footprint than traditional building materials.

SB 674 creates a more equitable CRV for boxed wine and spirits under 24 ounces by lowering the CRV to $.10. This change ensures that consumers of all economic levels can choose environmentally sustainable products while also thinking about affordability.

7) **Previous legislation**.

AB 457 (Aguiar-Curry, 2024) would have reduced the CRV for small box, bladder, or pouched wine or distilled spirits in the Bottle Bill from 25 cents to 10 cents, and authorized small beverage container distributors, to make a single annual payment of redemption payments. This bill was vetoed by the governor.

SB 353 (Dodd), Chapter 868, Statutes of 2023, added fruit juice containers of 46 ounces or more and vegetable juice containers 16 ounces or more to the Bottle Bill beginning January 1, 2024. Increases processing payments by changing the method for determining scrap value and provides an additional payment to rural recycling centers for handling glass containers.

SB 1013 (Atkins), Chapter 610, Statutes of 2022, brings wine and distilled spirits into the California Beverage Container Recycling Program, introduces new grant programs, expands the convenience zones, and creates dealer cooperatives to serve unserved areas.

REGISTERED SUPPORT / OPPOSITION:

Support

Beatbox Beverages, LLC

Opposition

Ardagh Glass Corporation
Glass Packaging Institute

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 676 (Limón) – As Amended March 24, 2025

SENATE VOTE: 39-0

SUBJECT: California Environmental Quality Act: judicial streamlining: state of emergency: fire

SUMMARY: Establishes expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for a project that is located in a geographic area that was damaged by a fire for which the Governor declared a state of emergency, requiring the courts to resolve lawsuits within 270 days, to the extent feasible.

EXISTING LAW:

1) CEQA 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) Authorizes judicial review of CEQA actions taken by public agencies, following the agency's decision to carry out or approve the project. Challenges alleging improper determination that a project may have a significant effect on the environment, or alleging an EIR does not comply with CEQA, must be filed in the superior court within 30 days of filing of the notice of approval. The courts are required to give CEQA actions preference over all other civil actions. Requires the court to regulate the briefing schedule so that, to the extent feasible, hearings commence within one year of the filing of the appeal. Requires the plaintiff to request a hearing within 90 days of filing the petition. Requires the court to establish a briefing schedule and a hearing date, requires briefing to be completed within 90 days of the plaintiff's request for hearing, and requires the hearing, to the extent feasible, to be held within 30 days thereafter. (PRC 21167 *et seq*.)

3) Establishes an alternative, optional procedure for concurrent preparation and certification of the administrative record in electronic form, as follows:

    a) Requires the lead agency, upon written request by a project applicant and with consent of the lead agency, to concurrently prepare the record of proceedings with the administrative process.

    b) Requires all documents and other materials placed in the record of proceedings to be posted on a Web site maintained by the lead agency.

    c) Requires the lead agency to make publicly available, in electronic format, the draft environmental document, and associated documents, for the project.

d) Requires the lead agency to make any comment publicly available electronically within five days of its receipt.

e) Requires the lead agency to certify the record of proceedings within 30 days after filing notice of determination or approval.

f) Requires certain environmental review documents to include a notice, as specified, stating that the document is subject to this section.

g) Requires the applicant to pay for the lead agency's cost of concurrently preparing and certifying the record of proceedings.

(PRC 21167.6.2)

THIS BILL:

1) Requires, for a project that is located in a geographic area that was damaged by a fire for which the Governor declared a state of emergency, and the project is not otherwise exempt from CEQA under the existing emergency exemption or by a Governor's executive order:

   a) Concurrent preparation of the administrative record pursuant to PRC 21167.6.2.

   b) Lawsuits challenging approval of the project to be resolved, to the extent feasible, within 270 calendar days of the filing of the certified record of proceedings with the court.

2) Requires the Judicial Council to adopt rules of court to implement this requirement.

3) Provides the bill:

   a) Applies only to a project that is consistent with the applicable zoning and land use ordinances.

   b) Does not apply to a project that is proposed after the Governor rescinds the emergency declaration.

   c) Applies to projects in a geographic area that was damaged by fire for which the Governor has declared a state of emergency on or after January 1, 2023.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- Unknown but potentially significant cost pressure (General Fund) to the state-funded court system to process and hear challenges to the project's environmental review within the timeframes prescribed by the bill.

