California State Assembly

NATURAL RESOURCES

ISAAC G BRYAN
CHAIR

AGENDA

Monday, July 14, 2025
2:30 p.m. -- State Capitol, Room 437

BILLS HEARD IN SIGN-IN ORDER

** = Bills Proposed for Consent

1.	SB 71	Wiener	California Environmental Quality Act: exemptions: environmental leadership transit projects.
2.	SB 298	Caballero	State Energy Resources Conservation and Development Commission: seaports: plan: alternative fuels.
3.	SB 304	Arreguín	Public lands: City of Oakland: Port of Oakland: uses of after-acquired lands.
4.	**SB 423	Smallwood-Cuevas	Inmate firefighters: postsecondary education: enhanced firefighter training and certification program: local handcrew pilot program.
5.	SB 486	Cabaldon	Regional housing: public postsecondary education: changes in enrollment levels: California Environmental Quality Act.
6.	**SB 581	McGuire	Department of Forestry and Fire Protection: employment: firefighters.
7.	SB 614	Stern	Carbon dioxide transport.
8.	SB 615	Allen	Vehicle traction batteries.
9.	SB 629	Durazo	Wildfires: fire hazard severity zones: defensible space, vegetation management, and fuel modification enforcement.
10.	SB 633	Blakespear	Beverage containers: recycling.
11.	SB 675	Padilla	California Environmental Quality Act: environmental leadership development projects: streamlining.
12.	SB 767	Richardson	Energy: transportation fuels: supply: reportable pipelines.
13.	SB 830	Arreguín	California Environmental Quality Act: administrative and judicial streamlining benefits: hospital: City of Emeryville.
14.	SB 840	Limón	Greenhouse gases: report.

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 71 (Wiener) – As Amended June 30, 2025

SENATE VOTE: 36-0

SUBJECT: California Environmental Quality Act: exemptions: environmental leadership transit projects

SUMMARY: Expands and extends existing California Environmental Quality Act (CEQA) exemptions for transit projects, including removing the existing 2030 sunset for most project types and adding a new exemption for diesel train projects until 2040.

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. (Public Resources Code (PRC) 21000 *et seq.*)

2) CEQA exempts specified transportation project types, including the following:

    a) A project for the institution or increase of passenger or commuter service on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities. (PRC 21080(b)(10))
    b) A project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities. (PRC 21080(b)(11))
    c) Facility extensions not to exceed four miles in length which are required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services. (PRC 21080(b)(12))

3) CEQA exempts, until January 1, 2030, active transportation plans, pedestrian plans, or bicycle transportation plans for the restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles. (PRC 21080.20)

4) CEQA exempts, until January 1, 2030, several "clean" public transit project types, including:

    a) A project for the institution or increase of new bus rapid transit, bus, or light rail service, including the rehabilitation of stations, terminals, or existing operations facilities.
    b) A project for the institution or increase of zero-emission passenger rail service within an existing rail or highway right-of-way.
    c) A project to construct or maintain infrastructure to charge or refuel zero-emission transit buses, trains, and ferries.

    (PRC 21080.25)

5) PRC 21080.25 requires exempt projects meet all of the following criteria:

    a) A public agency is carrying out the project and is the lead agency for the project.
    b) The project is located on or within an existing public right-of-way.
    c) The project does not add physical infrastructure that increases new automobile capacity on existing rights-of-way except for minor modifications needed for the efficient and safe movement of transit vehicles, such as extended merging lanes.
    d) The construction of the project does not require the demolition of affordable housing units, including rent-controlled units and units occupied by low-income tenants.

6) PRC 21080.25 requires a project exceeding $100 million to also meet all of the following criteria:

    a) The project is incorporated in a regional transportation plan, sustainable communities strategy, general plan, or other plan that has undergone a programmatic-level environmental review within 10 years of the approval of the project.
    b) Construction impacts are fully mitigated.
    c) The lead agency completes and considers the results of a project business case, a racial equity analysis, and an analysis of residential displacement.
    d) The lead agency holds specified public meetings.

7) PRC 21080.25 requires the lead agency to certify that the project will be completed by a skilled and trained workforce, as specified.

8) CEQA provides for expedited judicial review for up to seven Environmental Leadership Transit Projects (ELTP) to construct a fixed guideway and related fixed facilities that meet all of the following:

    a) The fixed guideway operates at zero emissions.
    b) The project meets certain greenhouse gas emission reduction requirements, depending on the length of the project, without using offsets, as specified.
    c) The project reduces no less than 30,000 vehicle miles traveled in the corridor of the project, as specified.
    d) The project is consistent with the applicable regional transportation plan and sustainable communities strategy or alternative planning strategy.
    e) The project applicant demonstrates how the applicant has incorporated sustainable infrastructure practices to achieve sustainability, resiliency, and climate change mitigation and adaptation goals in the project.
    f) The project is located wholly within the County of Los Angeles or connects to an existing project wholly located in the County of Los Angeles.
    g) The project is approved by the lead agency on or before January 1, 2025.
    h) Requires Judicial Council, on or before January 1, 2023, to adopt rules of court that would apply to an action or proceeding brought to attack, review, set aside, void, or annul the certification of an EIR for an ELTP, as defined by this bill, or the granting of any project approvals, requiring lawsuits and any appeals to be resolved, to the extent feasible, within 365 calendar days of filing the certified record of proceedings.

    (PRC 21168.6.9)

THIS BILL:

1) Removes the existing 2030 sunset from the exemption for active transportation, pedestrian, and bicycle plans, and adds new, permanent exemptions for transit comprehensive operational analyses and transit route changes.

2) Removes the existing 2030 sunset from the PRC 21080.25 exemptions for "clean" transit projects and adds new exemptions for:

   a) Microtransit, paratransit, shuttle, and ferry projects. Provides that the application of this exemption to non-zero-emission vehicles, except for articulated buses, expires January 1, 2032.

   b) Diesel-powered heavy rail projects meeting the "Tier 4" exhaust emissions standard, until January 1, 2040.

3) Expands the footprint of these exemptions from existing rights of way to include projects on any public or private utility property.

4) Removes requirements that transit agencies undertaking charging/refueling projects comply with specified ARB rules.

5) Adjusts the way in which a project's cost is assessed to determine if it costs more than $50 million or $100 million, which triggers certain requirements including holding public hearings. Specifically, this bill would require that the $50 million and $100 million threshold is based on the project engineer's cost estimate, and require that these cost thresholds should be adjusted to the California Consumer Price Index (CPI).

6) Remove specific elements to be contained in the required project business case for projects costing more than $100 million.

7) Extends the deadline for ELTPs from lead agency approval by January 1, 2025 to either lead agency approval by January 1, 2027 or circulation of the draft EIR before January 1, 2025, and eliminates the January 1, 2026 sunset.

FISCAL EFFECT: According to the Senate Appropriations Committee, one-time costs likely around $100,000 - $150,000 and ongoing costs likely in the tens of thousands of dollars annually (General Fund) for the Governor's Office of Land Use and Climate Innovation (LCI) to perform and support anticipated rulemaking as well as update existing technical assistance.

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.

Generally, 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. Prior to approving any project that has received environmental review, an agency must make certain findings. 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.

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. Generally, a petition must be filed within 30 to 35 days, depending on the type of decision. The courts are required to give CEQA actions preference over all other civil actions. 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.

CEQA includes statutory exemptions for certain transportation project types (listed above). In addition, the CEQA Guidelines include categorical exemptions that apply to some transportation projects, including: (1) work on existing facilities where there is negligible expansion of an existing use, specifically including "(e)xisting highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities" (CEQA Guidelines Section 15301(c)); and (2) minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, except for forestry or agricultural purposes, specifically including the creation of bicycle lanes on existing rights-of-way (CEQA Guidelines Section 15304 (h)).

2) **Author's statement**:

> Public transportation is critical to California's future. Streamlining climate-friendly sustainable transportation projects that improve public transportation and make our streets safer for pedestrians, bicyclists, and other vulnerable road users helps the state better deliver on its climate, housing, and social mobility goals. SB 71 makes a critical CEQA exemption - with environmental and other guardrails - for such projects that was first enacted with great success 5 years ago permanent, while slightly expanding and cleaning up the law. At a time where public transportation systems in California and across the nation face acute funding pressures and federal uncertainty, it is critical to enact this reform so that public transportation agencies and local agencies can continue to control capital costs and deliver projects without delay and associated cost increases from the bad-faith abuse of environmental laws. SB 71 will ensure that projects that help the state meet its climate goals, facilitate dense urban infill development, improve access to opportunity and mobility, and support high-quality construction jobs continue, and deliver on the promise of infrastructure investment.

3) **An exemption for diesel train projects until 2040 is a departure from the clean, sustainable transportation focus of this and the prior bills**. Last year, AB 2503 (Lee) added an exemption for passenger heavy rail service projects to the existing "clean" transit exemptions established by SB 288 (Wiener) in 2020, and extended and expanded by SB 922 (Wiener) in 2022. At the time, the argument for AB 2503 was that an exemption was needed to expedite conversion of existing rail lines to catenary (electrified) service. AB 2503 required rail projects to be exclusively zero-emission and located entirely within existing rail

or highway right of way, and, along with the rest of the exemptions in PRC 21080.25, sunset January 1, 2030.

This bill expands the AB 2503 exemption to add diesel-powered passenger rail projects, using "Tier 4" or cleaner engines, until January 1, 2040. The bill also expands the eligible locations for these and other transit line projects, permitting projects on any public or private utility property, rather than limiting to existing rail and highway right of way.

Tier 4 is a federal exhaust emissions standard for diesel engines, including locomotives, that currently reflects the lowest emission diesel combustion engines in commercial use. The Tier 4 standard was adopted by USEPA in 2004 and phased in to apply to locomotives manufactured in 2015 and later. Tier 4 emissions standards are met using a combination of particulate filters, catalysts, and ultra-low sulfur diesel fuel. Going forward, a new diesel passenger rail project is likely to use Tier 4 engines, rather than older, higher-emitting locomotives. Today, Tier 4 is not a new standard or a stretch target. By 2040, Tier 4 is likely to be very outdated.

Diesel exhaust is a carcinogen and a significant contributor of particulate matter in areas of the state designated as serious, severe, and extreme nonattainment, including the South Coast air basin and the San Joaquin Valley. While diesel passenger train service can achieve net emissions benefits compared to other modes of transportation, diesel emissions have significant impacts on communities adjacent to the tracks, particularly near stations or where trains slow or idle. This bill would assure that the impacts of diesel emissions from operation of new passenger rail projects would not be analyzed or mitigated. *The author and the committee may wish to consider* removing or limiting this broad new exemption for diesel train projects.

4) **Expansion to property owned by a public or private utility brings in a wide range of lands that are not compatible with transit projects**. For several project types, including bus, light rail and passenger heavy rail, this bill expands the current limit to existing rights of way to include any property owned by a public or private utility. Electric and water utilities are among the largest landowners in the state, with reservoirs, hydroelectric projects, adjacent watershed lands, forests, and campgrounds. None of these seem to be appropriate sites for CEQA-exempt transit projects. *The author and the committee may wish to consider* limiting the transit line projects to existing rights of way and limiting use of utility property for transit charging/refueling projects to urban areas.

5) **Out of left field**. Senate Floor amendments added Section 3 to this bill, which extends approval deadlines for environmental leadership transit projects in Los Angeles County. A beneficiary of this extension is the Dodgers Stadium Gondola project, which would transport passengers 1.2 miles between Union Station and Dodgers Stadium. Though the project was certified and approved by the lead agency prior to the existing deadlines, it has been delayed due to local opposition and litigation.

Two nonprofits sued the lead agency (LA Metro) under CEQA, arguing that the EIR failed to justify or take into consideration various impacts that the project would have on nearby residents and parks and failed to account for future development that the gondola might make possible. The lower court judge rejected those arguments, but an appellate panel disagreed, writing:

"We agree Metro's decision to reject acoustic retrofitting as a potential mitigation measure was conclusory and lacked substantial evidentiary support…Metro's assertion that acoustic retrofitting is 'generally only considered as potential noise mitigation' for 'significant operational noise impacts' similarly lacks substantial evidentiary support" and citing other issues.

REGISTERED SUPPORT / OPPOSITION:

Support

AARP
Accelerate Neighborhood Climate Action
Alameda County Transportation Commission
Alameda-Contra Costa Transit District (AC Transit)
All Voting Members of the North Westwood Neighborhood Council
American Planning Association, California Chapter
Bay Area Council
California Downtown Association
California Electric Transportation Coalition
California Hydrogen Business Council
California Transit Association
City and County of San Francisco
City of Alameda
City of Goleta
City of San Jose
City of Santa Monica
City/County Association of Governments of San Mateo County
Climate Action California
Foothill Transit
Los Angeles County Metropolitan Transportation Authority
Metropolitan Transportation Commission
Monterey-Salinas Transit (MST)
Orange County Transportation Authority
Orange County
Peninsula Corridor Joint Powers Board (CALTRAIN)
San Diego Association of Governments
San Diego Metropolitan Transit System
San Francisco Bay Area Rapid Transit District (BART)
San Francisco Bay Ferry
San Francisco Municipal Transportation Agency (SFMTA)
San Mateo County Transit District (SAMTRANS)
San Mateo County Transportation Authority
Santa Cruz Metropolitan Transit District
Solano County Transit (SOLTRANS)
Sonoma County Transportation Authority/Regional Climate Protection Authority
Southern California Regional Rail Authority (METROLINK)
SPUR
Stanislaus Regional Transit Authority
Streets for All

Sunline Transit Agency
Transform
Transportation Agency for Monterey County (TAMC)
Valley Industry & Commerce Association

Opposition

Citizens Committee to Complete the Refuge (unless amended)
Livable California

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 298 (Caballero) – As Amended June 27, 2025

SENATE VOTE: 34-0

SUBJECT: State Energy Resources Conservation and Development Commission: seaports: plan: alternative fuels

SUMMARY: Requires the State Energy Resources Conservation and Development Commission (CEC), in coordination with the State Lands Commission (SLC), the State Transportation Agency (CalSTA), and the Air Resources Board (ARB), to develop a plan on or before December 31, 2030, for the alternative fuel needs of oceangoing vessels that call at California's public seaports and that enables the seaports to meet their emissions reduction goals.

EXISTING LAW:

1) Establishes the CEC and specifies the duties of the CEC, which include, but are not limited to assessing trends in energy consumption and forecasting the demand and supply for certain fuels in the states. (Public Resources Code (PRC) 25200 *et seq*.)

2) Establishes the Clean Transportation Program (CTP), which is administered by the CEC, to provide incentives for the development and deployment of innovative fuel and vehicle technologies that support California's climate change policies. (Health and Safety Code (HSC) 44272 and 43018.9)

3) Requires ARB to adopt rules and regulations that will achieve ambient air quality standards required by the federal Clean Air Act. (HSC 39602)

4) Requires ARB, following a noticed public hearing, to adopt airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources. (HSC 39607)

5) Requires, pursuant to the Airborne Toxic Control Measure (ATCM) for Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline regulation the use of low-sulfur marine distillate fuels in order to reduce emissions of particulate matter (PM), diesel particulate matter, nitrogen oxides (NOx), and sulfur oxides from the use of auxiliary diesel and diesel-electric engines, main propulsion diesel engines, and auxiliary boilers on ocean-going vessels. (Title 17 California Code of Regulations 93118.2)

THIS BILL:

1) Requires, on or before December 31, 2030, the CEC, in coordination with SLC, the STA, and ARB, to develop a plan for the alternative fuel needs of oceangoing vessels that call at California's public seaports and that enables the public seaports to meet their emissions reduction goals.

2) Requires the plan to do all of the following:

a) Identify significant alternative fuel infrastructure and equipment trends, needs, and issues;

b) Identify barriers to permitting alternative fuel facilities at seaports and opportunities to address those barriers;

c) Describe seaport facilities that are available and feasible for the development or redevelopment of infrastructure and operations to support the deployment of alternative fuels to oceangoing vessels and related support purposes; and,

d) Provide a forecast of the estimated demand and supply of alternative fuels needed to transition oceangoing vessels to lower emissions fuels and, to the extent feasible, provide estimated costs and timelines for this transition.

3) Requires the CEC to convene a working group to advise SLC on the development of this information.

4) Requires the working group to consist of, but not be limited to, representatives of seaports, marine terminal operators, ocean carriers, waterfront labor, cargo owners, environmental and community advocacy groups, fuel providers, fuel suppliers, fuel producers, barge operators, storage terminal operators, STA, ARB, the Public Utilities Commission, SLC, and air quality management and air pollution control districts.

5) Requires ARB to provide CEC with information regarding fuels for oceangoing vessels that comply with ARB's regulations for those vessels.

FISCAL EFFECT: According to the Senate Appropriations Committee, the CEC estimates costs of at least $636,000 per year over the next five years (Alternative and Renewable Fuel and Vehicle Technology Fund) to convene a working group as well as research, develop, and draft the plan.

COMMENTS:

1) **Author's statement**:

> SB 298 will strengthen California's position as a global leader in both environmental sustainability, economic growth, and workforce training by incentivizing the affordability and availability of alternative fuels for maritime vessels. This bill will help to transition the maritime industry from using diesel products to alternative fuels to reduce harmful emissions and improve air quality along California's coastline, ensuring healthier communities and a cleaner future. The bill creates a path to deploy infrastructure to support the development of fueling facilities for alternative fuels at the ports by 2030. This collaborative effort will not only support California's ambitious climate goals but also ensure the state's ports remain competitive, foster innovation and long-term success for the maritime industry and the workforce that they employ.

2) **Port emissions**. California has 12 ports, through which large volumes of goods are both imported and exported internationally. These ports process about 40% of all containerized imports and 30% of all exports in the United States. Marine ports are a major source of air

pollution and pose a health risk to surrounding communities. Emission sources located at ports such as ocean-going vessels, commercial vessels, cargo handling equipment, and locomotives are soon slated to pass on-road vehicles as the largest mobile source of NOx emissions in the state. The Ports of Los Angeles and Long Beach remain some of the largest sources of air pollution in the South Coast Air Basin. These ports are responsible for about 10% of the basin's total NOx emissions. Communities that neighbor ports face the highest exposure of air pollutants from port operations. As a result, these communities tend to experience a disproportionate share of the pollution burden in the state. For example, nearly all of the census tracts that surround the Ports of Long Beach and Los Angeles are ranked in the top one-third of the most pollution burdened in the state, according to the California Communities Environmental Health Screening Tool, a tool which assesses communities' pollution burden and vulnerability.

3) **ARB regulation**. ARB's existing regulations aimed at reducing emissions from oceangoing vessels. California's At-Berth Regulation (also known as the Shore Power Regulation) targets NOx and diesel PM emissions from certain types of ocean-going vessels including container, refrigerated cargo, and cruise ships at California's six largest ports. The regulation has been phased in over time with regulated fleets currently required to reduce their annual power generation by 80% and operate their engines for three hours during 80% of their visits. Options for vessel operators include shutting down a vessel's engines and plugging into the cleaner electric power grid or using an ARB approved alternative technology such as a barge-based capture and control system that reduces an equivalent amount of vessel emissions. According to ARB, the At-Berth Regulation has shown a medium to high compliance rate since implementation, with between 90 to 97% of fleets complying each year since 2015.

4) In 2020, ARB amended the At-Berth Regulation to expand the requirements to additional types of vessels, include more ports along the coastline, and require the use of an ARB Approved Emission Control Strategy (CAECS) while visiting a port. Potential CAECS technologies may include, but are not limited to: capture and control systems, batteries, fuel cells, and alternative fuels. There are alternative compliance mechanisms for vessels that are unable to use CAECS due to various circumstances. The compliance dates for the amended regulations are staggered by vessel type, starting in 2023 and throughout 2027.

   Under the Ocean-Going Vessel Fuels Enforcement (known as ATCM), ARB requires ocean-going vessels to use 0.1% sulfur, distillate grade fuel within Regulated California Waters (RCW), or 24 nautical miles off shore. According to ARB's 2021 Annual Enforcement Report, staff found a small, yet significant percentage of vessels that enter RCW operating on contaminated fuels that may comply with this sulfur limit, but do not meet the specifications of a distillate grade fuel, resulting in increased emissions of toxic PM from these engines. Certain alternative fuels are exempt from the regulation's requirements. The regulation defines alternative fuels as natural gas, propane, ethanol, methanol, hydrogen, electricity, or fuel cells, including any mixture composed only of these fuels. Ocean-going vessels using these fuels within RCWs waters remain in compliance.

5) **Alternative fuels**. The International Maritime Organization (IMO) set a target of net carbon zero by 2050. The IMO established engine standards for vessels that categorize NOx emissions standards in three tiers based on the vessel's construction date and the engine's rated speed. Tier III requires cleaner vessels in Emission Control Areas (specific geographic

areas across the world designated by international regulation) for vessels built after 2016. Less than 5% of California vessel visits meet Tier III standards.

According to ARB's *Draft Technology Assessment: Ocean-Going Vessels* (May 2018), ocean-going vessel operators are subject to the availability of fuels at the ports where they travel, and there are more than 400 ports around the world that have marine fuel bunkering operations. A vessel operator that wants to use a cleaner or alternative fuel needs to ensure that the fuel is available at all or most of the ports that it may use for bunkering. Fuel is the biggest operating expense -- by some estimates about 80% of a cargo vessel operating cost, dwarfing crew labor costs and even the annualized capital cost of purchasing the vessel. As a result, emission reduction technologies that involve more expensive cleaner fuels can have a significant impact on operating costs.

The Pacific Merchant Shipping Association, sponsor of this bill, notes that "there are currently more than 900 alternative fueled ships on the water, including 4.5% of containerships, but 83% of the total orderbook for the world's largest containerships are alternatively-fueled." The Supply Chain Federation explains that "California's ports face mounting pressures from global competition and increasingly stringent emissions regulations. A clear, actionable plan for alternative fuel infrastructure—developed in collaboration with public agencies, port authorities, marine terminal operators, labor, cargo owners, and environmental advocates—is essential to maintaining the state's cargo competitiveness while meeting international climate goals. Moreover, studies show that cargo diversion away from California ports increases global greenhouse gas emissions, further underscoring the importance of preserving our role as a leading gateway for international trade."

6) **This bill**. SB 298 requires the CEC, in coordination with SLC, the STA, and ARB, to develop a plan for the alternative fuel needs of oceangoing vessels that call at California's public seaports and that enables the public seaports to meet their emissions reduction goals, and requires ARB to provide CEC with information regarding fuels for oceangoing vessels that comply with ARB's regulations for those vessels.

7) **Double referral**. This bill was heard in the Assembly Transportation Committee on July 7 and approved 16-0.

REGISTERED SUPPORT / OPPOSITION:

Support

California Council for Environmental & Economic Balance
Invenergy, LLC
Port of Long Beach
Los Angeles County Business Federation
Pacific Merchant Shipping Association
San Francisco Bar Pilots

Opposition

None on file

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 304 (Arreguín) – As Amended July 7, 2025

SENATE VOTE: Not relevant

SUBJECT: Public lands: City of Oakland: Port of Oakland: uses of after-acquired lands

SUMMARY: Lifts, until February 1, 2066, the use restrictions imposed by the granting statutes and the public trust doctrine for after-acquired lands in Jack London Square and authorizes the Port of Oakland (Port) to lease the after-acquired lands for any purpose subject to specified conditions.

EXISTING LAW:

1) Protects, pursuant to the common law doctrine of the public trust (Public Trust Doctrine), the public's right to use California's waterways for commerce, navigation, fishing, boating, natural habitat protection, and other water oriented activities. The Public Trust Doctrine provides that filled and unfilled tide and submerged lands and the beds of lakes, streams, and other navigable waterways (public trust lands) are to be held in trust by the state for the benefit of the people of California. (National Audubon Society v. Superior Court (1983) 33 Cal.3d 419)

2) Establishes that State Lands Commission (SLC) as the steward and manager of the state's public trust lands. SLC has direct administrative control over the state's public trust lands and oversight authority over public trust lands granted by the Legislature to local public agencies (granted lands). (Public Resources Code (PRC) 6009)

3) Authorizes SLC to enter into an exchange, with any person or any private or public entity, of filled or reclaimed tide and submerged lands or beds of navigable waterways, or interests in these lands, that are subject to the public trust for commerce, navigation, and fisheries, for other lands or interests in lands, if specified conditions are met. (PRC 6307)

THIS BILL:

1) Provides that, notwithstanding any other law, the use restrictions imposed by the granting statues and the public trust doctrine are lifted until February 1, 2066, with respect to the after-acquired lands in Jack London Square, and authorizes the Port to lease the after-acquired lands for any purpose, subject to the conditions listed.

2) Requires the after-acquired lands shall remain subject to the terms and conditions of the granting statutes and the public trust doctrine.

3) Authorizes the Port to lease after-acquired lands in Jack London Square for a nontrust use only if it finds that all of the following conditions will be met:

a) Port revenues derived from a nontrust use are used exclusively for trust-consistent purposes, including, but not limited to, seating, plazas, and wayfinding, and to support equitable public access and visitor-serving programming for a wide range of visitors;

b) Nontrust uses will not impair or harm existing public access or public trust uses and are intended to attract the statewide public to Jack London Square and the waterfront to promote increased use and enjoyment of the area;

c) The nontrust use lease is for fair market value;

d) The nontrust use lease is consistent with the terms of the granting statutes and public trust doctrine, except for use restrictions;

e) The nontrust use leases for each parcel are designed to result in a dynamic, well-balanced tenant mix that promotes, fosters, and enhances public trust uses in Jack London Square; and,

f) The term of such nontrust leases shall not extend beyond January 1, 2066.

4) Requires the Port to make the findings for each proposed nontrust lease at a public meeting, and prohibits the Port from delegating authority to make these findings to any other entity, including a ground lessee. Any nontrust lease or lease amendment entered into without the Port making the findings shall be void.

5) Requires, on February 2, 2066, the use restrictions of the granting statutes and public trust doctrine to resume for all after-acquired lands, and, as of that date the provisions of this bill become inoperative.

6) Requires, or before January 15, 2027, and every year thereafter until February 2, 2066, the Port to provide SLC with a detailed narrative statement including all of the following information:

a) A list of tenants in Jack London Square, categorized as either consistent or inconsistent with the public trust use restrictions including details regarding the square footage for each tenant's lease area, lease term, and the overall square footage for each tenant-occupied structure;

b) A map showing the distribution and location of nontrust use leases;

c) The overall economic health and performance of Jack London Square;

d) Projections of the future economic performance of Jack London Square based on the then-current tenant mix;

e) A description of public access improvements at Jack London Square and how these improvements promote equitable public access to and use and enjoyment of the waterfront; and,

f) The use of revenue derived from nontrust use leases.

7) Authorizes the Port to apply to SLC to categorize additional buildings in Jack London Square as after-acquired lands. Authorizes SLC to categorize a building in Jack London Square as after-acquired, if it finds all of the following:

    a) A single building occupies both original tidelands and submerged lands and after-acquired lands;

    b) Fifty percent or more of the building occupies after-acquired lands;

    c) The building was built before January 1, 2025; and,

    d) The after-acquired portion of the parcel on which the building is located was acquired by the Port using public trust funds on or before January 1, 2025.

8) Requires, upon approval by SLC, effective on the date of SLC's finding, that building to be considered after-acquired land unless and until the building's footprint as it existed on January 1, 2025, is altered to encompass additional original tidelands and submerged lands.

9) Provides that, to the extent that this bill conflicts with the Stipulated Judgment, the Stipulated Judgment shall control, as applicable.

10) States the intent of the Legislature that SLC and the Port use best efforts with relevant parties to lift the use restrictions imposed by the Stipulated Judgment and to hold those restrictions in abeyance for after-acquired lands until February 1, 2066, after which the Stipulated Judgment applies in full force and effect.

11) States the intent of the Legislature that the provisions of this bill as designed to address the unique and limited circumstances of Jack London Square and that this act sets no precedent for any other granted lands or other public trust lands in the state.

12) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of the California Constitution because of the findings and declarations set forth in Section 1.

13) Provides that if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.

FISCAL EFFECT: Due to substantial amendments made in the Assembly, costs are unknown.

COMMENTS:

1) **Author's statement**:

    SB 304 addresses the critical need to modernize the Port of Oakland's public trust lands. By expanding flexibility in permitted uses in consultation with the State Lands Commission, this bill will revitalize the waterfront, promote business investment, enhance community programming, and ensure public access. The bill

reflects the Port's evolving land use goals and commitment to equitable waterfront revitalization.

2) **Public Trust**. The foundational principle of the common law Public Trust Doctrine is that it is an affirmative duty of the state to protect the people's common heritage in navigable waters for their common use. The traditional uses allowed under the Public Trust Doctrine were described as water-related commerce, navigation, and fisheries. As a common law doctrine, the courts have significantly shaped the Public Trust Doctrine in a number of important ways. Courts have found that the public uses to which sovereign lands are subject are sufficiently flexible to encompass changing public needs. The courts have also found that preservation of these lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments that provide food and habitat for birds and marine life, are appropriate uses under the common law Public Trust Doctrine. Courts have also made clear that sovereign lands subject to the Public Trust Doctrine cannot be sold into private ownership.

   For more than 100 years, the Legislature has granted public trust lands to local governments so the lands can be managed locally for the benefit of the people of California. There are more than 70 local trustees in the state, including the ports of Los Angeles, Long Beach, San Diego, San Francisco, Oakland, Richmond, Benicia, and Eureka. While these trust lands are managed locally, SLC has oversight authority to ensure those local trustees are complying with the Public Trust Doctrine and the applicable granting statutes.

   Every local jurisdiction that manages granted public trust lands must adhere to the Public Trust Doctrine. That's the seminal foundation and way that the state preserves public access and use of public lands.

3) **City of Oakland**. Beginning in 1852 and through a series of legislative grants from the state, the City was granted, in trust, sovereign tide and submerged lands located within its boundaries. Through the City's charter, portions of these public trust lands are within the Port and are managed by the City acting by and through its Board of Port Commissioners. The Port manages the granted public trust lands, which are the properties this bill addresses.

4) **Updates to Jack London Square**. The Port is seeking to promote the development, improvement, and economic revitalization of its public trust lands at Jack London Square. Jack London Square is a historic, mixed-use waterfront district within the Port that includes pedestrian-oriented retail, dining, and entertainment uses and a ferry terminal that reinforces the waterfront connection.

   The Port explains that its ability to attract and retain public trust-consistent tenants at Jack London Square has been significantly impaired by external factors beyond its control, including the sharp decline in the tourism and hospitality sectors following the COVID-19 pandemic and the departure of all three of Oakland's professional sports teams—the Warriors, Raiders, and Athletics—which has diminished regional visitation and economic activity.

5) **Hitting pause**. The Legislature, under rare and unique circumstances, has provided a statutory framework for the leasing of granted public trust lands for non-trust uses by the

trustees grounded on findings that the lands are not required for and will not interfere with the uses and purposes of the granting statutes and public trust doctrine.

Portions of Jack London Square consist of property that is not original tide and submerged lands, title to which was not derived from the granting statutes, but were acquired with public trust funds derived from Port operations. These lands, known as after acquired lands, are held by the Port as assets of the statutory trust and accordingly are subject to the granting statute use restrictions, which incorporate public trust use restrictions, but they can be sold into private ownership for fair market value if they are no longer useful or needed for trust purposes.

The findings in the bill state, "Temporarily lifting the public trust use restrictions imposed by the granting statutes, including public trust doctrine use restrictions, on Jack London Square parcels that are wholly located on after acquired lands for a period of time, without removing the land from statutory trust ownership, has the potential to activate Jack London Square.

"Temporarily lifting the trust use restrictions on those buildings, including the portion located on granted tidelands and submerged lands, has the potential to further support the revitalization of Jack London Square and the incidental non-trust use of such lands will not interfere with public trust uses on the remainder of the granted lands at Jack London Square."

The granted lands at Jack London Square constitute approximately 0.5% of the Port's granted lands.

6) **Stipulated Judgement**. In 2002, the Port and developers entered into a development deal in the Jack London District. This included leases to construct a mixed-use commercial development, including the expansion of existing structures and construction of new structures, including infrastructure, on public trust parcels in the Jack London District. At least part of Jack London District – including along the waterfront – was rezoned to "community shopping commercial."

   The state argued that these parcels and development upon them were all subject to the public trust and could only be used consistent with the public trust – including on the after acquired lands to the extent that they remain held by the Port. The public trust does not include general commercial office space, non-visitor serving retail, movie theaters, or parking that does not primarily serve public trust uses. The Port disagreed.

   Ultimately, the California Attorney General's Office, SLC, the Port, and two developers reached an agreement that became a stipulated judgment filed with the Superior Court in Alameda County in February 2005 (Stipulated Judgment). According to the Stipulated Judgment, it "will have numerous benefits for the public trust, including, but not limited to – development of public trust lands in the Jack London Square District for public trust uses such as public walkways, view corridors, restaurants, small-scale retail shops serving visitors, hotels, and a public market featuring goods from California ports." Commitments were also made to phase-out over time certain, presumably non-public trust consistent, uses of some of the parcels.

   The Stipulated Judgment set out the agreed upon uses of the parcels going forward. In general, on the ground floor small scale (less than 5,000 square feet) of visitor-serving retail

is acceptable as are restaurants. Large-scale retail had to be connected with or serving the public trust for water-oriented commerce, navigation, and fisheries. In some locations, if, after a solid effort, an appropriate public trust-consistent tenant could not be found, a lease for general office space on the second floor could be entered into so long as it was for a limited period of time (15 – 25 years depending upon the location) and efforts were made, upon termination of the lease, to lease to a public trust-consistent use. In no instance could the lease extend longer than the 66 year maximum lease length. In some locations, the ground floor and upper floors were required to revert entirely to public trust uses upon the completion of the lease. The Stipulated Judgment allows for temporary non-public-trust-consistent uses for limited periods that were negotiated as part of the settlement.

Approximately 50% of the ground floor space in the Jack London District is currently vacant, which presents challenges to the vibrancy and economic development of the area. The Port has recently proposed allowing much more non-public trust consistent uses – particularly on the ground floor – including uses specifically excluded in the Stipulated Judgment.

7) **This bill**. SB 304 represents an agreement between the SLC and the Port to lift the use restrictions imposed by the granting statutes and Public Trust Doctrine until February 1, 2066, and authorizes the Port to lease after-acquired lands in Jack London Square for a non-trust use subject to the bill's specified conditions (see #5 under the 'This Bill' section).

   The bill is not consistent with the Stipulated Judgement. It states that to the extent the bill conflicts with the Stipulated Judgment, the Stipulated Judgment shall control. The SLC prefers the applicable Stipulated Judgment provisions be held in abeyance for after-acquired lands while the trust use restrictions are lifted, and the bill requires all parties' best efforts to do so until February 1, 2066, after which the Stipulated Judgment applies in full force and effect.

REGISTERED SUPPORT / OPPOSITION:

Support

East Bay Economic Development Alliance
City of Oakland
County of Alameda
Oakland Latino Chamber of Commerce
Oakland Metropolitan Chamber of Commerce
San Francisco Bay Area Water Emergency Transportation Authority

Opposition

None on file

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 423 (Smallwood-Cuevas) – As Amended May 23, 2025

SENATE VOTE: 39-0

SUBJECT: Inmate firefighters: postsecondary education: enhanced firefighter training and certification program: local handcrew pilot program

SUMMARY: Requires the state to expand access to community college courses that lead to degrees and certificates in specified subjects and to operate an enhanced firefighter training and certification program at the Ventura Training Center (VTC). Further authorizes the Los Angeles Fire Department to establish a handcrew program for formerly incarcerated individuals.

EXISTING LAW:

1) Establishes the Department of Forestry and Fire Prevention (CAL FIRE) in the California Natural Resources Agency (NRA) to provide fire protection and prevention services, as specified. (Public Resources Code (PRC) 701)

2) Establishes the California Conservation Corps (CCC) in the NRA and requires the CCC to implement and administer the conservation corps program. (Public Resources Code (PRC) 14000 *et seq.*)

3) Authorizes any department, division, bureau, commission or other agency of the state of California or the federal government to use or cause to be used convicts confined in the state prisons to perform work necessary and proper to be done by them at permanent, temporary, and mobile camps. (Penal Code (PC) 2780)

4) Establishes the California Conservation Camps for the purpose of having incarcerated persons work on projects supervised by CAL FIRE. Establishes the policy of this state to require the inmates and wards assigned to such camps to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreation, fish and game management, soil conversion, and forest and watershed revegetation. (PRC 4951)

5) Requires CAL FIRE to utilize inmates and wards assigned to conservation camps in performing fire prevention, fire control, and other work of CAL FIRE. (PRC 4953)

6) Establishes the Education and Employment Reentry Program within the CCC and authorizes the director of CCC to enroll formerly incarcerated individuals who successfully served on a California Conservation Camp program crew and were recommended for participation as a program member by the Director of CAL FIRE and the Secretary of the California Department of Corrections and Rehabilitation (CDCR). (PRC 14415.1)

7) Authorizes an incarcerated individual who has successfully participated in either a California Conservation Camp program or a county program as an incarcerated individual hand

crewmember, as determined by specified authorities, and has been released from custody, to file a petition for relief with a court. (PC 1203.4b. (a)(1))

THIS BILL:

1) Requires, on or before January 1, 2028, CDCR and the office of the Chancellor of the California Community Colleges to expand access to community college courses that lead to degrees or certificates in fire science, forestry, basic emergency medical technician, or related subjects, including, but not limited to, incident command systems and fire line leadership, for individuals serving in Conservation Camp handcrews or institutional firehouses through the Rising Scholars Network or similar programs supporting postsecondary education in prisons.

2) Authorizes, if the educational content is not delivered by community colleges, CDCR to contract with private postsecondary educational institutions accredited by the Western Association of Schools and Colleges or private nonprofit organizations and are otherwise accredited or licensed to deliver the educational content.

3) Establishes the Enhanced Firefighter Training and Certification Program.

4) Requires CAL FIRE, in collaboration with the CCC and CDCR, to operate an enhanced firefighter training and certification program at the VTC in the County of Ventura, or a successor facility in the southern region of the state.

5) Authorizes CAL FIRE to contract with private postsecondary educational institutions accredited by the Western Association of Schools and Colleges or private nonprofit organizations that qualify under Section 501(c)(3) of the federal Internal Revenue Code and are otherwise accredited or licensed to deliver the content of the program.

6) Provides that the Enhanced Firefighter Training and Certification Program only becomes operative upon an appropriation by the Legislature for its purposes in the annual Budget Act or another statute.

7) Establishes the Local Handcrew Pilot Program.

8) Defines “fire chief” as the fire chief of the County of Los Angeles Fire Department.

9) Authorizes the fire chief, in collaboration with an authorized employee representative of Los Angeles Fire Department, to establish the Local Handcrew Pilot Program. Requires the program to operate for five years, but authorizes the fire chief to end the program before it has operated for five years.

10) Authorizes the fire chief to enroll in the program formerly incarcerated individuals who have successfully completed one or more of the following:

    a) The California Conservation Camp program crew;

    b) Relevant programming at Camp David Gonzalez;

    c) Training at the enhanced firefighter training and certification program; and/or,

d) Work at an institutional firehouse.

11) Requires the fire chief to do all of the following if establishing a Local Handcrew Pilot Program:

a) Develop metrics for evaluating the efficacy and success of the program;

b) Evaluate the efficacy and success of the program using the developed metrics; and,

c) Report the findings of the evaluation to the Legislature and the governor. Requires the report to be submitted within 42 months of establishing the Local Handcrew Pilot Program and upon conclusion of the program.

12) Requires, if the fire chief ceases program operations sooner than five years, the fire chief to submit a report to the Legislature and the governor explaining the reasons for ceasing operation of the program based on the developed metrics.

13) Provides that a Local Handcrew Pilot Program does not replace or restrict existing or future programs and training offered to formerly incarcerated individuals, nor displace, replace, or reduce currently employed firefighters, handcrew personnel, or other existing positions in the Los Angeles Fire Department.

14) Provides that the Local Handcrew Pilot Program becomes operative only upon an appropriation by the Legislature for its purposes in the annual Budget Act or another statute.

15) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill will result in the following state costs:

- Unknown, significant costs (General Fund) to CDCR to provide in-prison community college courses required by this bill and to operate an enhanced firefighter training and certification program.

- Unknown, significant fiscal impact (General Fund), to CAL FIRE to operate the enhanced firefighter training and certification program training center.

- The Community College Chancellor's Office indicates unknown local assistance cost pressures (Proposition 98 General Fund) in the low hundreds of thousands of dollars to expand access to specified fire science courses for Conservation Camp handcrews and institutional firehouses, although this work is already ongoing. Through the Rising Scholars Network, community colleges are leveraging this funding to expand educational opportunities to all justice-involved students. CDCR continues to provide infrastructure upgrades, including internet access, for community colleges to offer educational programming. The Governor's proposed 2025-26 State Budget also provides an additional $30 million ongoing to expand the Rising Scholars Network.

- Unknown, potential workload cost pressures (local funds) to the Los Angeles Fire Department to establish and operate the Local Handcrew Pilot Program authorized by this bill.

COMMENTS:

1) **Author's statement**:

> SB 423 acknowledges the tremendous skill and sacrifice of incarcerated firefighters by ensuring they have enhanced access to the academic courses, certifications, and programming that lead to real opportunities upon release. For too long, the state has exploited our incarcerated fire crews putting them in harm's way with little opportunity for employment upon release. SB 423 expands our states commitment to our incarcerated fire crews by ensuring they receive the supports they need to be better prepared to continue their service to the state, after their time has been served. In doing so, SB 423 will help the state fill our critical public safety needs, reduce recidivism, and offer our most deserving individuals a path to a meaningful career.

2) **California Conservation Corps**. The CCC, established in 1976, is the oldest and largest state conservation corps program in the country. Approximately 3,000 corpsmembers apply each round for the 1,587 available corpsmember slots. More than 120,000 young adults have participated in the CCC.

   AB 864 (McCarty), Chapter 659, Statutes of 2017, allowed the director of the CCC to select applicants who are on probation, post release community supervision, or mandatory supervision. Those applicants affected by the passage of AB 864 make up less than 1% of the total active corpsmembership. Furthermore, the applicant's probation officer has to consent to the placement of the applicant into the corps. CCC worked with the probation officers on a case-by-case basis to evaluate the applicant's acceptance to the program. AB 278 (McCarty), Chapter 571, statutes of 2019, allows the director to consider those applicants who are actively on parole.

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

   In addition to inmate firefighters, camp inmates can work as support staff. All inmates receive the same entry-level training as CAL FIRE's seasonal firefighters, in addition to ongoing training from CAL FIRE throughout the time they are in the program. An inmate must volunteer for the fire camp program; no inmate is involuntarily assigned to work in a fire camp. Volunteers must have "minimum custody" status, or the lowest classification for inmates based on their sustained good behavior in prison, their conforming to rules within the

prison and participation in rehabilitative programming. Some conviction offenses automatically make an inmate ineligible for conservation camp assignment, even if they have minimum custody status. Those convictions include sexual offenses, arson, and any history of escape with force or violence.