- Unknown but potentially significant costs (General Fund) to Judicial Council to adopt rules of the court to guide implementation of the provisions of this bill.

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 there would not be 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 on the environment, the lead agency must prepare an EIR.

An EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Generally, CEQA actions taken by public agencies can be challenged in superior court once the agency approves or determines to carry out the project. CEQA appeals are subject to unusually short statutes of limitations. Under current law, court challenges of CEQA decisions generally must be filed within 30-35 days, depending on the type of decision. The courts are required to give CEQA actions preference over all other civil actions. However, the schedules for briefing, hearing, and decision are less definite. The petitioner must request a hearing within 90 days of filing the petition and, generally, briefing must be completed within 90 days of the request for hearing. There is no deadline specified for the court to render a decision.

2) **Author's statement**:

> The LA wildfires, Eaton and Palisades have reportedly caused property losses close to $53 billion. In addition, a few weeks prior to the LA wildfires, the Mountain Fire in Camarillo destroyed 243 structures. As wildfire risks continue to rise every year, it is imperative that we ensure affected communities can be restored after a disaster. By adding consistency to the community rebuilding process, SB 676 aims to support the state's wildfire resiliency efforts.

3) **An unpredictable expansion of expedited judicial review**. This bill proposes to offer expedited judicial review to any project in an eligible fire-damaged area. This extends well beyond replacement of fire-damaged structures, which are typically exempt from CEQA, to include new projects of any type that may have no relationship to fire damage except for location in an area covered by a fire-related emergency declaration.

In light of the staff and cost pressures the 270-day timeline creates on the judicial branch, prior bills have required project applicants to pay the costs of the trial court and court of appeal related to the courts hearing and adjudicating any expedited CEQA lawsuit.

CEQA litigation already enjoys significant preferences and protections for project proponents and lead agencies. For example, affordable housing projects challenged under CEQA can seek the imposition of financial assurances from plaintiffs to ensure the project is not harmed by frivolous litigation. Additionally, the existing civil litigation calendaring preferences means that CEQA litigation takes priority over all other civil cases, including those involving elderly or terminally-ill plaintiffs, eviction and other housing related matters, labor and back wage disputes, and cases in which person's civil rights and liberties are at stake.

CEQA cases can be highly complex, and in order to facilitate proper review of the cases staff assets may be pulled from other judicial departments. This bill may dramatically expand the number of cases that seek judicial streamlining. While the courts successfully managed the few cases that have been fast-tracked since 2011, should this bill result in an influx of streamlined cases, the courts may become overwhelmed. If the trial courts are presented with multiple cases, the feasibility of resolving each case in time may diminish, as will the benefit of the bill.

4) **Suggested amendments**. This bill appears to apply more broadly than the author's stated intent to support rebuilding of fire-damaged communities. *The author and the committee may wish to consider* amending the bill to apply to projects to "maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire, where the project is located in a geographic area for which the Governor declared a state of emergency."

5) **Double referral**. This bill has been double-referred to the Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association
California Association of Realtors
League of California Cities

Opposition

Judicial Council of California

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

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 856 (Committee on Natural Resources and Water) – As Amended April 21, 2025

SENATE VOTE: 36-0

SUBJECT: California Coastal Act of 1976: filing fee waiver: Marine Invasive Species Act: biennial reports: semiannual updates

SUMMARY: Authorizes the California Coastal Commission (Commission) to waive the filing fee for an application for a coastal development permit (CDP) amendment; requires the California State Lands Commission (SLC) to prepare a report on the Marine Invasive Species Program (MISP) triennially, instead of biennially; requires the SLC to post certain information on its internet website semiannually; and, makes technical changes to the MISP report to address potential federal preemption issues.

EXISTING LAW:

1) Pursuant to the California Coastal Act (Public Resources Code (PRC) 30000 *et seq.*):

    a) Requires, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person wishing to perform or undertake any development in the coastal zone, other than a specified facility, to obtain a CDP.

    b) Requires, if prior to certification of its local coastal plan (LCP), a CDP to be obtained from the Commission or from a local government, as provided. Requires, after certification of its LCP, a CDP to be obtained from the local government.

    c) Establishes the policy of the state that no less than 50% of funds received by the state from the federal government pursuant to the Federal Coastal Zone Management Act of 1972 shall be used for the preparation, review, approval, certification, and implementation of LCPs.

    d) Requires the Commission to prepare interim procedures for the submission, review, and appeal of CDP applications and of claims of exemption. Authorizes the Commission to require a reasonable filing fee and the reimbursement of expenses for the processing by the Commission of an application for a CDP.