The crews at the conservation camps, known as fire crews or handcrews, are available to respond to all types of emergencies, including wildfires, floods, search, and rescue. By joining a fire crew, they get the opportunity to reduce their sentences, earning one or two days of credit for every day they work. Fire crew participants are paid between $5.80 and $10.24 per day (paid by CDCR), and an additional $1 per hour (paid by CAL FIRE) when fighting an active fire. The crews perform more than three million hours of emergency response work each year. When not assigned to emergency response or pre-fire project work, crews undertake labor-intensive project work on public lands. Fire crews conduct critical hazard fuels reduction projects in support of the state and federal fire plans, repair and maintain public infrastructure, and implement other community-service projects.

According to the Los Angeles Times (May 28, 2025) more than 1,000 inmates in CDCR helped fight the January Palisades and Eaton fires.

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

   Participants in the 18-month certification program are provided with additional rehabilitation and job training skills to help them be more successful after completion of the program. Cadets who complete the program will be qualified to apply for entry-level firefighting jobs with local, state, and federal firefighting agencies. Through a contract with CDCR's Division of Rehabilitative Programs, the nonprofit ARC provides life skills training and resources, including education and employment assistance, and community service referrals.

   VTC has enrolled 432 cadets to date, and 272 currently have jobs – 78 of which are not employed in a fire related role. That results in a 63% employment rate.

5) **Local Handcrew Pilot Program**. This bill authorizes the fire chief of the Los Angeles Fire Department to establish the Local Handcrew Pilot Program and enroll formerly incarcerated individuals who have successfully completed: the California Conservation Camp program crew; relevant programming at Camp David Gonzalez; training at the enhanced firefighter training and certification program; and/or, work at an institutional firehouse.

   If the fire chief elects to establish the program, the chief will be required to develop metrics for evaluating the efficacy and success of the program; evaluate the efficacy and success of the program using those metrics; and, report the findings of the evaluation to the Legislature and the Governor.

6) **Community college curriculum**. Created in 2020 by the Chancellor's Office and funded by the California Legislature, the Rising Scholars Network is a joint initiative of California Community Colleges committed to serving incarcerated and formerly incarcerated individuals by providing degree-granting programs in correctional facilities and on-campus support for students who have experienced the criminal justice system. More than 90 California community colleges offer programming. According to the Legislative Analyst's Office, the number of incarcerated students enrolled at the community colleges has increased over the past decade—from about 2,200 full time equivalent (FTE) students in 2014-15 to about 7,100 FTE students in 2023-24. The majority of these students were in state prisons, and the remaining students were in other facilities such as county jails, county juvenile facilities, or federal facilities. Based on data from the Chancellor's Office, the number of formerly incarcerated students has doubled since 2019-20, reaching about 4,500 FTE students in 2023-24. The Governor's 2025-26 budget increases funding for the Rising Scholars Network to $55 million, and is proposing trailer bill language removing the cap on the number of colleges participating in the adult component of the program (budget negotiations are ongoing.)

   The bill requires CDCR and the office of the Chancellor of the California Community Colleges to expand access to community college courses that lead to degrees or certificates in fire science, forestry, basic emergency medical technician, or related subjects, including, but not limited to, incident command systems and fire line leadership, for individuals serving in Conservation Camp handcrews or institutional firehouses through the Rising Scholars Network or similar programs supporting postsecondary education in prisons.

7) **Double referral**. This bill is was heard in the Assembly Public Safety Committee on July 1 and approved 9-0.

8) **Related legislation**:

   a) AB 247 (Bryan) requires an incarcerated individual hand crew member, in addition to receiving credits, and a ward or youth placed at the Pine Grove Youth Conservation Camp to be paid an hourly wage equal to $7.25 while assigned to an active fire incident. This bill is referred to the Senate Public Safety Committee.

   b) AB 619 (Ransom) requires CAL FIRE and CDCR to jointly evaluate the VTC and report to the Legislature on its evaluation. This bill was held in the Assembly Appropriations Committee.

   c) AB 1380 (Elhawary) requires, within six months from the date the bill becomes operative, CAL FIRE, in partnership with CDCR and the California Conservation Camp program, to implement a standardized process to ensure that all individuals who successfully complete CAL FIRE's firefighting training program while incarcerated receive official written certification before their release from prison. This bill is referred to the Senate Public Safety Committee.

   d) AB 409 (Weber, 2023) would have required CAL FIRE to modify its training program for inmate firefighters serving as members of a hand crew through the California Conservation Camp program to provide participants the opportunity to earn a specified list of certifications related to firefighting, or CAL FIRE's equivalents of those

certifications, while incarcerated. That bill was referred to the Assembly Natural Resources Committee, but pulled by the author.

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

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

REGISTERED SUPPORT / OPPOSITION:

Support

A New Way of Life Re-entry Project
ACLU California Action
All of US or None (HQ)
All of US or None Orange County
California Public Defenders Association
Courage California
Crop Organization; the
Debt Free Justice California
Ella Baker Center for Human Rights
Eugene Dey Consulting
Families Inspiring Reentry & Reunification 4 Everyone
Incarcerated Firefighter WorkforceCoalition
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Prosecutors Alliance of California, a Project of Tides Advocacy
Redf
Starting Over INC.
The W. Haywood Burns Institute
Vera Institute of Justice

Opposition

None on file

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 486 (Cabaldon) – As Amended April 28, 2025

SENATE VOTE: 39-0

SUBJECT: Regional housing: public postsecondary education: changes in enrollment levels: California Environmental Quality Act

SUMMARY: Requires Metropolitan Planning Organizations (MPOs) to consider postsecondary enrollment when they prepare their Sustainable Communities Strategy (SCS). Requires the California State University (CSU), and requests the University of California (UC), to provide specified enrollment information to Councils of Government (COGs) to inform regional housing planning for the next Regional Housing Needs Allocation (RHNA) cycle. Limits California Environmental Quality Act (CEQA) review for projects where UC or CSU is the lead agency, providing that UC and CSU are not required to conduct a "no project" alternative analysis if specified conditions are met.

EXISTING LAW:

1) Requires the Air Resources Board (ARB) to set regional targets for greenhouse gas (GHG) reductions and requires MPOs to prepare an SCS as part of their regional transportation plans (RTP). The SCS demonstrates how the region will meet its GHG targets through land use, housing, and transportation strategies. If the SCS is unable to achieve GHG reductions established by ARB, the MPO is required to prepare an alternative planning strategy (APS) showing how the GHG targets will be achieved. (Government Code (GOV) 65080)

2) Establishes Housing Element Law, which requires the Department of Housing and Community Development (HCD), in consultation with each COG, to prepare the Regional Housing Needs Determination (RHND) for each region using population projections produced by the Department of Finance (DOF) and regional population forecasts used in preparing RTP updates. (GOV 65584.01)

3) Provides that each community's fair share of housing be determined through the RHND and the subsequent RHNA plan for the region. (GOV 65584.04)

4) Specifies that among the factors that must be considered when each COG develops its methodology are the housing needs generated by a UC, CSU, or private university campus in the area. (GOV 65584.01)

5) 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. (Public Resources Code (PRC) 21000 *et seq.*)

6) Provides that the approval of a long-range development plan (LRDP) (i.e., a physical development and land use plan to meet the academic and institutional objectives for a

particular campus or medical center of public higher education) is subject to CEQA and requires the preparation of an EIR. (PRC 21080.09)

7) Provides that the approval of a project on a particular campus or medical center of public higher education is subject to CEQA and may be addressed in a tiered environmental analysis based upon a LRDP EIR. (PRC 21080.09)

8) States that student enrollment or changes in enrollment, by themselves, do not constitute a "project" under CEQA and thus do not trigger a review under CEQA. (PRC 21080.09(d)).

THIS BILL:

1) Requires MPOs to take into account changes in student enrollment at California Community Colleges (CCCs), CSUs, and UCs when they identify areas in the SCS to house the population of the region.

2) Amends the RHND and RHNA requirements as follows:

   a) Requires COGs to provide HCD data assumptions, if available, regarding changes in student enrollment levels at campuses of the CSU and UC during the RHND process; and,

   b) Adds the following items to the list of factors COGs must consider when they develop the RHNA plan:

      i) The distribution of public and private university students among jurisdictions within the COG; and,

      ii) For campuses of the CSU and the UC, the optimization of nonvehicle trip efficiency by students to the campus, including off-campus facilities.

3) Requires the Trustees of the CSU, and requests the Regents of the UC, six months prior to the development of a proposed RHNA Plan, to provide each COG a forecast of changes in enrollment levels at its campuses including off-campus facilities, within the region, based on factors including but not limited to:

   a) Cohort progression projections;

   b) Improvements in the percentage of California residents meeting university admission and transfer standards; and

   c) Improvements in degree completion by noncohort students.

4) Requires the Trustees of the CSU to, and requests that the Regents of the UC, provide the forecast data specified in 3) above, to the Director of Finance, Director of HCD, and the Chairperson of the Joint Legislative Budget Committee.

5) Requires the Trustees of the CSU to, and requests that the Regents of the UC, provide trip and travel data to COGs upon request.

6) Exempts specified determinations made by the CCCs, the CSU and the UC pursuant to Housing Element Law from CEQA.

7) Provides that the UC and CSU are not required to conduct a "no project" alternatives analysis as part of an EIR, a supplemental EIR, or in any addendum for a project, master plan (MP) or LRDP if:

   a) The project, MP, or LRDP is consistent with requirements in the Education Code to complete an EIR and the Public Resources Code that precludes enrollment growth at UC or CSU as being the basis for any lawsuit;

   b) The project, MP, or LRDP deemed by the applicable transportation planning agency as being "consistent" with its SCS or an alternate strategy approved by the Air Resources Board; and

   c) The UC and CSU have provided the forecast of changes in enrollment levels required by this bill.

FISCAL EFFECT: According to the Senate Appropriations Committee, negligible state costs, pursuant to Senate Rule 28.8.

COMMENTS:

1) **Author's statement**:

   The State of California has made a promise to its young people: Graduate in the top third of your class and you are guaranteed admission to a CSU campus. Graduate in the top eighth, and you qualify for UC admission. Yet qualified California residents are currently being denied admission to their university of choice due to lack of sufficient space to house them.

   Today, campuses seeking to expand often face court challenges to their population growth under CEQA. At the same time, regional planning processes generally don't incorporate detailed population growth projections from the public universities, nor do local governments plan alongside the campuses to sustainably accommodate campus growth.

   This bill recognizes that growth of the university student population is not a decision made by individual university campuses. It is a statewide decision based on a demographic reality. SB 486 removes the requirement to conduct a "no project" alternative analysis for campus development projects that are consistent with the SCS. It also requires the university systems to participate in the development of regional SCS and associated housing and transportation plans.

2) **Consideration of enrollment changes in SCS and RHNA processes doesn't support broad elimination of the "no project" alternative analysis for all UC and CSU projects**. The CEQA Guidelines require an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. The Guidelines also require evaluation of a "no project" alternative, along with

its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. (CEQA Guidelines 15126.6)

This bill eliminates the requirement to analyze a "no project" alternative for all projects where UC or CSU is the lead agency. This applies to projects that may have little or nothing to do with student housing, such as a parking structure, road or power plant. Even for plans and development projects that do relate to enrollment growth and housing, a "no project" alternative analysis can confirm and support the need for more student housing on or near a UC or CSU campus. The practice of analyzing a "no project" alternative is well-established at both UC and CSU and neither system cites the requirement as an impediment to planning development to serve growing student populations. Neither UC nor CSU have taken a position on this bill.

The author and the committee may wish to consider amending the bill to limit the exclusion of the "no project" alternative to cases where a project is consistent with the most recent LRDP or MP EIR for the campus.

3) **Double referral.** This bill was heard by the Assembly Housing and Community Development Committee on June 18 and passed by a vote of 11-0.

REGISTERED SUPPORT / OPPOSITION:

Support

Power California Action (prior version)
San Francisco Bay Area Planning and Urban Research Association (SPUR) (prior version)

Opposition

Planning and Conservation League (unless amended)

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 581 (McGuire, et al.) – As Amended April 10, 2025

SENATE VOTE: 39-0

SUBJECT: Department of Forestry and Fire Protection: employment: firefighters

SUMMARY: Establishes the Fight for Firefighters Act of 2025 to transition seasonal firefighter 1 (FFI) firefighters to permanent positions.

EXISTING LAW:

1) Establishes the Department of Forestry and Fire Prevention (CAL FIRE) in the California Natural Resources Agency to provide fire protection and prevention services, as specified. CAL FIRE is the lead agency for fire protection in the State Responsibility Area (SRA). (Public Resources Code (PRC) 701, 713)

2) Requires, in those counties assuming responsibility for fire protection and suppression in the lands classified within the respective counties, there to be budgeted sums to be allocated to those counties at least equal to the direct cost of fire protection and includes the salaries and wages of suppression crews and lookouts and maintenance of firefighting facilities. (PRC 4132)

3) Declares that it is the policy of the state that the normal workweek of permanent CAL FIRE employees in fire suppression classes not exceed 84 hours per week, and authorizes compensation in cash or compensating time off, in accordance with specified regulations, for work in excess of the designated workweek. However, if the workweek hours are in conflict with the provisions of a memorandum of understanding (MOU), the terms of the MOU are controlling, as provided. (Government Code (GC) 19846.)

4) Establishes the Department of Human Resources (CalHR) and vests it with the powers, duties, and authorities necessary to operate the state civil service system pursuant to Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board (SPB). (GC 18502.)

THIS BILL:

1) Requires the CalHR, the SPB and any other relevant state agency to take the necessary actions to transition the FF1 classification within CAL FIRE to a permanent firefighter employment classification.

2) Requires the transition of the FF1 classification into a permanent employment classification to include meeting and conferring in good faith between the exclusive representative and the state employer.

3) Requires the bargaining process to include wages, hours, and other terms and conditions of employment for affected employees during and after the transition.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill would result in increased personnel costs to the state. The magnitude of these costs to CalHR and CAL FIRE has yet to be determined, but would likely be, minimally, in the tens of millions of dollars annually.

COMMENTS:

1) **Author's statement**:

> California and the entire West are burning at historic rates. Eight of the most destructive wildfires in California history have hit over the past five years, with two of the deadliest wildfires burning over 16,000 structures in Los Angeles County just 13 days after Christmas. It is crystal clear, even with the state's historic investments in CAL FIRE—which doubled the number of CAL FIRE Firefighters in the last eight years—they need our help. The Golden State continues to face unprecedented challenges—wildfires burning longer, hotter, faster and more frequently than ever before. The new reality has set in and we're never going back. This bill would require the Department of Human Resources, the State Personnel Board, and any other relevant state agency to take the necessary actions to transition seasonal firefighters employed by CAL FIRE to a permanent firefighter employment classification.

2) **Wildfires in California.** Wildfires have been growing in size, duration, and destructivity over the past 20 years. Growing wildfire risk is due to accumulating fuels, a warming climate, and expanding development in the wildland-urban interface. The 2020 fire season broke numerous records. Five of California's six largest fires in modern history burned at the same time, with more than 4.3 million acres burned across the state, double the previous record. The Los Angeles fires have burned an area nearly the size of Washington, D.C., killed 28 people and damaged or destroyed nearly 16,000 structures, according to CAL FIRE.

3) **CAL FIRE budget**. CAL FIRE is responsible for fire prevention and suppression in more than 31 million acres across the state. CAL FIRE's workweek, staffing, and operational models are dictated in large part by its service needs, which include providing 24-hours per day, 7-days per week coverage on a year-round basis, as well as augmented response capacity during peak wildfire season. CAL FIRE's firefighters, fire engines, and aircraft respond to more than 5,400 wildland fires that burn an average of 156,000 acres each year, and, according to CAL FIRE, "answer the call [of duty] more than 450,000 times for other emergencies each year."

   According to the Legislative Analyst's Office[i] (LAO), CAL FIRE's staffing levels have increased significantly over the past decade. Specifically, between fiscal years 2014-15 and 2023-24, the number of positions that CAL FIRE categorizes as related to fire protection increased from 5,756 to 10,275, and the total number of positions at CAL FIRE grew from 6,632 to 12,000 (representing roughly an 80% increase in both cases). In the FY 2020-21 and 2022-23 budgets, the Legislature approved proposals totaling roughly $170 million per year on an ongoing basis to provide relief staffing, such as adding new fire crews at CAL FIRE and partner agencies. As of 2024-25, the LAO estimates that roughly three-quarters of wildfire response-related positions are permanent and the rest are seasonal.

4) **66-hour work week**. Deployments during wildfire season, which now can stretch through the entire year, can exceed 60 days in a row, with exhausting 48-hour shifts lined up back-to-back with little to no opportunities for rest. To address overworked firefighters and professional burnout, the state is in the process of implementing a 66-hour work week plan for the state's firefighters. Unit 8 (CAL FIRE Local 2881), which represents most of CAL FIRE's positions, such as Fire Captains, Fire Apparatus Engineers, Fire Fighter IIs, and Fire Fighter Is, executed a MOU with the state in September 2022 with the state to, among other things, reduce the CAL FIRE firefighter workweek from 72 hours to 66 hours—a 24-hour reduction per 28-day pay period.

   By FY 2028-29, the state is committed to adding 2,457 new permanent positions to CAL FIRE for a total of 12,900 positions focused on wildfire response. Staffing up at that capacity takes times, which is why the proposal is phased in over four budget years.

   The plan shifts a significant number of seasonal firefighters to permanent firefighters, which means that more engines will be staffed year round than historically has been the case and more firefighters will be working at any given time during non-peak periods than otherwise would have been the case. According to the LAO, the proposal extends the peak staffing period from five months to nine months, resulting in additional CAL FIRE firefighters being on duty at any given time because there will be more engines deployed overall. Further, by extending peak season for an additional four months, the plan will significantly increase the number of firefighters on duty throughout the whole year. The permanent personnel would allow CAL FIRE to adjust its staffing rotation to a platoon model in which firefighters would rotate on and off duty together as a group rather than individually. For example, an engine might be staffed by a team made up of a Fire Captain, Fire Apparatus Engineer, and FF1 on Monday, Tuesday, and Wednesday; a separate trio of individuals on Wednesday, Thursday, and Friday; and a third group on Friday, Saturday, and Sunday.

5) **Fire Fighter 1.** FFI is an entry-level position for seasonal firefighters, requiring basic training and skills for fire suppression, wildland firefighting, and hazardous materials response. This position involves suppressing various fires, assisting with maintenance and repairs, and performing other related duties under supervision.

   Under existing law, seasonal firefighters cannot work more than nine months in any 12-consecutive-month period. This forces the CAL FIRE to lose experienced, trained firefighters for three months annually – precisely when California might face major fires.

   This bill requires CalHR, the SPB, and any other relevant state agency to take the necessary actions to transition the FFI classification within CAL FIRE to a permanent firefighter employment classification.

   The California Professional Firefighters write that the men and women of all employment classifications of CAL FIRE are among the most well-trained and highly-skilled firefighters in the world, but the new normal in California means that the older model of employment for seasonal workers must change in order for them to be most effective. Wildfire season is now year-round, with some of the most devastating fires in California's history taking place during the winter months that were previously thought to be "safe" from this sort of destruction.

6) **Double referral**. This bill was heard in the Assembly Public Employment and Retirement Committee on June 25 and approved 7-0.

7) **Related legislation**:

   a) AB 252 (Bains) requires CAL FIRE to maintain no less than full staffing levels throughout the calendar year and meet specified staffing requirements. This bill was held in the Assembly Appropriations Committee.

   b) AB 247 (Bryan) requires an incarcerated individual handcrew member, in addition to receiving credits, and a ward or youth placed at the Pine Grove Youth Conservation Camp, to be paid an hourly wage equal to $7.25 while assigned to an active fire incident. This bill is referred to the Senate Public Safety Committee.

   c) AB 1380 (Elhawary) requires, within six months from the date the bill becomes operative, CAL FIRE, in partnership with CDCR and the California Conservation Camp program, to implement a standardized process to ensure that all individuals who successfully complete the department's firefighting training program while incarcerated receive official written certification before their release from prison. This bill is referred to the Senate Public Safety Committee.

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

   e) SB 1062 (McGuire, 2022) would have required, on or before January 1, 2024, CAL FIRE to provide to the Legislature a long-term staffing plan for CAL FIRE and for the plan identify the staffing and infrastructure needs for CAL FIRE through the year 2030 to meet the new era of wildfire firefighting. This bill was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Professional Firefighters
County of Kern
County of Los Angeles Board of Supervisors
Independent Insurance Agents & Brokers of California, INC.

Opposition

None on file

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

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 614 (Stern) – As Amended July 10, 2025

SENATE VOTE: 38-0

SUBJECT: Carbon dioxide transport

SUMMARY: Adds carbon dioxide (CO_2) to the substances included in the Elder California Pipeline Safety Act of 1981 (Elder Act), which currently applies to petroleum and other hazardous liquids. Requires the Office of the State Fire Marshall (OSFM) to adopt regulations governing the safe transportation of CO_2 by April 1, 2026, as specified, and lifts the statewide moratorium on pipelines transporting CO_2 to or from a carbon capture, removal, or sequestration project.

EXISTING LAW:

1) Requires the Air Resources Board (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 any direct GHG regulation or market-based compliance mechanism adopted by ARB to achieve GHG emissions reductions that are real, permanent, quantifiable, verifiable, and enforceable by ARB. (HSC 38562 (d))

6) Requires ARB to establish a Carbon Capture, Removal, Utilization, and Storage Program. (HSC 39741 *et seq.*)

7) Provides that pipelines shall only be utilized to transport CO_2 to or from a CO_2 capture, removal, or sequestration project once the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) has concluded its pending rulemaking regarding minimum federal safety standards for transportation of CO_2 by pipeline and the CO_2 project operator demonstrates that the pipeline meets those standards. This provision does not apply to carbon

captured at a permitted facility and transported within that facility or property. (Public Resources Code (PRC) 71465(a))

8) Requires the Natural Resources Agency, in consultation with the Public Utilities Commission, to provide a proposal to the Legislature to establish a state framework and standards for the design, operation, siting, and maintenance of intrastate pipelines carrying CO_2 fluids. (PRC 71465(b))

9) Pursuant to the Elder Act:

   a) Grants the OSFM exclusive safety, regulatory, and enforcement authority over intrastate hazardous liquid pipelines. (Government Code (GC) 51010)

   b) Defines "pipeline" for the purposes of the Elder Act as every intrastate pipeline used for the transportation of hazardous liquid substances or highly volatile liquid substances; and does not include an interstate pipeline subject to federal regulations, a pipeline that transports hazardous substances in a gaseous state, and other specified exclusions. (GC 51010.5)

   c) Requires OSFM to adopt hazardous liquid pipeline safety regulations in compliance with the federal law relating to hazardous liquid pipeline safety, including, but not limited to, compliance orders, penalties, and inspection and maintenance provisions. (GC 51011)

   d) Requires 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 federal regulations and every pipeline more than 10 years of age and not provided with effective cathodic protection to be hydrostatically tested every three years, except for those on the OSFM's list of higher risk pipelines, which shall be hydrostatically tested annually. (GC 51013.5)

   e) Requires every operator of an intrastate pipeline to maintain each valve and check valve necessary for safe pipeline operations, and requires OSFM to promulgate regulations for maintaining, testing, and inspecting these valves. (GC 51015.4)

   f) Authorizes OSFM to assess and collect from every pipeline operator an annual administrative fee. (GC 51019)

10) Pursuant to federal law:

   a) Grants the United States Secretary of Transportation the regulatory and enforcement authority over gas and hazardous liquid pipelines, including CO_2 pipelines. (49 United States Code 60102)

   b) Prohibits the Secretary of Transportation from prescribing or enforcing safety standards and practices for an intrastate pipeline or intrastate pipeline facility to the extent that the safety standards and practices are regulated by a state authority, except as provided. (49 United States Code 60105)

c) Defines "carbon dioxide," for the purposes of the PHMSA regulations, as a fluid consisting of more than 90% carbon dioxide molecules compressed to a supercritical state. (49 Code of Federal Regulations195.2)

THIS BILL:

1) Requires the OSFM, by April 1, 2026, to adopt regulations governing the safe transportation of CO_2 in pipelines that are "equivalent" to draft regulations issued by PHMSA on January 10, 2025. Provides that these regulations may be initially adopted as emergency regulations under the Administrative Procedures Act (APA).

2) Requires OSFM to consider the use of odorants, and require odorants if OSFM finds them feasible, safe and effective.

3) Requires OSFM's regulations to require all CO_2 pipelines to be newly constructed, and not converted from existing pipelines.

4) Permits the OSFM to amend the regulations, as it deems necessary after adoption, to provide standards for various issues, including pipeline design, materials, odorants, leak detection, and emergency response, among other issues.

5) Allows the OSFM to order a CO_2 pipeline to shut down for violations of state or federal law, or if continued operations present immediate danger.

6) Requires CO_2 transported by pipeline to meet or exceed standards adopted by OSFM to be recognized by ARB for a requirement adopted pursuant to the Global Warming Solutions Act.

7) Lifts the moratorium on intrastate pipelines used for CO_2 transport for CO_2 capture, removal, or sequestration projects once the OSFM has adopted regulations, and the pipeline operator demonstrates that the pipelines meets the standards in the regulations.

8) Establishes related findings.

FISCAL EFFECT: According to the Senate Appropriations Committee, unknown initial costs for the OSFM to develop regulations regarding the transport of carbon dioxide in a pipeline (California Hazardous Liquid Pipeline Safety Fund). Actual fiscal impact to the OSFM will depend on the extent the OSFM may absorb this workload through its existing oversight responsibilities for pipelines transporting hazardous liquid substances. The OSFM's ongoing regulatory costs may be offset to some extent by pipeline operator annual fees.

COMMENTS:

1) **Background**. There are a number of CO_2 sources. An abundant source is from underground reservoirs where CO_2 under pressure occurs naturally. It can also be produced commercially in natural gas plants, ammonia plants, and recovered from power plant stack gas with carbon capture technology.

   At normal temperatures and atmospheric pressure, CO_2 is an odorless and colorless gas, not flammable, and denser than air. It will not combust, but it can be fatal to humans if enclosed

due to the potential for suffocation. CO_2 may exist either as a solid or gas depending on temperature and pressure. Dry ice for refrigeration is a common use of CO_2 in solid form. When pressurized to extremely high pressures (1,200 pounds per square inch gauge (psig)), CO_2 enters a supercritical state. Supercritical CO_2 is a fluid state where CO_2 is held at or above its critical temperature and critical pressure, where its properties are midway between a gas and a liquid.

PHMSA regulations define CO_2 as a fluid consisting of more than 90% CO_2 molecules compressed to a supercritical state. The remaining 10% may be comprised of gases such as water, nitrogen, oxygen, methane, or other impurities. Federal standards set CO_2 impurity limits for transportation pipelines.

Pipeline transportation of CO_2 in the supercritical state is more practical than transportation in the gaseous state. As a dense vapor in the supercritical state, CO_2 can be transported more economically and efficiently using smaller pipelines and pumps because greater volumes of fluid may be transported. Most CO_2 is transported in the supercritical state in steel pipelines kept at 2,200 psig.

CO_2 has been used for many years to aid in the production of crude oil. Because of its high degree of solubility in crude oil and abundance, CO_2 is a popular extraction tool in enhanced oil recovery (EOR) projects. In EOR, the CO_2 mixes with crude oil making the oil more mobile and easier to extract. Supercritical CO_2 has also grown in popularity as a solvent in the chemical industry, where it can replace more toxic, volatile organic compounds.

PHMSA has exclusive federal authority over interstate pipeline facilities. An interstate pipeline is defined as a pipeline that is used in the transportation of hazardous liquid or CO_2 in interstate or foreign commerce. Typically, these lines cross state borders or begin in federal waters.

OSFM regulates intrastate hazardous liquid pipelines pursuant to the Elder Act, while the PUC regulates intrastate gas pipelines (both natural gas and liquid petroleum gas, or propane). An intrastate pipeline is defined as a pipeline that is located entirely within state borders, including offshore state waters.

OSFM may regulate portions of interstate hazardous liquid pipelines located within the state, if there is an agreement between PHMSA and OSFM. OSFM is only allowed to enter into an agreement with PHMSA if it is given all regulatory and enforcement authority of the pipelines subject to the agreement. The vast majority of hazardous liquid pipelines in California carry petroleum.

The Elder Act was written in the 1980s to address petroleum pipelines. It has been updated over the years in the wake of petroleum pipeline accidents to add safety requirements based on issues unique to petroleum pipelines, most recently following the 2015 Refugio spill in Santa Barbara County. However, the original Act, as well as the updates, are geared towards petroleum infrastructure and characteristics, as well as lessons learned from petroleum pipeline accidents.

CO_2 is not currently defined as a hazardous substance under PHMSA regulations. As noted above, the most dangerous hazard of CO_2 is asphyxiation. Because CO_2 is denser than air, it

may pool in enclosed spaces or fail to disburse when released in areas without strong air circulation. The most deadly incident involving CO_2 occurred in 1986 in Lake Nyos, Cameroon which is one of only three lakes in the world known to be naturally saturated with CO_2. An eruption of dissolved CO_2 in the lake suddenly released an estimated 1.6 million tons of CO_2 into the air, killing 1,700 people and 3,500 livestock. However, industrial CO_2 accidents may also occur, such as a 2008 leak at a fire extinguishing installation in Germany, which led to the hospitalization of 19 people. More recently, a CO_2 pipeline accident occurred in Satartia, Mississippi in February 2020, when a pipeline that was part of a network used for EOR ruptured, causing the evacuation of local residents and the hospitalization of 46 people.

According to a 2023 California Natural Resources Agency report to the Legislature, PHMSA has delegated regulatory authority for intrastate pipelines to OSFM. However, OSFM's jurisdiction under this delegation is limited to enforcing the federal standards, rather than establishing state standards. Currently, PHMSA has only established safety standards regarding the transport of CO_2 in a supercritical state at a concentration of 90% or higher. The transport of CO_2 in concentrations of less than 90%, or in liquid or gas form is unregulated. PHMSA has noted this regulatory gap is due to the limited (supercritical-phase only) CO_2 pipelines in operation in 1991 during the creation of the original federal rules.

PHMSA initiated an update to its CO_2 pipeline safety standards after the Satartia accident, and on January 10, 2025, issued draft regulations. These draft regulations included 18 proposals, including:

- Redefining "carbon dioxide" to be a fluid of more than 50% CO_2 molecules in any combination of gas, liquid, or supercritical phases.

- Establishing procedures to convert steel pipelines for CO_2 or hazardous liquid transport.

- Requiring all CO_2 pipeline operators to provide training to emergency responders that addresses threats specific to CO_2 releases and provide equipment to local first responders for use during a CO_2 pipeline emergency.

- Requiring leak detection, fixed vapor detection, and alarm systems for CO_2 pipelines.

- Requiring operators of all CO_2 pipelines to establish emergency planning zones extending two miles on either side of their pipelines that will inform operators' efforts in ensuring members of the public have adequate emergency response information.

2) **Author's statement**:

Communities deserve safety whenever a project carrying hazardous materials will be traveling through their communities. While the permitting and building of carbon dioxide pipelines are an important part of the state's carbon capture and sequestration efforts, it cannot come at the expense of community safety. SB 614 aims to enshrine the Biden administration draft regulations in state law to ensure best-in-class safety practices. This bill directs the Office of State Fire Marshal to ensure high standards for establishing

when transportation of carbon dioxide by pipeline would be allowed, and would provide experts with the ability to increase safety standards and stringency

3) **Related legislation**. This bill is substantially similar to AB 881 (Petrie-Norris), which passed this committee April 28 and is set for hearing in the Senate Environmental Quality Committee July 16.

4) **Double referral**. This bill was heard in the Utilities and Energy Committee on July 9 and passed by a vote of 17-0.

REGISTERED SUPPORT / OPPOSITION:

Support (prior version)

Bloom Energy
California State Pipe Trades Council

Opposition (prior version)

1000 Grandmothers for Future Generations Bay Area
350 Bay Area Action
350 Contra Costa Action
350 Humboldt
350 Santa Barbara
Asian Pacific Environmental Network
Biofuelwatch
CA Youth vs. Big Oil
California Environmental Justice Alliance (CEJA) Action
Center for Biological Diversity
Central California Asthma Collaborative
Climate Equity Policy Center
Climate Hawks Vote
Climate Health Now Action Fund
Climate Reality San Francisco Bay Area Chapter
Consumer Watchdog
El Pueblo Para El Aire y Agua Limpia de Kettleman City
Elders Climate Action
Elders Climate Action NorCal Chapter
Extinction Rebellion San Francisco Bay Area
Food & Water Watch
Food Empowerment Project
Fossil Free California
Good Neighbor Steering Committee of Benicia
Greenpeace USA
Interfaith Climate Action Network of Contra Costa County
Labor Rise Climate Jobs Action Group
Little Manila Rising
Oil and Gas Action Network
Oil Change International

Physicians for Social Responsibility - Los Angeles
Planning and Conservation League
Progressive Democrats of Benicia
Protect Monterey County
San Francisco Bay Physicians for Social Responsibility
San Francisco Baykeeper
Sandiego350
Santa Cruz Climate Action Network
Science and Environmental Health Network
See (Social Eco Education)
Sierra Club California
Solano County Democratic Central Committee
Sunflower Alliance
Unidos Network
West Berkeley Alliance for Clean Air and Safe Jobs

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 615 (Allen) – As Amended July 7, 2025

SENATE VOTE: 28-6

SUBJECT: Vehicle traction batteries

SUMMARY: Requires battery suppliers to ensure the responsible end-of-life management of vehicle traction batteries (i.e., electric vehicle [EV] batteries) under specified circumstances; adhere to a battery management hierarchy established by the bill; fully fund the cost of collection of EV batteries for which they are responsible; and, report specified information about the sale, transfer, or receipt of EV batteries to the Department of Toxic Substances Control (DTSC). Requires DTSC to adopt regulations to implement and enforce the requirements of this bill.

EXISTING LAW:

1) Establishes the federal Resource Conservation and Recovery Act (RCRA) to authorize the United States Environmental Protection Agency (US EPA) to manage hazardous and non-hazardous wastes throughout their life cycle. (42 United States Code (USC) 6901 *et seq*.)

2) Prohibits the disposal of a lead-acid battery at a solid waste facility, or on or in any land, surface waters, watercourses, or marine waters. (Health and Safety Code (HSC) 25215.2)

3) Establishes the Lead-Acid Battery Recycling Act of 2016 (Act) to impose fees on lead-acid batteries to fund lead contamination cleanup. (HSC 25215)

4) Requires DTSC to develop a hazardous waste management report by March 1, 2023 that includes an analysis of available data related to hazardous waste. Requires DTSC to prepare a state hazardous waste management plan by March 1, 2025, and update the plan every three years. Requires the plan to be based on the report and serve as a comprehensive planning document for the management of hazardous waste in the state, as a useful informational source to guide state and local hazardous waste management efforts, and as a guide for DTSC's implementation of its hazardous waste management program. (HSC 25135)

5) Enacts the Responsible Battery Recycling Act of 2022, which requires producers of covered [household] batteries to establish a stewardship program for the collection and recycling of covered batteries. (Public Resources Code (PRC) 42420 *et seq*.)

6) Requires the Secretary for Environmental Protection (Secretary) to convene the Lithium-Ion Car Battery Recycling Advisory Group to review and advise the Legislature on policies pertaining to the recovery and recycling of lithium-ion batteries sold with motor vehicles in the state, and requires the Secretary to appoint members to the group from specified departments, vocations, and organizations. (PRC 42450.5)

7) Establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which imposes minimum content requirements for single-use packaging and food ware and

source reduction requirements for plastic single-use packaging and food ware, to be achieved through an extended producer responsibility (EPR) program. (PRC 42040 *et seq*.)

8) Establishes the Used Mattress Recovery and Recycling Act, which creates an EPR program for the collection and recycling of used mattresses. (PRC 42985 *et seq*.)

9) Establishes the Electronic Waste Recycling Act of 2003, which requires consumers to pay a fee for specified electronic devices, defined to include video screens larger than four inches and battery-embedded products and establishes processes for consumers to return, recycle, and ensure the safe disposal of covered electronic devices. (PRC 42460 *et seq*.)

10) Establishes the Architectural Paint Recovery Program, which establishes an EPR program for the collection and recycling of architectural paint. (PRC 48700 *et seq*.)

THIS BILL:

1) Declares that it is the policy of the state that any program designed to ensure proper end-of-life management of EV batteries first strives to reuse, repair, or remanufacture EV batteries when possible. When not possible, requires the program to ensure that EV batteries are either repurposed or recycled. When an EV battery is no longer in use in any application, requires the program to ensure the EV batteries are recycled. Specifies that disposal of EV batteries should be discouraged and ultimately eliminated in support of achieving a circular economy.

2) Defines terms used in the bill, including, in part:

    a) "Battery management hierarchy" as a hierarchy of battery management wherein the entity in possession of the battery shall first strive to reuse, repair, or remanufacture the battery when possible and cost effective. When not possible or cost effective, requires the entity to ensure that the battery is either repurposed or recycled. If the battery can no longer be cost-effectively managed in any application, requires the entity to ensure the battery is recycled.

    b) "Battery supplier" as:

        i) The person who initially sells, offers for sale, or distributes an EV battery into the state, including a vehicle manufacturer or an EV battery manufacturer, as specified;

        ii) If there is no entity who meets the requirement above, the owner or exclusive licensee of a brand or trademark under which the EV battery is sold or distributed into the state, as specified;

        iii) If there is no entity who meets the requirements above, the person that imports the EV battery into the state for sale, distribution, or installation; or,

        iv) If there is no entity who meets the requirements above, the distributor, retailer, dealer, or wholesaler who sells the EV battery in or into the state.

    c) "Orphaned battery as an EV battery for which the battery supplier, owner, or manufacturer cannot be identified or is no longer in business.

d) "Qualified battery recycler" as an entity or facility that is certified by DTSC, abides by all applicable federal, state, and local laws, and either:

   i) Collects, sorts, separates, and refines the components of an end-of-life EV battery's materials and refines the components back to usable battery intermediary components or battery chemicals, such as cobalt sulfate, lithium salts, and nickel sulfates; or,

   ii) Extracts and separates a composition of components, such as aluminum, cobalt, copper, graphite, iron, lithium compounds, manganese, and nickel, and sends the material for further processing or refining to another battery recycler.

e) Specifies that "qualified battery recycler" does not include entities or facilities that are only engaged in the collection or logistics of moving materials for recycling or collecting and transporting EV batteries.

f) "Recycle" or "recycling" as the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise ultimately be disposed of onto land or into water or the atmosphere, and returning them to, or maintaining them within, the economic mainstream in the form of recovered material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace. Specifies that recycle or recycling does not include smelting, energy generation, fuel production, or other forms of disposal.

g) "Remanufacturing" as the process of refurbishing a battery, battery cells, or battery modules through the replacement of worn or deteriorated components to same-as-new, or better, condition and performance for use in the same application as the one for which the battery was originally designed.

h) "Repurposing" as an EV battery being used to fulfill a different use than the one for which the battery was originally designed, such as secondary use.

i) "Responsible end-of-life management" as ensuring an EV battery that is eligible to be recycled pursuant to the battery management hierarchy is ultimately sent to a qualified battery recycler, as specified.

j) "Secondary handler" as any commercial entity, other than the vehicle manufacturer or secondary user, that takes possession of an EV battery permanently removed from the vehicle or that permanently removes an EV battery from the vehicle for purposes including repairing, remanufacturing, and recycling. Secondary handlers may include automobile dismantlers and automotive repair dealers.

k) "Secondary user" means an entity that repurposes an EV battery to fulfill a different use than what was originally intended.

l) "Stranded battery" as an EV battery in which the costs associated with recycling the EV battery present a burden for the owner of the vehicle or an entity that has removed the EV battery from the vehicle.

3) Requires battery suppliers to:

a) Ensure that the responsible end-of-life management of an EV battery under the following circumstances:

   i) An EV battery is removed from a vehicle that is still in service, while the EV battery is still under warranty; or,

   ii) An EV battery is offered or returned to its battery supplier, as specified.

b) Adhere to the battery management hierarchy for an EV battery in their possession.

c) Report information regarding the sale, transfer, or receipt of an EV battery or battery module to DTSC, as specified.

d) Fully fund the cost of collection of an EV battery for which they are required to ensure responsible end-of-life management, as specified.

e) Ensure battery state of health data that is easily interpretable and accessible to secondary handlers and secondary users;

4) Requires secondary users to:

   a) Adhere to the battery management hierarchy.

   b) If the EV battery has been removed from the secondary application to which the EV battery has been used and is at the end of its useful life, either ensure responsible end-of-life management or return the EV battery to the battery supplier.

   c) Report information regarding the sale, transfer, or receipt of an EV battery or battery module to DTSC, as specified.

5) Requires a secondary handler to:

   a) Adhere to the battery management hierarchy.

   b) Ensure the responsible end-of-life management of the EV battery or return the EV battery to a battery supplier, as specified.

   c) Report information regarding the sale, transfer, or receipt of an EV battery or battery module to DTSC, as specified.

6) Requires an auctioneer and salvage disposal auction to report information regarding the sale or transfer of a vehicle containing an EV battery to DTSC.

7) Requires a qualified battery recycler to report to DTSC, as specified.

8) Requires DTSC to adopt regulations to implement and enforce the bill's requirements with an effective date no later than July 1, 2028.

9) Requires the regulations to include a method and form for specified entities to annually report information pursuant to the bill on EV batteries or battery modules, as specified, including:

a) The initial sale or delivery of an EV battery into the state and when a vehicle with an EV battery is sold by an auctioneer.

b) The EV batteries shipped out of state and exported to other countries.

c) The date the EV battery was sold, transferred, or received, the name of the entity selling or transferring the EV battery and the name of the entity receiving it, the EV battery's unique identifier, and, if the EV battery is removed, whether it will be repaired, reused, remanufactured, repurposed, or recycled, as specified.

d) Specifies that regulations relating to the unique identifier of an EV battery shall be developed in consultation with the Air Resources Board (ARB) and include necessary elements for battery traceability and recyclability.

e) Authorizes DTS to consider requiring battery suppliers to make available an EV battery's state of health if it determines that there is a feasible, safe, and cost-effective way to do so and that there is adequate training and education among battery suppliers and secondary users to safely assess a battery state of health. Requires regulations adopted under this provision to be developed in consultation with ARB.

10) Requires DTSC to require qualified battery recyclers to annually report where treatment of EV batteries takes place along with data on recycling efficiency for recycled EV batteries, recovery of materials from recycled EV batteries, and the yield of the final output fractions of lithium, cobalt, nickel, and copper, or other relevant metals, as applicable.

11) Requires the regulations to include a process for certifying a qualified battery recycler by facility, including an appeals process, a reasonable standard of review, and the ability for entities to cure identified deficiencies and be reevaluated for certification, as specified.

12) Requires, if the federal government creates a battery labeling requirement, DTSC to review, evaluate, and compare the federal requirements to those established by the bill and, if necessary, revise the regulations to ensure consistency and achieve greater efficiency and feasibility.

13) When determining the requirements for a qualified battery recycler, requires the regulations to encourage recycling that minimizes generation of hazardous waste, generation of greenhouse gases, environmental impacts, environmental justice impacts, and public health impacts. Requires the regulations to include criterial to exclude recycling technologies that produce significant amounts of hazardous waste. Authorizes the regulations to include criteria regarding benefits to the environment and minimization of risks to public health and worker health and safety.