2) Pursuant to the Marine Invasive Species Act (PRC 71200-71202):

    a) Establishes the Act to apply to all vessels, United States and foreign, carrying, or capable of carrying, ballast water into the coastal waters of the state after operating outside of the coastal waters of the state, with specified exceptions.

    b) Requires SLC, in consultation with the State Water Resources Control Board, the Department of Fish and Wildlife, and the United States Coast Guard, to update biennially the report on ballast water discharge.

THIS BILL:

1) Authorizes the Commission to waive the filing fee for an application for a CDP or permit amendment required under the Coastal Act. Authorizes, when the Commission waives the filing fee, the Commission to specify whether the waiver also applies to future applications for an amendment to the permit.

2) Makes clarifying statutory delineations of the coastal zone in Los Angeles County and Orange County.

3) Changes the requirement for SLC to update its report on ballast water discharge from biennially to triennially.

4) Requires, on or before April 30, 2026, and updated semiannually, SLC to publish on its internet website both of the following:

   a) A summary of the information provided in the ballast water management report forms submitted to SLC, including vessel arrival data indicating vessel type and arrival port, and volumes of ballast water discharged into state waters by vessel type and arrival port; and,

   b) Inspection and compliance rates for vessels, as available.

5) Deletes obsolete references and makes technical cleanup changes to update erroneous cross references.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill has negligible state costs and was approved pursuant to Senate Rule 28.8.

COMMENTS:

1) **Author's statement**:

   > The 2025 Senate Natural Resources and Water Committee omnibus bill includes minor technical changes and clarifying changes to statute that affects the Commission and the SLC.

2) **CDP Filing fees**. The Commission administers the Coastal Act and regulates proposed development along the coast and in nearby areas in the coastal zone. Generally, any development activity in the coastal zone requires a CDP from the Commission or local government with a certified LCP. In the jurisdictions with certified LCPs, local governments issue CDPs with detailed planning and design standards. About 88% of the coastal zone is governed by a certified LCP. There are 14 jurisdictions (out of 15 counties and 61 cities) without LCPs – also known as "uncertified" jurisdictions – where the Commission is still the permitting authority for CDPs.

   The Commission charges filing fees for processing CDP applications at varying amounts depending on the size, scope, and grading of a proposed project, as outlined in Title 14 of the California Code of Regulations sec. 13055. The established fee is required to be paid in full at the time the CDP application is filed.

SB 856 authorizes the Commission to waive the filing fee for an application for a CDP or permit amendment required under the Coastal Act.

3) **Marine Invasive Species Program**. Shipping is the major pathway by which aquatic invasive (nonnative) species are transported around the globe and is responsible for up to 79.5% of established aquatic invasive species introductions in North America. Commercial ships transport organisms through ballast water and vessel biofouling. Ballast water is used by ships to maintain stability at sea. When ballast water is loaded in one port and discharged in another, the entrained organisms are introduced to new regions.

   The MISP is designed to reduce the risk of introducing non-native species into state waters from vessels 300 gross registered tons and greater that are capable of carrying ballast water. Every two years, the SLC is tasked with updating the Legislature on the broader program with a formal report on MISP activities.

   In 2025 Biennial Report, the SLC made a number of recommendations based on data in the report. The recommendations included amending the MISA to require that the MISP report be updated triennially instead of biennially and amendments to align with the federal Vessel Incidental Discharge Act.

   Consistent with those recommendations, SB 856 changes the requirement for SLC to update its report from biennially to triennially and requires SLC to publish on its internet website both a summary of the information provided in the ballast water management report forms, including vessel arrival data indicating vessel type and arrival port, and volumes of ballast water discharged into state waters by vessel type and arrival port; and, inspection and compliance rates for vessels, as available.

REGISTERED SUPPORT / OPPOSITION:

Support

California Coastal Commission
California State Lands Commission

Opposition

None on file

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