14) Requires battery suppliers, no later than 30 days after the effective date of the regulations, to provide the battery supplier's contact information, including name, physical and mailing address, email address, and telephone number, and a list of EV battery types and brands of EV batteries that the battery supplier sells, distributes for sale, imports for sale, or offers for sale in or into the state.

15) Prohibits a battery supplier from selling, offering for sale, importing, or distributing an EV battery in the state unless the EV battery has been reported to DTSC.

16) Specifies that a battery supplier is not in compliance with the bill and is subject to penalties if, commencing two years from the effective date of the regulations, an EV battery sold or offered for sale by the battery supplier is not accounted for in the reports to DTSC.

17) Requires, within four months of the effective date of the regulations, DTSC to notify the battery supplier of the estimated regulatory costs related to implementing and enforcing the bill's requirements. Requires battery suppliers to pay DTSC's actual and reasonable regulatory costs to implement and enforce the bill, as specified.

18) Requires all moneys received from battery suppliers into the Vehicle Traction Battery Recovery Fund, which this bill establishes. Specifies that moneys in the fund be expended to implement and enforce the bill, as well as to reimburse any standing loans used to finance regulatory and startup costs.

19) Establishes auditing and inspection requirements for battery suppliers, secondary users, secondary handlers, or qualified battery recyclers.

20) Specifies that a battery supplier, secondary user, secondary handler, or qualified battery recycler is subject to civil penalties for failing to comply with the bill's requirements.

21) Specifies that a person who is not a battery supplier, secondary handler, secondary user, or qualified battery recycler seeking to discard an EV battery may:

    a) Offer or return the EV battery or the vehicle containing the EV battery to the battery supplier; or,

    b) Sell or transfer the EV battery or the vehicle containing the EV battery to a secondary handler, secondary user, or qualified battery recycler.

22) Requires DTSC to conduct a study to determine whether there is evidence of abandonment of orphaned batteries leading to environmental and health and safety hazards and analyze any trends in the prevalence of stranded batteries. Requires DTSC to post the report with its findings on its website on or before January 1, 2030.

23) Specifies that the bill does not exempt a secondary handler from applicable Department of Motor Vehicles and Bureau of Automotive Repair licensing and certification requirements.

24) Specifies that the bill does not exempt an entity from applicable hazardous waste management standards.

25) Requires DTSC to publish a list of names of battery suppliers that are compliant with the bill, including the reported brands of EV batteries for each supplier, as specified.

26) Requires retailers, dealers, importers, and distributors to monitor DTSC's website to determine if a battery supplier, brand, or EV battery is in compliance with the bill.

27) Prohibits a retailer, dealer, or distributor from selling, distributing, offering for sale, or importing an EV battery in or into the state unless the battery supplier is listed as compliant.

28) Requires DTSC to issue a notification of noncompliance to battery suppliers that are not in compliance with the bill and remove them from the list of compliant battery suppliers.

29) Requires DTSC to publish a list of qualified battery recyclers on its website, as specified.

30) Authorizes DTSC to impose civil or administrative penalties for violations of the bill.

31) Specifies that the provisions of this bill impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and states that the Legislature makes a finding that this limitation is necessary to ensure a competitive market for the manufacture and sale of EV batteries.

FISCAL EFFECT: According to the Senate Appropriations Committee, ongoing costs likely in the low millions of dollars annually (Vehicle Traction Battery Recovery Fund) for DTSC to implement provisions of this bill, including regulation development, system development, IT contract and licensing costs, and enforcement costs, among other things. DTSC anticipates requiring additional staff as the waste stream increases, data becomes more readily available, and the scope of enforcement expands. DTSC notes it would likely need to procure a loan from the Greenhouse Gas Reduction Fund and then provide reimbursement once sufficient revenues accumulate in the established Vehicle Traction Battery Recovery Fund.

COMMENTS:

1) **Hazardous and universal waste**. Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment. In regulatory terms, a waste is hazardous if it appears on a RCRA hazardous wastes list or exhibits one of the four characteristics of a hazardous waste: ignitability, corrosivity, reactivity, or toxicity. However, materials can be hazardous wastes even if they are not specifically listed or do not exhibit any characteristic of a hazardous waste. Hazardous wastes are prohibited from being disposed of in the trash, and must be properly transported and disposed of at permitted treatment, storage, and disposal facilities or at a recycling facility.

   Universal waste is waste that comes primarily from consumer products containing mercury, lead, cadmium and other substances that are hazardous to human health and the environment. These items cannot be discarded in household trash or disposed of in landfills. Examples of universal waste are batteries, fluorescent tubes, and many electronic devices. Under both state and federal law and regulation, universal wastes are authorized to be managed in a less stringent manner than hazardous waste.

   Batteries of all types, including EV batteries, are prohibited from disposal in the solid waste stream by the state's hazardous waste control laws. Waste batteries must be taken to a household hazardous waste disposal facility, a universal waste handler (e.g., a storage facility or broker), or an authorized recycling facility. Lithium-ion batteries are very common rechargeable batteries that are used in everything from children's toys to electronics to EVs. These batteries pose similar environmental and public health risks as other hazardous wastes, as they contain hazardous components. Additionally, lithium-ion batteries pose a significant fire risk if they are damaged or broken. For these reasons, it is imperative that they be properly managed at their end-of-life.

2) **EVs**. The ARB's Advanced Clean Cars Regulations, adopted in 2022, require that all new passenger cars, trucks, and sport utility vehicles sold in California must be zero-emission by 2035. Zero-emission vehicles include battery electric vehicles, plug-in hybrid vehicles, and

fuel cell vehicles. According to the California Energy Commission, sales of EVs reached record levels in 2023, with nearly 450,000 sold. While the increasing numbers of EVs on the road significantly reduce air and greenhouse gas emissions in the state, they will also result in steadily increasing numbers of difficult to manage EV batteries.

3) **Vehicle traction batteries**. EVs, including fully electric and hybrid vehicles, are fueled by powerful lithium-ion batteries. According to DTSC, by 2028, approximately 8 million kilotons of lithium-ion battery waste from EVs will be generated, increasing to 55 million kilotons in 2038. EV batteries contain critical minerals and other valuable materials, including nickel and cobalt, which can be recycled when batteries are properly managed.

   EV battery recycling is generally a multi-step process. When they are disposed, EV batteries used today will be considered hazardous waste due to ignitability and reactivity. Some batteries can be managed as universal waste. The US EPA's universal waste battery regulations do not mandate use of a uniform hazardous waste manifest or shipment using a hazardous waste transporter, but Department of Transportation regulations for shipping lithium batteries apply.

   Once a battery has arrived at the destination facility (i.e., a permitted treatment, storage, or disposal facility or a hazardous waste recycler) for recycling or disposal, it is no longer a universal waste, but a fully regulated hazardous waste. Likewise, after pretreatment for recycling (often shredding), the separated components of the battery are no longer universal waste. A battery recycler that stores hazardous waste must obtain appropriate hazardous waste permits. A battery that is removed from one device or application and is legitimately reused in another similar device or repurposed into another application is not a solid waste under a use/reuse exemption. A battery becomes a solid waste when a handler determines that it cannot continue to be used or reused and makes the decision to discard it.

4) **Lithium-ion Car Battery Recycling Advisory Group**. The advisory group was created by AB 2832 (Dahle), Chapter 822, Statutes of 2018, to advise the Legislature on policies relating to the recovery and recycling of lithium-ion batteries sold with motor vehicles to ensure that "as close to 100% as possible of lithium-ion batteries in the state are reused or recycled at end of life." The advisory group was led by the California Environmental Protection Agency, DTSC, and the Department of Resources Recycling and Recovery (CalRecycle), and includes members of the environmental community, auto dismantlers, public and private representatives involved in the manufacturing, collection, processing, and recycling of EV batteries, and other interested parties.

   The advisory group met at least quarterly from the fall of 2019 to the spring of 2022 and released its final report on March 16, 2022, which includes a number of recommendations. The report separates those that received majority support of the advisory group and those that received less than majority support. The policy recommendation that received majority support included core exchange with a vehicle backstop (93% support) and producer take-back (67% support). Core exchange would build on existing industry standards used to manage auto parts, in which a core charge is collected from consumers, which is returned when a depleted or damaged part is returned. Producer take-back would require auto manufacturers to take-back depleted or damaged batteries for proper management.

   In order to ensure that the maximum number of vehicle traction batteries are reused,

repurposed, or recycled, the advisory group recommended clearly defining responsibility for the coordination and payment of recycling and mitigating barriers that may currently inhibit the reuse, repurposing, and recycling of EV batteries.

5) **EPR**. According to CalRecycle, EPR is a strategy that places shared responsibility for end of life management for products on the producers and all entities involved in the product chain, instead of entirely on local governments and ratepayers. EPR programs rely on industry, formalized in a product stewardship organization, to develop and implement approaches to create a circular economy that makes business sense, with oversight and enforcement provided by a government entity. This approach provides flexibility for manufacturers to design products in a way that facilitates recycling and to develop systems to capture those products at the end-of-life to meet statutory goals.

   There are several key elements that should be carefully evaluated to develop a successful EPR program. These elements are part of CalRecycle's "EPR checklist" and include considerations of: (1) the scope of the program (what and who is captured in the covered product and producer universe); (2) requirements for the producers; (3) funding for the program; and, (4) oversight for the program.

6) **This bill**. This bill is intended to ensure that the EV batteries that power the state's vehicles will be properly managed when they reach their end-of-life by establishing an EPR program that requires EV manufacturers to ensure that their batteries are safely collected and transported, and then reused, repurposed, remanufactured, or recycled.

7) **Author's statement**:

   > California is home to the fastest growing electric vehicle (EV) market in the nation. However, as the number of EVs on the road increases and the market matures, so does the number of EV batteries reaching the end of their useful life. California is beginning to see piecemeal development of a market and infrastructure designed to capture the value imbedded in these batteries once removed from a vehicle; including high-value critical materials such as lithium, cobalt, nickel, natural graphite, and manganese. Recycling batteries to capture this material reduces demand for raw materials, thereby avoiding the negative social and environmental impacts of mining, and potentially catalyzing a domestic supply as demand for critical materials increases. However, our nascent system relies on the expectation that the value of the material will drive proper management. California lacks a policy framework to encourage reuse, repair, and repurposing, or ensure that batteries are recycled when no longer useful. SB 615 will establish a program to ensure EV batteries are properly managed at every stage of their lives, including mechanisms to hold producers accountable for end-of-life management, and establish clear responsibilities for entities throughout the value chain.

8) **Second attempt**. This bill is very similar to SB 615 (Allen, 2024), which would have required vehicle traction battery suppliers to ensure the responsible end-of-life management of an EV battery; report specified information about the EV batteries to DTSC, and, fully fund the costs of the collection of a battery for which they are required to ensure end-of-life management. The bill was vetoed by the governor, who stated:

> I agree with the intent of this bill and the need to responsibly manufacture, recycle, and reuse EV batteries. As California continues to lead the revolution toward a zero-emission transportation future, with a requirement that all new vehicles sold in the state be zero-emission by 2035, responsibly tracking the sale, use, and reuse of these vehicle batteries will be critical. Effective EV battery stewardship also presents an exciting opportunity to develop new innovative industries that use repurposed or recycled batteries.
>
> California has successfully implemented many reuse and recycling systems. These market-based solutions significantly reduce waste and create jobs by turning a challenging product into a resource. However, this legislation places a significant burden on DTSC to implement the policy, instead of building on the success of existing producer responsibility [EPR] models. I encourage the author to continue working with stakeholders to explore if a producer responsibility organization would yield more equilibrium among public agencies and industry in sharing the administrative burden required by this policy.

Stakeholders and the author's office have considered the use of an EPR program for EV batteries. However, the limited number of producers, the uniqueness of having a recycled product with a positive value, and concerns with the cost and implementation difficulty of an EPR program for EV batteries create significant concerns for that approach.

While the state has adopted several EPR programs, many of them have faced significant implementation challenges, including insufficient EPR plans and failure to achieve the goals of the programs. For example, the state's carpet stewardship program has repeatedly been out of compliance with program requirements since it was established in 2010.

Moreover, it is not clear that EPR programs are less burdensome for regulatory bodies. The adoption of the associated regulations and implementation of those regulations requires substantial staff time and effort. For example, CalRecycle began the informal regulatory process to implement the state's EPR program for plastic packaging and foodware in early 2023, and began the formal regulatory process in March of 2024, yet still did not submit the final regulations within the Office of Administrative Law effective period of one-year. Instead, CalRecycle has had to open a new regulatory process to continue to negotiate a final regulatory package. CalRecycle continues to devote a significant number of staff time to this process.

9) **Double referral**. This bill was heard by the Environmental Safety and Toxic Materials Committee on June 17 and passed 5-1.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Environmental Health Administrators
California Automotive Wholesalers' Association
California Environmental Voters
California State Association of Counties

Californians Against Waste
City and County of San Francisco
Coalition for Clean Air
Environmental Defense Fund
Ford Motor Company
LKQ Corporation
National Stewardship Action Council
Natural Resources Defense Council
Plug in America
Redwood Materials, INC.
Rejoule
Rural County Representatives of California
Sierra Club California
The Climate Reality Project Bay Area Chapter
The Climate Reality Project Orange County Chapter
The Climate Reality Project, California State Coalition
The Climate Reality Project, Los Angeles Chapter
The Climate Reality Project, Riverside County Chapter
The Climate Reality Project, San Diego Chapter
The Climate Reality Project, San Fernando Valley CA Chapter
Union of Concerned Scientists

Opposition

California Manufacturing and Technology Association
Lucid
Motorcycle Industry Council
Rivian Automotive, Inc.
Tesla Motors, Inc.

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 629 (Durazo) – As Amended July 3, 2025

SENATE VOTE: 29-3

SUBJECT: Wildfires: fire hazard severity zones: defensible space, vegetation management, and fuel modification enforcement

SUMMARY: Requires the State Fire Marshal (SFM) to identify areas burned in a wildfire based on specified criteria; requires those areas, among others, to be considered when developing the fire hazard severity zone (FHSZ) maps; and, requires local government to enforce compliance with specified fire risk reduction regulations in those areas burned in a wildfire.

EXISTING LAW:

1) Establishes the SFM as an entity within the Department of Forestry and Fire Protection (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 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 SFM as a major cause of wildfire spread. (Government Code (GC) 51178)

3) Requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high FHSZ (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 of Forestry and Fire Protection to adopt regulations for an ember-resistant zone for the elimination of materials that would likely be ignited by embers. (GC 51182)

4) Requires the SFM, by regulation, to designate 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)

5) Requires the SFM to periodically review zones and, as necessary, revise FHSZs or their ratings or repeal the designation of FHSZs. (PRC 4204)

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 specified building standards to apply to buildings located in VHFHSZ and other areas designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the building standards are necessary for effective fire protection within the area. (HSC 13108.5 (b)(1))

THIS BILL:

1) Establishes the Keeping Communities Safe from Wildfire Act of 2025.

2) Requires the SFM to identify areas in the state as FHSZs based on:

   a) Areas where winds have been identified by the SFM as a major cause of wildfire spread;

   b) Areas burned in a wildfire, as defined;

   c) Areas at risk for an urban conflagration that accounts for the potential for structures to serve as a fuel source that extends the ember cast outside of wildland areas; and,

   d) Areas where agricultural land affects fire hazard.

3) Requires the SFM, at least 60 days before finalizing the FHSZ designations, to publish the model and methodology used to develop the FHSZs on its internet website.

4) Requires the SFM to update the designations and publish the model and methodology in the next review and all subsequent reviews.

5) Defines the following terms:

   a) "Area burned in a wildfire" as any land area included within the perimeter of a wildfire, as shown on an incident map posted on CAL FIRE's internet website that meets any one of the following conditions: the wildfire burned 1,000 or more acres; the wildfire destroyed 10 structures or more; or, the wildfire resulted in one or more fatalities.

   b) "Post-wildfire safety area" as an area burned in a wildfire as designated pursuant to this bill.

   c) "State fire protection standards" as all of the following, or their successor provisions: Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations (CCR)); Chapter 49 of the California Fire Code; Section R337 of the California Residential Code; Chapter 12-7A of the California Referenced Standards Code; Subchapter 2 of Chapter 7 of Division 1.5 of Title 14 of the CCR; Article 3 of Subchapter 3 of Chapter 7 of Division 1.5 of Title 14 of the CCR; and, regulations implementing an ember-resistant zone pursuant to GC 51182 (c)(2).

6) Requires, for wildfires occurring on or after January 1, 2025, the SFM to designate any area burned in a wildfire as a post-wildfire safety area and transmit a map of the post-wildfire safety area to any local agency with jurisdiction over the territory in the designated area

within 90 days of the wildfire reaching 100% containment, or by May 1, 2026, whichever is later.

7) Exempts the designation of a post-wildfire safety area by the SFM from the Administrative Procedures Act.

8) Requires a local agency, within 10 business days of receiving the map from the SFM, to post a notice at the office of the county recorder, county assessor, and city or county planning agency identifying the location of the post-wildfire safety area. Requires the map of the post-wildfire safety area to also be posted on the internet website of the local agency.

9) Requires the designation of a post-wildfire safety area to trigger the application of the state fire protection standards in a post-wildfire safety area 30 days following the transmission of the map by the SFM.

10) Requires a city or county with territory in a post-wildfire safety area to comply with its housing element according to the schedule provided in that subdivision.

11) Defines the following terms:

    a) "Adequate progress" as the enforcing agency is taking progressive steps reasonably calculated to achieve funding and implementation of the wildfire community safety program by the specified date.

    b) "Enforcing agency" as the local or state fire authority or designee authorized to enforce vegetation management requirements.

12) Requires, beginning January 1, 2027, an enforcing agency to establish, fund, and implement a wildfire community safety program to educate community members and verify ongoing compliance, within the enforcing agency's jurisdiction, with the defensible space, vegetation management, and fuel modification requirements established pursuant to the following or their successor provisions of the fire protection standards.

13) Authorizes the enforcing agency to charge a fee sufficient to cover the costs of administering the program and providing any inspections conducted by the enforcing agency.

14) Requires the enforcing agency to educate community members and inspect and document compliance for each affected property or structure at least once annually. Provides that if access to an affected property is limited or an inspection is deemed an act of trespassing on private property, the enforcing agency may provide notice to the affected property and may use alternative methods to conduct the inspection, including, but not limited to, the use of aerial imagery or other technologies.

15) Requires the enforcing agency to submit information on implementation of the wildfire community safety program, including data on defensible space inspections and compliance to the defensible space and home hardening assessment reporting platform.

16) Authorizes an enforcing agency that adopts a finding, based on substantial evidence in the record and before January 1, 2027, that demonstrates adequate progress to delay compliance with the requirement to document compliance annually until no later than January 1, 2029.

17) Requires, upon the next revision of the housing element, the safety element to be reviewed and updated as necessary to address the risk of fire for land classified as a post-wildfire safety area.

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

19) Provides that, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- CAL FIRE reports total costs of $146 million in year one, $125 million in year two, and $116 million in year three and ongoing (General Fund) for a significant number of additional staff and equipment to conduct defensible space inspections of private property within the SRA and to collect and analyze data on damaged and destroyed structures. Other costs include contracting costs with risk modeling vendors and staff time to review and respond to local ordinances.

- Unknown state reimbursable mandate costs ranging from minor to potentially significant (General Fund). By requiring cities or counties to designate, by ordinance, any area burned in a wildfire in its jurisdiction as a very high FHSZ within a specified timeframe, 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.

- Unknown, potentially significant costs for local enforcing agencies to ensure compliance with defensible space, vegetation management, and fuel modification requirements. However, the bill authorizes enforcing agencies to charge a fee sufficient to cover their administrative and investigatory costs, so these costs are not considered reimbursable by the state.

COMMENTS:

1) **Author's statement**:

> SB 629 is one of the 13 bills in the Senate's fire response, recover, rebuilding and prevention package. Following the devastating Los Angeles firestorm and as California continues to face a year-round fire season it is clear that we must harden California's defenses against future disasters. To help do that, SB 629 does three things:
>
> 1) It requires cities and counties to designate areas that burned in a wildfire within a post-wildfire safety area which triggers the Wildland Urban Interface (WUI) building code and defensible space maintenance requirements, as well as other fire safety regulations.

2) It directs the State Fire Marshal to include modeling for urban conflagrations in the next update of the fire maps.
3) It mandates that defensible space inspections occur annually for each property in the State Responsibility Area, Very High Fire Hazard Severity Zone and post-wildfire safety area to ensure that property owners are taking action to protect their community.

2) **Wildfires in California.** Wildfires have been growing in size, duration, and destructivity over the past 20 years. Growing wildfire risk is due to accumulating fuels, a warming climate, and expanding development in the WUI. The Los Angeles fires earlier this year burned an area nearly the size of Washington, D.C., killed 28 people and damaged or destroyed nearly 16,000 structures, according to CAL FIRE.

   Research from Stanford University (February 2022) on wildfire shows that vegetation in the West is drying out even faster due to climate change effects and increasing fire risk. The researchers found that a combination of plant and soil dehydration coupled with atmospheric dryness is creating what they've termed 'double-hazard zones.' The researchers identified 18 of these double-hazard zones across the Western U.S., including three in California. Their study further showed that the increased population growth in the WUI is concerning as this landscape is often comprised of grasslands or chaparral, which is highly sensitive to drought, making it also highly vulnerable to extreme fire events. In California, more than 11 million of the state's 40 million residents live in the WUI, which encompasses not only densely forested areas like Paradise, but also parts of the wooded coastal foothills around Silicon Valley, the brush-and-grass covered hills around Santa Barbara and Los Angeles, and neighborhoods in the Oakland Hills.

3) **Fire Hazard Severity Zones**. FHSZs are categorized as moderate, high, and very high based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the SFM. FHSZs are developed using a science-based and field-tested model that assigns a hazard score based on the factors that influence fire likelihood and 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 state responsibility area (SRA) and the VHFHSZ for the lands managed locally in the local responsibility area (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.

   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.

   This bill requires the FHSZ designations to additionally be based on areas previously burned in a wildfire, areas at risk for an urban conflagration that accounts for the potential for

structures to serve as a fuel source that extends the ember cast outside of wildland areas, and areas where agricultural land affects fire hazard.

The City of La Verne expresses concern that SB 629 introduces problematic criteria and enforcement provisions that are not sufficiently grounded in fire science and fails to recognize that these thresholds are not inherently tied to wildfire behavior in the WUI.

While the maps are currently based on fire science and account for hazard, it can be confusing to tease hazard and risk apart. For instance, fire embers are a critical variable in wildfire spread. The January fires in Los Angeles were fanned by the Santa Ana Winds blowing at hurricane force speeds, spreading embers and igniting structure fires miles beyond the limits of the active wildfires. While risk of urban conflagration due to flying embers is the not *hazard*, the author feels the FHSZ modeling needs to be updated to take more factors into account.

4) **Local agency requirements**. Under the bill, the SFM would be required to designate any area burned in a wildfire on and after January 1, 2025, as a post-wildfire safety area and transmit the map to the appropriate local agency, and by January 1, 2027, that local agency will be required to establish, fund, and implement a wildfire community safety program to verify ongoing compliance with all of the state fire protection standards enumerated under that definition and that currently apply to the VHFHSZs.

   The bill defines "areas burned in a wildfire" as any land area included within the perimeter of a wildfire that meets any of the following conditions:

   - The wildfire burned 1,000 or more acres;
   - The wildfire destroyed more than 10 structures; or,
   - The wildfire resulted in one or more fatalities.

   While all wildfires vary in terms of their level of destruction, which can be resultant of geography (rural versus urban), fuel load, wind conditions, ember conditions, and so on, quantity of fatalities can much more variable. As the bill is drafted, there could be a fire of any size that results in a single fatality, which could be the consequence of an individual choosing to not evacuate, and then that area is included as a post wildfire burn safety area that results in the applicability all of the state fire protection standards.

   While a practical risk-benefit analysis errs in favor of the burden of regulations over the death of a person or the loss of a home, allowing a single fatality to be a stand-alone variable classifying an event as a wildfire, thus requiring compliance with seven different regulations, may be excessive. An alternative approach would be for a wildfire to meet at least two of the conditions to be qualified as an area burned by wildfire.

   According to CAL FIRE data on the 20 most destructive fires[i], the average acreas burned is 177,600 acres, the average structure loss is 3,340 structures, and the average number of fatalities is 11 people. It is unknown to the committee what the averages are for all wildfires in the state in recent history. The author may wish to work with CAL FIRE to cull data on all wildfires over the last ten years to identify whether these thresholds should be appropriately adjusted.

Lastly, under current law, home hardening building standards are required to apply to buildings located in VHFHSZs and other areas designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the building standards are necessary for effective fire protection within the area. To ensure consistency with existing local requirements, the application of the state fire protection standards in the post-wildfire safety areas should take any pre-existing ordinances into consideration.

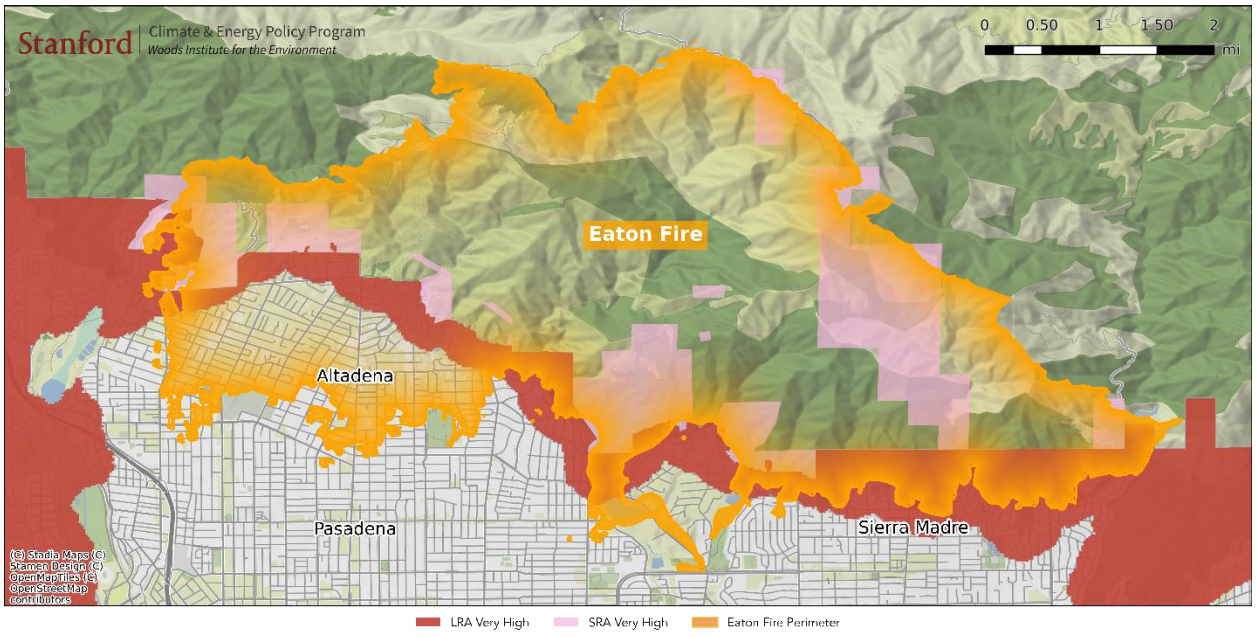
5) **How much more land will be mapped?** To avoid confusion over having two separate designations – VHFHSZs and post-wildfire safety areas – the bill incorporates the post-wildfire safety areas into the FHSZ mapping.

There are 1.16 million acres of VHFHSZs in the LRA and 16.8 million acres of VHFHSZ in the SRA, for a total of 18 million acres across the state[ii]. According to a compilation of CAL FIRE data, between 2015 and 2023, California wildfires have burned more than 10.4 million acres[iii].

According to mapped spatial data of the current VHFHSZs in the SRA and the available spatial data of the 2011 VHFHSZs in the LRA layered over the footprints of all wildfires from 2015 until the present (minus federal lands), the acreage of lands that could be classified as 'post-wildfire safety areas' outside the VHFHSZs would be 1.2 million in the SRA and 5.4 million in the LRA. It is worth noting that the LRA maps have been recently updated, and local agencies are required to adopt ordinances for VHFHSZs in their jursidictions which could extend beyond the SFM's maps, so while the figures in this paragraph solely intended to provide a rough estimate.

The map below, provided by the Standard University Climate & Energy Program, shows the current areas where CAL FIRE VHFHSZ mapping compared to the area that burned in Altadena during the Eaton Fire. Depending on the damage caused by the Eaten Fire, this bill could be expanding the fire safe regulations to the additional areas in orange outside the VHFHSZs.

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



As the state pushes for more housing to meet the critical housing shortage, applying these standards to more areas can provide greater wildfire safety for future development.

6) **Education and outreach**. Home owners are responsible for maintaining defensible space around their property, but research shows barriers homeowners typically face related to completing defensible space work include prohibitive costs and/or time constraints, inadequate motivation to comply, and incomplete understanding of the nature of the risk to their home. Therefore, inspections coupled with education and outreach to residents is critical for achieving defensible space compliance.

   This bill requires an enforcing agency to establish, fund, and implement a wildfire community safety program to educate community members and verify ongoing compliance with the defensible space, vegetation management, and fuel modification requirements in the post-wildfire safety area.

   This can also help achieve compliance with AB 38 (Wood), Chapter 391, Statutes of 2019, which requires property transfer inspections in areas designated high and VHFHSZs to verify compliance with applicable defensible space requirements. AB 38, and the frequency in major wildfires over the last handful of years, has increase demand for defensible space inspections.

   Current law (HSC 13195.5) establishes a WUI Fire Safety Building Standards Compliance training for local building officials, builders, and fire service personnel. A local enforcing agency may have individuals that have completed that training that would be appropriate to recognize towards compliance in under these programs. Similarly, CAL FIRE provides training provided pursuant to PRC 4291.5 for qualified entities to support and augment CAL FIRE in its defensible space and home hardening assessment and education efforts.

7) **Double referral**. This bill was heard in the Emergency Management Committee on June 30 and approved 5-2.

8) **Committee amendments**: The Committee *may wish to amend the bill* to make conforming changes to the FHSZ maps in the SRA pursuant to PRC 4202.

9) **Related legislation**:

   a) AB 261 (Quirk Silva) authorizes the SFM to confer with entities and members of the public on 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 300 (Lackey) requires the SFM to identify and re-review lands within the SRA as FHSZ, and identify and re-review of areas in the state as moderate, high, and very high FHSZs every five years. This bill is referred to the Senate Governmental Organization and Natural Resources & Water Committees.

   c) SB 610 (Wiener, 2024) would have eliminated the state's fire hazard severity mapping for the SRA and LRA and requires the SFM to designate Wildfire Mitigation Area

through regulations, for fire mitigation across the state. This bill was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

City of La Verne

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

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[i] top20_destruction_061925.pdf
[ii] fire_hazard_severity_zone_acres_state_and_local_responsibility_2024_2025.pdf
[iii] California Wildfires History & Statistics | Frontline Wildfire Defense

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 633 (Blakespear) – As Amended May 23, 2025

SENATE VOTE: 27-10

SUBJECT: Beverage containers: recycling

SUMMARY: Requires beverage manufacturers to include, as part of their reporting requirements to the Department of Resources Recycling and Recovery (CalRecycle) for the Beverage Container Recycling and Litter Reduction Act (Bottle Bill), proof of third-party validation of postconsumer recycled content (PCR), and information on the country of origin of that material.

EXISTING LAW:

1) Pursuant to the Bottle Bill:

    a) From January 1, 2022 to December 31, 2024, requires plastic beverage containers, as defined, to contain a minimum of 15% PCR plastic, on average;

    b) From January 1, 2025 to December 31, 2029, requires plastic beverage containers, as defined, to contain a minimum of 25% PCR plastic, on average; and,

    c) On and after January 1, 2030, requires plastic beverage containers, as defined, to contain a minimum of 50% PCR plastic, on average. (Public Resources Code (PRC) 14547)

2) Requires beverage manufacturers to annually report the amount in pounds of virgin plastic and PCR plastic used by the manufacturer for plastic beverage containers subject to the CRV for sale in the state in the previous calendar year. (PRC 14549.3)

3) Pursuant to the Rigid Plastic Packaging Container (RPPC) Law (PRC) 42300 *et seq*.):

    a) Requires RPPCs sold or offered for sale in the state to meet, on average, the following:

        i) Be made from at least 25% postconsumer material;

        ii) Have a recycling rate of 45%, as specified;

        iii) Be a reusable or refillable package;

        iv) Be a source-reduced container; or,

        v) Is a container for floral preservative that is subsequently reused by the floral industry.

4) Pursuant to SB 54 (Allen), Chapter 75, Statutes of 2022, establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act) (PRC 42040 *et seq*.), which:

a) Requires, by January 1, 2024, producers of covered material to form and join a producer responsibility organization (PRO), subject to specified requirements and CalRecycle approval, to carry out the requirements of the Act. Prohibits a producer of covered material from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the PRO.

b) Requires that all covered material offered for sale, distributed, or imported into the state on and after January 1, 2032, is recyclable in the state or eligible to be labeled "compostable," as specified.

c) Requires that all plastic covered material offered for sale, distributed, or imported into the state to meet the following recycling rates:
   i) Not less than 30% of covered material on and after January 1, 2028;
   ii) Not less than 40% of covered material on and after January 1, 2030; and,
   iii) Not less than 65% of covered material on and after January 1, 2032.

d) Prohibits producers of expanded polystyrene (EPS) food service ware from selling, offering for sale, distributing, or importing into the state EPS food service ware unless the producer demonstrates to CalRecycle that all EPS meets the following recycling rates:
   i) Not less than 25% on and after January 1, 2025;
   ii) Not less than 30% on and after January 1, 2028;
   iii) Not less than 50% on and after January 1, 2030; and,
   iv) Not less than 65% on and after January 1, 2032 and annually thereafter.

e) By January 1, 2032, requires the PRO to develop and implement a plan to achieve 25% reduction by weight and 25% reduction by plastic component for covered material sold, offered for sale, or distributed in the state, as prescribed, including interim targets of 10% by January 1, 2027, and 20% by January 1, 2030.

THIS BILL:

1) Requires beverage manufacturers to report the following to CalRecycle:

   a) The amount in pounds and by resin type of virgin plastic and PCR plastic used by the manufacturer for plastic beverage containers for sale in the state in the previous calendar year.

   b) By country of origin, the amount in pounds of imported PCR plastic used by the manufacturer for plastic beverage containers for sale in the state in the previous calendar year.

   c) Proof that the PCR used by the manufacturer for plastic beverage containers has been validated by a third party that adheres to at least one applicable International Organization for Standardization (ISO) standard and that meets CalRecycle's criteria for validating PCR, as specified. Defines "applicable ISO standard" as ISO 22095:2020(E) 5.3.2 segregated model, 22095:2020(E) 5.4.1 controlled blending model, or 22095:2020(E) 5.4.2.2.1 rolling average percentage method.

2) Requires manufacturers to submit the information to CalRecycle under penalty of perjury pursuant to standardized forms in a form and manner prescribed by CalRecycle.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill has unknown, but likely significant, ongoing costs (Beverage Container Recycling Fund) for CalRecycle to collect and verify information related to new reporting requirements, provide legal advice and enforcement, and conduct/review audits.

COMMENTS:

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

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

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

years. In return, Indorama violated its permitted air pollution control limits. In one example, over five months in 2019, the facility released more than 90 times the permitted level of volatile organic compounds. Instead of coming into compliance after multiple violations, the state revised the facility's pollution control permit to allow higher levels of emissions.

Recycling plastic into new products is one way to reduce plastic pollution, as it keeps the recycled plastic out of the environment and reduces our dependence on virgin resin. However, recycling is currently only feasible for some of the more common, and least toxic, forms of plastic. The most effective way to tackle the plastic pollution crisis is to use less of it, particularly the types that are not readily recyclable.

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

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

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

   In order to foster markets for recycled materials and reduce the need for virgin materials, the state has established recycled content requirements for various products.

3) **Bottle Bill**. The Bottle Bill was established in 1986 to be a self-funded program to prevent littering and encourages consumers to recycle beverage containers. The program accomplishes this goal by requiring consumers to pay a deposit for each eligible container at the time of purchase and guarantees consumers repayment of that deposit, the California Redemption Value (CRV), for each eligible container returned to a certified recycler. The 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 provide a consistent, clean, uncontaminated stream of recycled materials.

   The bottles that are collected through the Bottle Bill program are mostly made of PET plastic. PET is highly recyclable plastic, and many markets that include postconsumer recycle content material in their products use recycled PET (rPET) that is sourced from the

Bottle Bill program. In 2017, 47% of all available rPET in the United States was used for fiber products (e.g., carpet, clothes, and shoes), according to the Association of Plastic Recyclers and NAPCOR's "Report on Postconsumer PET Container Recycling Activity in 2017." Food and beverage products were the second-largest users of rPET, at 21%.

To promote more closed-loop recycling (where bottles are recycled into bottles that can be returned to the recycling system multiple times) and to avoid downcycling (where bottles are recycled once into a non-recyclable product), the Legislature passed AB 793 (Ting), Chapter 115, Statutes of 2020. AB 793 requires plastic beverage containers subject to the Bottle Bill to contain increasing amounts of PCR plastic. Specifically, bottles must contain 15% PCR plastic 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 percentage, which may be informed by information submitted by producers.

AB 793 also includes annual reporting requirements for plastic reclaimers, manufacturers of PCR plastic, and beverage manufacturers. These reporting requirements are critical to ensure that CalRecycle is able to verify and enforce the recycled content requirements. Plastic material reclaimers must report on the amount and resin type of empty plastic beverage containers in the Bottle Bill that they collect and sell. Manufacturers of PCR plastic report to CalRecycle the amount of food-grade flake, pellet or other PCR material they sell, and their capacity to produce food-grade material. Manufacturers of beverages sold in plastic beverage containers are required to report the amount of new and PCR plastic they use in a year. CalRecycle has authority to audit and investigate a beverage manufacturer to make sure they are in compliance with the PCR requirements established by AB 793.

4) **RPPC**. The state's RPPC Law was established in 1991 to reduce the amount of plastic waste disposed in California's landfills and to develop markets for recycled content materials. RPPCs include containers that are made from rigid plastic, such as tubs, buckets, bottles, trays, and other rigid plastic containers. The law has seven compliance options: 1) The container must contain at least 25% postconsumer recycled content; 2) The container must be routinely reused at least five times; 3) The container must be recycled at a 45% recycling rate; 4) The product manufacturer or another company under the same corporate ownership uses postconsumer material generated in California equivalent to or exceeding 25% postconsumer material; 5) The RPPC is source reduced by container weight, product concentration, or a combination of the two; 6) The container is routinely returned and refilled by the product manufacturer at least five times; or, 7) The container contains floral preservatives and is reused by the floral industry for at least two years.

5) **SB 54**. SB 54 (Allen), Chapter 75, Statutes of 2022, established the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which created sweeping new minimum recycling requirements for single-use plastic packaging and food service ware (covered material), source reduction requirements for plastic covered material, and prohibits the sale or distribution of EPS food service ware unless it meets accelerated recycling rates. SB 54 requires producers to comply with the bill's requirements through an expanded producer responsibility program. Under SB 54, covered material must meet specified recycling and source reduction requirements by 2027, which ramp up until all covered material must achieve and maintain a 65% recycling rate and a 25% source reduction requirement by 2032. This bill additionally requires producers, through the PRO, to pay $500 million per year for ten years (from 2027 to 2037) to be deposited into the California

Plastic Pollution Mitigation Fund, which is established to fund various environmental and public health programs.

6) **Tracking recycled content**. The United States imports and exports significant volumes of PCR plastic, including rPET. In 2024, imports increased by 20% from the previous year. Overall, the United States imports far more rPET than it exports, primarily from Southeast Asia. The rPET entering the country is typically in flake form, recovered and processed outside the country, and it is in high demand by US end-users - particularly for the low prices offered by overseas sellers.

   Recycled plastic can be indistinguishable from newly synthesized plastic. At the same time, the cost of making rPET is higher than the cost of making virgin plastic; in 2017, the estimated average cost to produce virgin PET was $0.52-0.56 per pound, while the cost to process and produce rPET was estimated at $0.60-0.65 per pound. Because of the economic incentive to use new plastic over rPET, the legal mandates for rPET production, the amount of rPET that is imported from abroad, and the fact the two products can be indistinguishable, there are legitimate concerns that virgin plastic could be sold as PCR plastic. Additionally, different ways of calculating recycled content can be used that impact how the amount of PCR in a container is reported. It is important to ensure that PCR claims accurately reflect the amount of PCR plastic in the finished product.

7) **Author's statement**:

   > The state of California set a high bar for recycled content in plastic bottles with AB 793 (Ting, 2020), requiring 15% by 2022, 25% by 2025, and 50% by 2030. Although many popular drinks now proudly advertise the percent of recycled plastic in their bottles, there is currently no robust verification process for these claims. Recycled plastic is indistinguishable from newly synthesized plastic after it is processed by reclaimers and made into pellets or flakes. This fact threatens to undermine the ability for bottle manufacturers to make these bold statements and meet the state's targets, especially in light of reporting that identified new plastic hidden in "100% recycled" material sold to them.
   >
   > A third-party certification of plastics recyclers (reclaimers) would ensure that they maintain records and a well-documented method for tracking material through their system, from the purchase of reclaimed material (e.g., bales of polyethylene terephthalate (PET) bottles from waste haulers) to the sale of processed material to bottle manufacturers (e.g., recycled PET pellets). This would provide clarity about the recycled plastic sold in California, including the amount and quality of plastic from out of state, which is currently difficult to determine. Requiring these third-party reports would provide hard data on whether bottle manufacturers are meeting the state's recycled content targets and help build public confidence in plastic recycling programs.

8) **This bill**: SB 633 is intended to ensure that PCR requirements are implemented in a manner that reduces the need for virgin plastic for bottles, bolster markets for rPET, and advance closed loop recycling systems. This bill requires the collection of data on rPET imports to better understand how the state, and its plastic recyclers, are impacted by rPET import trends.

Additionally, this bill requires manufacturers to report on the country of origin for rPET and to certify that the rPET they use is made from actual recycled content.

9) **Amendments**. The author of this bill is continuing to work with stakeholders to address how information about country-of-origin is managed and how PRC material is certified and to what standards. The *committee may wish to amend the bill* to adopt the negotiated amendments.

10) **Previous and related legislation**:

AB 973 (Hoover) replaces the RPPC program with a new program that requires set PCR rates. The bill would, starting January 1, 2029, require a manufacturer to include, as part of its annual registration, proof of third-party certification of the PCR content under penalty of perjury of each of its covered products. This bill was held in Assembly Appropriations Committee.

SB 551 (Portantino), Chapter 983, Statutes of 2024, allows beverage manufacturers to demonstrate compliance with the state's recycled content requirements for beverage containers by submitting a consolidated report to CalRecycle, as specified.

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 certain average amounts of postconsumer recycled plastic content starting January 1, 2022, and reaching at least 50% recycled content by January 1, 2030.

REGISTERED SUPPORT / OPPOSITION:

Support

National Stewardship Action Council
Natural Resources Defense Council
Republic Services

Opposition

American Beverage Association
American Chemistry Council
California Chamber of Commerce
California Grocers Association
Consumer Brands Association
International Bottled Water Association

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 675 (Padilla) – As Amended July 7, 2025

SENATE VOTE: 39-0

SUBJECT: California Environmental Quality Act: environmental leadership development projects: streamlining

SUMMARY: Provides permit review streamlining benefits to Waterfront Environmental Leadership Development Projects (WELDPs) within the Central Embarcadero Planning District of the San Diego Unified Port District within the County of San Diego.

EXISTING LAW:

Pursuant to the California Coastal Act of 1976 (Coastal Act):

1) Regulates development in the coastal zone and requires a new development to comply with specified requirements. (Public Resources Code (PRC) 30000)

2) Requires any person wishing to perform or undertake any development in the coastal zone, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit (CDP). (PRC 30600)

3) Defines "development" to mean, among other things, the placement or erection of any solid material or structure on land or in water. "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (PRC 30106)

4) Requires a port master plan (PMP) to be prepared and adopted by each port governing body, and for informational purposes, requires each city, county, or city and county which has a port within its jurisdiction to incorporate the certified PMP in its local coastal program (LCP). Requires a PMP to include: (1) The proposed uses of land and water areas, where known; (2) The projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body; (3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact; (4) Proposed projects listed as appealable; and, (5) Provisions for adequate public hearings and public participation in port planning and development decisions. (PRC 30711)

5) Requires the California Coastal Commission (Commission), within 90 days after the submittal, and after a public hearing, to certify the PMP or portion of a plan and reject any portion of a plan which is not certified. (PRC 30714)

6) Authorizes a certified PMP to be amended by the port governing body, but prohibits an amendment from taking effect until it has been certified by the Commission. Requires any proposed amendment to be submitted to, and processed by, the Commission in the same manner as provided for submission and certification of a PMP (90-days). (PRC 30716 (a))

7) Authorizes, after certification of its local coastal plan (LCP), an action taken by a local government on a CDP application to be appealed to the Commission for only the following types of developments:

   a) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;

   b) Developments approved by the local government not included within (a) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff;

   c) Developments approved by the local government not included within paragraph (a) or (b) that are located in a sensitive coastal resource area;

   d) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or approved zoning district map; or,

   e) Any development which constitutes a major public works project or a major energy facility. (PRC 30603)

Pursuant to the California Environmental Quality Act (CEQA):

1) Requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.

2) Requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

3) Requires the Judicial Council to adopt a rule of court to establish procedures that require actions or proceedings brought to attack, review, set aside, void, or annul the certification of an EIR report for an environmental leadership development project (ELDP) certified by the Governor or the granting of any project approvals that require the actions or proceedings, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. (PRC 21185)

Pursuant to the Public Trust Doctrine:

1) Protects, pursuant to the common law doctrine of the public trust (Public Trust Doctrine), the public's right to use California's waterways for commerce, navigation, fishing, boating,

natural habitat protection, and other water oriented activities. The Public Trust Doctrine provides that filled and unfilled tide and submerged lands and the beds of lakes, streams, and other navigable waterways (public trust lands) are to be held in trust by the state for the benefit of the people of California. (National Audubon Society v. Superior Court (1983) 33 Cal.3d 419)

2) Establishes that State Lands Commission (SLC) as the steward and manager of the state's public trust lands. SLC has direct administrative control over the state's public trust lands and oversight authority over public trust lands granted by the Legislature to local public agencies (granted lands). (PRC 6009)

3) Authorizes SLC to enter into an exchange, with any person or any private or public entity, of filled or reclaimed tide and submerged lands or beds of navigable waterways, or interests in these lands, that are subject to the public trust for commerce, navigation, and fisheries, for other lands or interests in lands, if specified conditions are met. (PRC 6307)

Pursuant to Chapter 67 of the Statutes of 1962, First Extraordinary Session:

1) Establishes the San Diego Unified Port District (Port District) for the acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements for the harbor of San Diego and for the promotion of commerce, navigation, fisheries, and recreation.

2) Specifies the territory to be included in the Port District and grants and conveys in trust to the Port District all the right, title, and interest of the State of California acquired by the state pursuant to specified deeds. Requires the Port District to develop a master plan for harbor and port improvement, referred to as the Port Master Plan (separate from the PMP under the Coastal Act).

3) Authorizes SLC to consider whether the submission of the Port Master Plan, pursuant to Section 19, meets the requirements of, and therefore may be considered, a trust lands use plan for trust lands granted.

THIS BILL:

1) Defines the Port District as the lead agency.

2) Defines the following terms:

    a) "Final action on the appeal" as approval, approval with conditions, or denial of a CDP under de novo review.

    b) "Objective standard" as a verifiable external standard, knowable by the public that does not require subjective judgment.

    c) "Waterfront Environmental Leadership Development Project" means a project to construct a mixed-use project on the waterfront that meets all of the following conditions:

        i) Is certified by the Governor pursuant to this chapter as an environmental leadership development project;

ii) Proposes to construct 1,000,000 or more square feet of new development on the waterfront;

iii) Enhances public access to the waterfront; and,

iv) Is located on more than 50 acres of land and water within the Central Embarcadero Planning District of the port within the County of San Diego.

3) Requires a WELDP to be eligible for streamlining as follows:

a) As provided in PRC 21185; and,

b) Before the certification of an EIR for a WELDP, requires the Commission to review and process relevant technical reports, memoranda, plans, and submittals by a lead agency or applicant for a WELDP following certification by the Governor and before an application is submitted to the Commission, and provide specific and substantive comments or objections, if any, within 60 days of receiving those documents. Provides that Commission comments or objections on the submitted technical reports, memoranda, plans, and submittals not provided before certification of the EIR are deemed waived. The waiver shall not apply to any new information that arises after the Commission comment or objection period ends.

4) Requires, within 30 days after the certification of the EIR by the lead agency, the lead agency or applicant to file required application forms and materials for a PMP amendment with the Commission.

5) Requires, within 30 days of the submittal of a PMP amendment to the Commission for a WELDP, the Commission to provide a list of all technical reports, memoranda, plans, and submittals needed by the Commission to evaluate the consistency of the PMP amendment with the Coastal Act. Prohibits the Commission from requesting additional materials beyond those identified in the list unless significant changes are made to the PMP amendment or the WELDP after the materials are submitted.

6) Requires the PMP amendment to include, but not be limited to, clear objective standards for building heights, setbacks, step-backs, view corridors, lower cost overnight accommodations and mitigation, and mitigation ratios for project-specific impacts to marine and coastal habitats.

7) Requires, notwithstanding any other law that imposes a timeframe on the Commission to approve, disapprove, or conditionally approve a project, the Commission to make a final determination on a PMP amendment for a WELDP within 90 days of the date the Commission receives the materials on the list of all technical reports, memoranda, plans, and submittals.

8) Requires, if the Commission finds that an appeal of a CDP for a WELDP raises a substantial issue pursuant to the Coastal Act, the Commission to take final action on the appeal within 180 days. Prohibits, if a WELDP is consistent with the objective standards in the certified PMP, as amended, those issues from being grounds for a finding of substantial issue.

9) Prohibits the Commission from constructively denying a WELDP by imposing conditions as part of a conditional approval of a CDP under de novo review that are not objectively necessary to assure consistency with the certified PMP and that serve to render the project, that is the subject of the permit application, practically infeasible.

10) Authorizes the Commission to charge a fee to an applicant for the reasonable costs incurred for processing documents for review or the application of the WELDP. Requires the fee or rate to be set forth in a written agreement with the applicant that may be amended from time to time.

11) Finds and declare that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique needs related to the urban waterfront in the County of San Diego.

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

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill will result in limited-term costs likely in the hundreds of thousands of dollars each year for several years (General Fund) for the Commission to implement the provisions of this bill. In addition, there could be unknown, potentially intermittent costs for the Commission associated with possible appeals of individual CDPs for certain projects, which would need to be acted on within a specified timeframe. Some of these costs may be partially offset by applicant fees. Additionally, there could be unknown, potentially significant costs (General Fund) for the State Lands Commission related to the implementation of the provisions of this bill.

COMMENTS:

1) **Author's statement**:

> California can and must continue to aggressively address climate change, protect resources and defend equitable access to our coast, waterways and bays. At the same time we face a housing and economic recovery challenge that demands we support housing and the creation sustainable jobs. This means we must fairly consider and support projects that are both environmentally exceptional, sustainable and job-creating.
>
> The comprehensive redevelopment of Seaport Village on the San Diego waterfront is such a project with the potential to address many of the longstanding issues of the area while generating thousands of high-wage construction jobs and permanent employment opportunities. However, without procedural efficiency, critical projects like this one risk dying on the vine. SB 675 will assure this project receives timely and fair consideration to move forward as a potentially transformative development, promote transparency, reduce duplicative work, and gives its applicants clarity and predictability.

2) **Coastal Act**. The Commission administers the Coastal Act and regulates proposed development along the coast and in nearby areas. Generally, any development activity in the coastal zone requires a CDP from the Commission or local government with a certified LCP. Eighty-eight percent of the coastal zone is currently governed by LCPs drafted by cities and

counties, and certified by the Commission. In these certified jurisdictions, local governments issue CDP detailed planning and design standards. There are 14 jurisdictions (out of 76 coastal cities and counties) without LCPs – also known as "uncertified" jurisdictions – where the Commission is still the permitting authority for CDPs.

3) **ELDP**. Initially created by AB 900 (Buchanan), Chapter 354, Statutes of 2011, for job-creating projects during the Great Recession, the ELDP law authorizes the governor to certify certain qualifying projects for CEQA benefits, including housing projects. Once certified, a project receives reduced time for the resolution of trial and appellate court CEQA lawsuits, from approximately three years to 270 days. Projects initially included professional sports venues as well as a few office/mixed-use projects that typically operated under significant time constraints (e.g., deadlines established by professional sports associations); projects that occurred in "infill" locations within regions with substantial union workforces; and, projects that were aimed at higher-income tenants and guests. The original ELDP program excluded residential uses. SB 7 (Atkins), Chapter 9, Statutes of 2021, the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, extended the expiration date the EDLP certification program under AB 900 to January 1, 2024, and expanded the law to also include a broad mix of uses, such as residential, retail, commercial, sports, cultural, entertainment and recreational uses (including mixes of these uses). Qualifying projects must result in an investment of at least $100 million in California upon completion of construction.

   SB 7 allows much smaller residential and mixed-use projects resulting in an investment of $15 million to $100 million to participate in ELDP, provided that these projects include at least 15% low-income housing, preclude short-term rentals, include at least two-thirds residential use, exclude manufacturing and industrial mixed uses, and provide "unbundled" parking for market-rate housing. Qualified projects also have to reduce greenhouse gas emissions.

   The current ELDP process does not distinguish between coastal and inland projects. The intent of the ELDP certification process was to spur economic development and living-wage job creation by reducing CEQA litigation timelines, while keeping the CEQA review and entitlement process intact.

   This bill creates a new category of projects – Waterfront Environmental Leadership Development Projects – and ties the certification of these projects as ELDPs in the coastal zone in San Diego to customized review by the Commission.

4) **Seaport Village.** While the bill is drafted to apply to prospective projects in the Central Embarcadero Planning District of the Port District that meet specified criteria, this committee is aware of only project that would be covered: Seaport Village redevelopment project (project).

   Seaport Village is currently a 14 acre waterfront shopping, dining, and entertainment complex that opened in 1980. It includes 54 shops, 13 casual dining eateries, four fine dining waterfront restaurants, and is located in close proximity to local hotels. According to representatives of 1HWY1, the developer of the redevelopment project, the project would be located on Port of San Diego tidelands along the downtown San Diego waterfront. The project site as proposed is comprised of approximately 75 acres of land and water areas, consisting of approximately 39 acres of land area and 36 acres of water area in the Port

District. The project currently consists of commercial fish processing, retail, restaurant, recreation and park uses, as well as open water areas, piers, marinas, and floating docks within San Diego Bay. The project proposes to demolish approximately 125,000 square feet (SF) of existing land-side development and redevelop the Project Site with approximately 2.7 million SF of mixed-use development.

The project's land-side developments would include a mix of hotel, retail, restaurant, health and wellness, blue/marine technology offices, environmental education, entertainment, signature attractions and recreational/open space uses, such as walkways, piers, marinas, plazas, parks, and a public urban beach. The water-side developments of the project would involve construction of approximately 561,400 SF of floating docks and fixed piers to support a variety of vessels, water taxis, and fishing boats within San Diego Bay.

5) **Public Trusted Lands**. The foundational principle of the common law Public Trust Doctrine is that it is an affirmative duty of the state to protect the people's common heritage in navigable waters for their common use. Initial Public Trust uses were limited to commerce, navigation and fishing, but in recent decades the Doctrine has expanded to include water-oriented recreation, retention as open space and habitat protection for wildlife and plant preservation, and for scientific study and visitor-serving amenities. The courts have also found that preservation of these lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments that provide food and habitat for birds and marine life, are appropriate uses under the common law Public Trust Doctrine. Courts have also made clear that sovereign lands subject to the Public Trust Doctrine cannot be sold into private ownership. More difficult issues arise with commercial and retail establishments, which must primarily serve visitors to the waterfront rather than local residents, and with recreational venues, which must have a connection to the water that enhances the public's use and enjoyment of the water or waterfront.

   For more than 100 years, the Legislature has granted public trust lands to local governments so the lands can be managed locally for the benefit of the people of California. There are more than 70 local trustees in the state, including the ports of Los Angeles, Long Beach, San Diego, San Francisco, Oakland, Richmond, Benicia, and Eureka. While these trust lands are managed locally, SLC has oversight authority to ensure those local trustees are complying with the Public Trust Doctrine and the applicable granting statutes.

6) **Port District**. In 1962, the Legislature created the Port District and granted certain filled and unfilled tidelands and submerged lands within San Diego Bay to the Port District to hold in trust subject to the terms of the granting statute and the Public Trust Doctrine. Generally, the lands granted include filled and unfilled tide and submerged lands from the ordinary high water mark to the pier head line, with the remaining portions of San Diego Bay under the SLC's direct leasing authority. The cities of San Diego, Chula Vista, Coronado, National City, and Imperial Beach were required to convey to the Port District all the right, title, and interest in, and to, the tidelands and submerged lands in these cities, with certain exceptions.

   The Seaport Village project is located on filled tidelands, but some of it will be in the water as well. At the developer's request, SLC provided a preliminary Trust Consistency Review. That January 2022 review, which is not a guarantee or declaration of trust consistency, but rather a tool to help the Port District determine whether and how the Project complies with the Public Trust Doctrine, notes that the uses allowed under the Port District's grant are

expansive and so the limitations of the grant are considered coextensive with the limits of the Public Trust Doctrine.

7) **Development appeals**. The Coastal Act allows an action taken by a local government on a CDP application to be appealed to the Commission, on the grounds the action is inconsistent with the LCP or public access laws on certain types of development, including those in designated areas between the sea and the first public road; developments located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; developments located in a sensitive coastal resource area; and/or, major public works project or a major energy facility.

   Under this bill, the Commission will have 180-days to take final action on an appeal to the CDP for WELDP. Under current law, an appeal must be filed with the Commission within 10 days of local approval. The Commission has 49 days from the day an appeal is filed to determine whether or not an appeal raises a substantial issue under the PMP. If it doesn't, the appeal is rejected and the local approval stands. If the Commission determines that the appeal raises a substantial issue in terms of its conformance with the PMP, the Commission works with the applicant to address the issues and brings it to a de novo hearing when an agreement is reached with an applicant on how to resolve the issue. At the de novo hearing, the certified PMP is the standard of review. The Commission cannot impose any conditions when it certifies a PMP (PRC 30714), and the Commission can only impose conditions to ensure a project is consistent with the Port's PMP (which the Commission cannot modify).

8) **CEQA**. The bill requires the Commission, before the certification of an EIR for a WELDP and after the Governor certifies the project as an ELDP, to review and process relevant technical reports, memoranda, plans, and submittals by the applicant and provide specific and substantive comments or objections within 60-days. Any new comments or objections on the submitted documents not provided before certification of the EIR are waived from consideration.

   The bill does not specify how the Commission's 60-day document review tracks with EIR timelines. The author explains the Commission review can overlap, but does not need to precede initiation of the EIR process. Because the Commission has no role under CEQA, it is imperative that this bill does not create any unintended confusion as it relates to the CEQA process.

9) **Tightening the Commission's timeframes for review**. There are numerous bills currently being considered by this Legislature to reduce the Commission's timeframes for reviewing documents under their purview, including CDPs, LCPs, PMPs, long range development plans, amendments to all of the aforementioned planning documents, and appeals. Reviewed individually, the Legislature may determine the proposed abbreviated timeframe(s) for approval or denial is appropriate and/or achievable, but these bills should not be considered in a vacuum. Commission staff that review these documents are responsible for assessing the thoroughness of the applications and the consistency with the Coastal Act before taking action. To reduce the various timeframes concurrently would logjam Commission staff and stymie their ability to thoroughly review these lengthy applications and appeals.

10) **Special rules for one project**. While this bill tailors special rules for a single project, it would set a statutory precedent for other ELDPs proposed in the coastal zone, or for any large project in the coastal zone seeking special statutory carve-outs for permit review.

11) **Is this bill needed?** If the developer complies with the Coastal Act, arguably there is no need for this legislation. No objective problem has been identified that needs to be resolved other than the author's concerns with the subjectivity of the Coastal Act (which applies to *all* CDP applicants) and the developer's desire for definitive timelines. For example, the Coastal Act protects coastal access (among many other things), which is inherently subjective when one entity's goal is to protect it and another entity's objective is to make money from developing around it.

    Projects of significant size have been approved in the coastal zone by the Commission under existing statutory and regulatory timeframes, including Spanish Bay at Pebble Beach (resort and golf course) adjacent to Asilomar State Beach in Monterey County. As a result of the Commission's review, the project included critical restoration of native plant communities and critical protections for native dunes habitat.

    AB 1023 (Gipson) was introduced this year to give the Los Angeles Harbor Department the sole authority to review and issue a CDP permit for a port project at the Los Angeles Port. The Los Angeles Port and the Commission ultimately identified a more efficient and productive path forward administratively, obviating the need for the author to advance legislation.

    A memorandum of understanding (MOU) between the Commission and Seaport Village developer to establish agreed upon objective standards and review timelines is a much more appropriate approach than legislating special rules for a single project.

12) **Committee amendments**. The committee may wish to consider adopting clarifying amendments to the bill that require the Commission and the developer of the Seaport Village to enter an MOU to effectuate agreed upon terms for Coastal Act compliance and timelines for Commission review.

13) **Related legislation**:

    a) AB 357 (Alvarez) requires, within 90 days of submittal of a complete application for a CDP for a student housing project or a faculty and staff housing project the Commission to approve or deny the application. This bill is referred to the Senate Natural Resources and Water Committee.

    b) AB 1023 (Gipson) would have required a CDP associated with the Zero Emissions Port Electrification and Operations project, to be considered to be within the boundaries of the Los Angeles Harbor District, and would provide the Los Angeles Harbor Department the sole authority to review the permit application and issue an associated CDP on behalf of all jurisdictions ordinarily required to review the application. This bill is a two-year bill.

    c) SB 484 (Laird) requires the Commission, in consultation with the Department of Housing and Community Development, by July 1, 2027, to identify infill areas within at least three local jurisdictions that do not have a certified LCP for a categorical exclusion from

the CDP requirement. This bill is referred to the Senate Housing and Community Development and Natural Resources and Water Committees.

REGISTERED SUPPORT / OPPOSITION:

Support

1HWY1, LLC
City of San Diego
Downtown San Diego Partnership
San Diego County Board of Supervisors, District 3 - Terra Lawson-Remer
San Diego County Building and Construction Trades Council
San Diego Regional Chamber of Commerce
San Diego Regional Economic Development Corporation
San Diego Unified School District
Unite Here International Union, AFL-CIO

Opposition

Embarcadero Coalition of San Diego

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 767 (Richardson) – As Amended July 10, 2025

SENATE VOTE: 37-0

SUBJECT: Energy: transportation fuels: supply: reportable pipelines

SUMMARY: Requires the California Energy Commission (CEC) to work with stakeholders to identify, on or before December 31, 2026, pipelines that qualify as reportable pipelines, and requires, commencing March 30, 2027, the operators of reportable pipelines to report pipeline flows to thee CEC. Establishes timeframe for pipeline shutdown notification.

EXISTING LAW:

1) Establishes the CEC to, among other things, collect from electric utilities, gas utilities, and fuel producers and wholesalers and other sources forecasts of future supplies and consumption of all forms of energy, including electricity, and of future energy or fuel production and transporting facilities to be constructed; independently analyze such forecasts in relation to statewide estimates of population, economic, and other growth factors and in terms of the availability of energy resources, costs to consumers, and other factors; and, formally specify statewide and service area electrical energy demands to be utilized as a basis for planning the siting and design of electric power generating and related facilities. (Public Resources Code (PRC) 25200, 25216)

2) Requires, pursuant to the Petroleum Industry Information Reporting Act of 1980 (PIIRA), refiners to report monthly to the CEC specified information for each of their refineries, including the origin of petroleum receipts and the source of imports of finished petroleum products. (PRC 25353-25354)

3) Requires that information presented to the CEC is held in confidence by the CEC or aggregated to the extent necessary to ensure confidentiality if public disclosure of the specific data would result in unfair competitive disadvantage to the person supplying the information. (PRC 25364)

4) States the intent of the Legislature that the State Fire Marshal (SFM) exercise exclusive safety regulatory and enforcement authority over intrastate hazardous liquid pipelines and, to the extent authorized by agreement between the SFM and the United States Secretary of Transportation, may act as agent for the United States Secretary of Transportation to implement the federal Hazardous Liquid Pipeline Safety Act of 1979 and federal pipeline safety regulations as to those portions of interstate pipelines located within this state, as necessary to obtain annual federal certification. (Government Code (GC) 51010)

5) Defines "pipeline" to include every intrastate pipeline used for the transportation of hazardous liquid substances or highly volatile liquid substances, including a common carrier pipeline, and all piping containing those substances located within a refined products bulk loading facility that is owned by a common carrier and is served by a pipeline of that

common carrier, and the common carrier owns and serves by pipeline at least five of these facilities in the state. (GC 51010.5)

6) Requires 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. (GC 51013.5)

7) Requires every operator of a pipeline, as defined in GC 51010.5, to annually certify to the SFM the total miles of pipelines owned, operated or leased by the operator within California for which the pipeline operator is responsible. (GC 51015.1, Title 19 California Code of Regulations 2021 (b))

THIS BILL:

1) Defines "reportable pipeline" as a pipeline that delivers domestic crude feedstock from oil production facilities to oil refineries for processing into transportation fuels. Excludes a pipeline whose closure would not cause a significant reduction in the quantity of the crude feedstock that the refinery receives for processing.

2) Requires the CEC to work with stakeholders, including, but not limited to, refineries and pipeline operators, to identify, on or before December 31, 2026, those pipelines that meet the definition of a reportable pipeline.

3) Requires, commencing March 30, 2027, and each month thereafter, the operator of a reportable pipeline to report pipeline flows to the CEC.

4) Requires, if reportable pipeline flows fall to, or below, their rated minimum throughput levels at any time, the reportable pipeline operator to notify the CEC within 24 hours of the potential pipeline shutdown.

5) Requires the CEC to notify the governor, the chair of the Assembly Utilities and Energy Committee, the chair of the Senate Energy, Utilities, and Communications Committee, and, as appropriate, safety and emergency response agencies of the potential pipeline shutdown.

6) Requires the CEC to determine if the potential reportable pipeline shutdown could result in gasoline supply disruptions.

7) Requires the CEC to establish a form for reporting pipeline flows that can be submitted via email by reportable pipeline operators. Requires the form to include a method to report when pipeline flows reach minimum throughput levels. Authorizes the CEC to use or modify existing reporting documents to meet the requirements of this bill.

8) Requires data collected by the CEC for the purposes of this section to be used solely to assess the potential for and impact of reportable pipeline shutdowns, and the data shall not be used to set maximum gasoline refining margins or establish requirements for refinery maintenance turnarounds.

FISCAL EFFECT: According to the Senate Appropriations Committee, the CEC estimates one-time costs of $179,000 (Energy Resources Program Account or other fund) and ongoing

costs of $282,700 for 1-3 positions to implement a structured oversight and compliance framework, develop and communicate clear requirements, establish a secure data submission system, and develop regular reports.

COMMENTS:

1) **Author's statement**:

> According to recent studies, the state's crude oil production has declined by over 50% since 2000, with the rate of decline accelerating, particularly in the aftermath of the COVID-19 pandemic. The latest findings indicate that several crude oil pipelines across the state are approaching critical minimum throughput levels. If these pipelines were to shut down, California refineries would face severe operational challenges, increasing reliance on costly and logistically constrained marine imports to sustain fuel supplies. Ensuring a stable and predictable fuel supply is essential for our transportation sector, emergency response services, and broader economic stability. This legislation is not about reversing the state's long-term energy transition but about managing it responsibly. A sudden loss of refining capacity due to unmonitored pipeline failures would not only impact gasoline availability but also threaten jobs, increase fuel costs, and disrupt the state's energy security. By requiring the CEC to track and report pipeline throughput levels as outlined in SB 767, we can implement timely interventions that prevent unnecessary refinery shutdowns, maintain market stability, and protect California's consumers from avoidable fuel price volatility.

2) **California's oil demand**. Commercial oil production in California started in the middle of the 19th century. In 1929, at the peak of oil development in the Los Angeles Basin, California accounted for more than 22% of total world oil production. California's oil production reached an all-time high of almost 400 million barrels in 1985 and has generally declined at an average rate of six million barrels per year since then. Recent production declines are approaching an annualized rate of ~15%, which is about 50% faster than gasoline demand declines in the CEC's most aggressive Transportation Fuels Assessment case. According to a TESCII Study Report (June, 2024), SB 1137 (Gonzales), Chapter 365, Statutes of 2022, which prohibits permits for most new oil and gas wells being drilled within 3,200 feet of a sensitive receptor, could shutter up to 20% of current production. Further, in 2020, California Governor Gavin Newsom issued executive order M-79-20 to phase out the sale of new gasoline-powered cars and trucks by 2035 and directs the state to take further actions to reduce oil extraction and support workers and job creation during the transition away from fossil fuels.

   This steadily decreasing production of crude in California is expected to continue as the state's oil fields deplete. A University of California, Santa Barbara, report estimated that under business-as-usual conditions, California oil field production would decrease to 97 million barrels in 2045. The business-as-usual model assumed no additional regulations limiting oil extraction in California.

3) **Pipelines**. There are approximately 5,500 miles of transportation pipelines in California. Those lines carry different products ranging from crude to refined products such as gasoline, diesel, and jet fuel. Pipelines transporting hazardous materials, including oil pipelines, have

differing oversight at the federal and state level. At the federal level, the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) establishes requirements for interstate pipelines. Certain minimum safety requirements adopted by PHMSA apply to both interstate and intrastate pipelines, and states can establish their own pipeline safety programs if they receive certification from PHMSA to operate that program. In California, PHMSA has granted the SFM exclusive safety regulatory and enforcement authority over hazardous liquid pipelines in the state. Pipeline operators are required to certify to the SFM the total miles of pipelines owned, operated, or leased by the operator within California for which the pipeline operator is responsible using Form PSD-101 provided by the SFM.

California has 13 refineries[i] producing more than 1.6 million barrels of oil per day. (Two refineries have imminent closures – Valero in Benicia notified CEC its plans to cease operations by the end of April 2026, and Phillips 66 in Wilmington plans to close by the end of 2025.) In 2024, California supplied 118,733,000 barrels of oil to in-state refineries, representing about 23% of all oil sent to California refineries. The other 77% came from Alaska and foreign sources. According to PHMSA, California has more than 3,100 miles of crude oil pipeline. However, according to the Western States Petroleum Association (WSPA), California is effectively an "oil island," with no pipelines linking the state to other crude oil production and refining regions.

4) **Petroleum Industry Information Reporting Act**. PIIRA, enacted in 1980, requires qualifying petroleum industry companies to submit weekly, monthly, and annual data to the CEC. Businesses that ship, receive, store, process and sell crude oil and petroleum products, including major crude oil transporters (moving at least 20,000 barrels of crude oil) and all refiners, in California file PIIRA reports.

   PIIRA has confidentiality protections for refinery data collected by CEC, but they are very restrictive and limit the extent to which information covered by this bill can be publicly reported. The only way to get public reporting for info under PIIRA is to mandate public reporting or exempt it from PIIRA's confidentiality requirements.

   SB 1322 (Allen), Chapter 374, Statutes of 2022, requires all refiners of gasoline products in the state to publish monthly data about various price and volume information from the refinery operators' monthly reports. SB X1-2 (Skinner), Chapter 1, Statutes of 2023, expands the monthly reports to require refinery operators to provide net gasoline refining information. SB X1-2 also requires the CEC to publish a volume weighted net gasoline refining margin for the state and the net gasoline refining margin for each refinery with two or more refining facilities in the state.

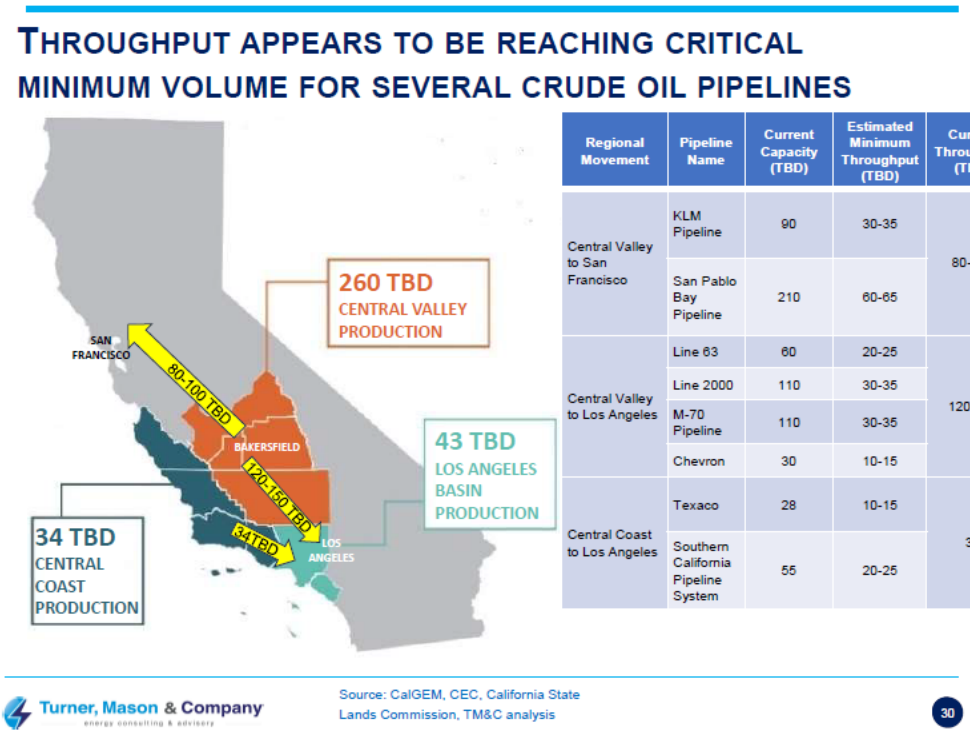
5) **Flow rates**. According to WSPA, California crude oil pipelines are approaching critical minimum throughput levels, requiring at least 30% capacity for safe flow.

   The state does not set or regulate rated minimum throughput levels for pipelines; this is industry-driven. Throughput does not always amount to the volume delivered. Many pipelines can have a large throughput, but operate at lower delivery volumes.

   Several refineries still rely on California crude transported via pipeline from Kern County to maintain efficient operations. Recently, pipeline volumes from production fields to these

refineries have declined. The California State Pipe Trades Council, co-sponsor of the bill, notes that if this trend continues, pipelines could shut down due to insufficient volume and pressure needed for operation because they run most efficiently on 100% California crude.

When pipeline throughput runs low due to lack of domestic production, it threatens the pipelines which have a minimum throughput level. If a pipeline shuts down, it can threaten refinery operations as well as strand oil production.



Regional Movement	Pipeline Name	Current Capacity (TBD)	Estimated Minimum Throughput (TBD)	Current Throughput (TBD)
Central Valley to San Francisco	KLM Pipeline	90	30-35	80-100
	San Pablo Bay Pipeline	210	60-65	
Central Valley to Los Angeles	Line 63	60	20-25	120-150
	Line 2000	110	30-35	
	M-70 Pipeline	110	30-35	
	Chevron	30	10-15	
Central Coast to Los Angeles	Texaco	28	10-15	34
	Southern California Pipeline System	55	20-25	

This bill will require an operator of a reportable pipeline to report monthly pipeline flows to the CEC. If a reportable pipeline flows fall to, or below, the rated minimum throughput levels at any time, the reportable pipeline operator would be required notify the CEC within 24 hours of the potential pipeline shutdown.

6) **Gas prices**. The cost of a gallon of gasoline is tethered to a number of different variables, including the cost of crude, federal and state taxes, state programmatic fees (e.g., underground tank program), imbedded costs of compliance with state environmental laws, cost of doing business (employees, insurance, and overhead), and industry profit margins.

   According to AAA, as of June 9, the average cost per gallon of gas nationwide is $3.12 and the average cost per gallon in California is $4.70. Conscientious of the impact of gas prices on Californians, this bill requires the CEC to determine if the potential reportable pipeline shutdown could result in gasoline supply disruptions.

7) **This bill**. SB 767 requires the CEC to work with stakeholders, including, but not limited to, refineries and pipeline operators, to identify, on or before December 31, 2026, those pipelines that meet the definition of a reportable pipeline, and operators of those pipelines, commencing March 30, 2027, would be required to report monthly on their pipeline flows to

the CEC. If a reportable pipeline flows fall to, or below, their rated minimum throughput levels at any time, the reportable pipeline operator would notify the CEC within 24 hours of the potential pipeline shutdown, and the CEC would then be required to notify the Governor, specified legislative committees, and the appropriate safety and emergency response agencies of the potential pipeline shutdown.

8) **Double referral**. This bill was heard in the Assembly Utilities and Energy Committee on July 9 and approved 18-0.

9) **Committee amendments**. The *Committee may wish to consider* amending the bill to define rated minimum throughput and require operators of reportable pipelines to report the rated minimum throughput.

REGISTERED SUPPORT / OPPOSITION:

Support

California Independent Petroleum Association
California State Pipe Trades Council

Opposition

None on file

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

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[i] https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market/californias-oil-refineries

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 830 (Arreguín) – As Amended July 10, 2025

SENATE VOTE: 37-0 (not relevant)

SUBJECT: California Environmental Quality Act: administrative and judicial streamlining benefits: hospital: City of Emeryville

SUMMARY: Establishes expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for an "environmental leadership hospital campus project" in the City of Emeryville, 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) Pursuant to AB 900 (Buchanan), Chapter 354, Statutes of 2011, as reenacted by SB 7 (Atkins), Chapter 19, Statutes of 2021, establishes procedures for expedited judicial review (i.e., requiring the courts to resolve lawsuits within 270 days, to the extent feasible) for "environmental leadership development projects" certified by the Governor and meeting specified conditions, including Leadership in Energy and Environmental Design (LEED) Gold-certified infill site projects achieving transportation efficiency 15% greater than comparable projects and zero net additional greenhouse gas (GHG) emissions, clean renewable energy projects, and clean energy manufacturing projects. (PRC 21178 *et seq.*)

THIS BILL:

1) Requires the Emeryville City Council to certify an eligible hospital project for streamlining (i.e., expedited administrative and judicial review) if the city finds the following conditions will be met:

   a) The project will result in an investment of at least one billion dollars in California upon completion.

   b) All new buildings within the project will use electricity for the buildings' energy needs.

   c) The project applicant has provided the lead agency with a binding commitment for both of the following:

      i) The energy demand of the hospital facility will be met by carbon-free energy resources.

      ii) The purchase of at least three electric buses for use by local transit providers.

   d) The project provides an amount of electric vehicle charging stations that meets or exceeds the amount required by law and that will provide charging for electric vehicles free of charge.

   e) The project has a transportation management program that, upon full implementation, will achieve and maintain a 15 percent reduction in the number of vehicle trips by employees as compared to operations of the hospital campus absent the transportation demand management program.

   f) The project will achieve a reduction in vehicle miles traveled per capita of at least 15 percent compared to existing development.

   g) The project will obtain certification as LEED gold standard or better for all new construction that is eligible for LEED certification.

   h) The project does not result in any net additional GHG emissions, including, but not limited to, from employee transportation, as specified.

   i) If measures are required to mitigate significant environmental impacts in a disadvantaged community, those impacts will be mitigated consistent with CEQA and the mitigation measures will be undertaken in, and directly benefit, the affected community.

   j) The project will generate at least 500 jobs during construction.

   k) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages, employs a skilled and trained workforce, as defined, provides construction jobs and permanent jobs for Californians, and helps reduce unemployment. These requirements do not apply to a contractor or subcontractor performing work that is subject to a project labor agreement.

   l) The project applicant demonstrates compliance with specified recycling requirements.

m) The project applicant agrees that all mitigation measures required pursuant to CEQA and any other environmental measures required by this bill shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency.

n) The project applicant agrees to pay any additional costs incurred by the courts in hearing and deciding any case subject to this section, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council.

o) The project applicant agrees to pay the costs of preparing the record of proceedings for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.

2) Requires the Judicial Council to adopt a rule of court to establish procedures that require resolution, to the extent feasible, within 270 days, including any appeals, of a lawsuit challenging the certification of the EIR or any project approvals.

3) Makes related findings.

FISCAL EFFECT: Unknown

COMMENTS:

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

   In 2011, AB 900 and SB 292 (Padilla), Chapter 353, Statutes of 2011, established expedited CEQA judicial review procedures for a limited number of projects. For AB 900, it was large-

scale projects meeting extraordinary environmental standards and providing significant jobs and investment. For SB 292, it was a proposed downtown Los Angeles football stadium and convention center project achieving specified traffic and air quality mitigations. For these eligible projects, the bills provided for original jurisdiction by the Court of Appeal and a compressed schedule requiring the court to render a decision on any lawsuit within 175 days. This promised to reduce the existing judicial review timeline by 100 days or more, while creating new burdens for the courts and litigants to meet the compressed schedule. AB 900's provision granting original jurisdiction to the Court of Appeal was invalidated in 2013 by a decision in Alameda Superior Court in *Planning and Conservation League v. State of California*. AB 900 was subsequently revised to restore jurisdiction to superior courts and require resolution of lawsuits within 270 days, to the extent feasible.

As part of their expedited judicial review procedures, these bills required the lead agency to prepare and certify the record of proceedings concurrently with the administrative process and required the applicant to pay for it. It was commonly agreed that this would expedite preparation of the record for trial. Since 2011, several additional bills have provided similar project-specific concurrent preparation procedures. In addition, SB 122 (Jackson), Chapter 476, Statutes of 2016, established an optional concurrent preparation procedure for any CEQA project, subject to the lead agency agreeing, and the applicant paying the agency's costs.

To date, approximately 30 projects have been eligible for expedited review under AB 900 and the several project-specific bills enacted since 2011. Many of these projects have not proceeded to final approval and construction, and only four projects have been challenged in court. Of those four cases, two were high-profile arena projects, one was a luxury condominium tower, and one is the reconstruction of the Capitol Annex. A review by the Senate Office of Research indicates the following timelines for final resolution of three of the cases:

a) Golden1 Center (Sacramento Kings arena): 243 business days/352 calendar days.

b) Chase Center (Golden State Warriors arena): 257 business days/376 calendar days.

c) 8150 Sunset Boulevard (Hollywood condo tower): 395 business days/578 calendar days.

Whether calendar days or business days, "to the extent feasible," as well as the inherent authority of the independent judicial branch, provides a court discretion, and no direct consequence, if it is unable to meet the 270-day deadline

2) **Author's statement**:

> Maintaining access to emergency and acute care is critical for the East Bay region, with natural hazard risks, a growing senior population and a shortage of facilities due to the 2015 closure of Doctors Hospital in San Pablo and the announced closure of the Alta Bates Summit Berkeley Hospital by 2030. These closures would put thousands of residents at risk without an accessible emergency room, and put a strain on the region's remaining hospitals.
>
> After years of community advocacy and discussion, in February 2025, Sutter Health announced plans to invest more than $1 billion dollars to expand services in the East Bay.

At the heart of this regional expansion is the construction of a new, 12-acre Sutter Health Emeryville Campus, which will serve as a key healthcare destination, and will allow for a transition of hospital services to avoid the negative impacts of Alta Bates' closure on East Bay residents. SB 830 is necessary to ensure the region's residents will be able to have access to high-quality care within a 15-minute drive from home or work.

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

REGISTERED SUPPORT / OPPOSITION:

Support

Sutter Health (sponsor)
Bay Area Council
California Chamber of Commerce
California Hospital Association
City of Emeryville
Civil Justice Association of California

Opposition

None on file

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

Date of Hearing: July 14, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 840 (Limón) – As Amended March 26, 2025

SENATE VOTE: 38-0

SUBJECT: Greenhouse gases: report

SUMMARY: Removes 2030 sunset on Legislative Analyst's Office (LAO) annual report to the Legislature on the economic impacts and benefits of greenhouse gas (GHG) emissions targets for 2020 and 2030. Requires the Independent Emissions Market Advisory Committee (IEMAC) to review the LAO's annual report in a public hearing.

EXISTING LAW:

1) Requires the Air Resources Board (ARB) to adopt a statewide GHG emissions limit equivalent to 1990 levels by 2020, to ensure that statewide GHG emissions are reduced to at least 40% below the 2020 statewide limit no later than December 31, 2030, 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) Declares the policy of the state to achieve net zero GHG emissions as soon as possible, but no later than 2045, and to achieve and maintain net negative GHG emissions thereafter. (HSC 38562.2)

3) Requires any direct regulation or market-based compliance mechanism to achieve GHG reductions that are real, permanent, quantifiable, verifiable, and enforceable by ARB. (HSC 38562)

4) Authorizes ARB, in furtherance of achieving the 2020 statewide limit, to adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit GHG emissions, applicable from January 1, 2012, to December 31, 2020, to comply with GHG reduction regulations, once specified conditions are met. Under this authority, ARB adopted a cap-and-trade regulation which applies to large industrial facilities and electricity generators emitting more than 25,000 metric tons of carbon dioxide equivalent per year, as well as distributors of fuels, including gasoline, diesel, and natural gas. In 2017, AB 398 (E. Garcia), Chapter 135, Statutes of 2017, extended ARB's cap-and-trade authority through 2030, required ARB to establish a price ceiling on GHG emission allowances in consideration of specified factors, added several new conditions governing the management and allocation of allowances, and reduced limits on compliance offsets. AB 398 requires the LAO annual report until 2030 and established the IEMAC until 2031. (HSC 38562, 38591.2, 38592.6)

FISCAL EFFECT: According to the Senate Appropriations Committee, cost pressure in the low hundreds of thousands of dollars annually (General Fund) for the LAO to continue producing the annual report in lieu of other work.

COMMENTS:

1) **Author's statement**:

> California has ambitious climate goals, reducing our overall greenhouse gas emissions 40% the 1990 levels by 2030. Cap and trade has been a cost effective way to reduce greenhouse gas emissions in California, but it is set to sunset in 2030. This bill removes the sunset date on a report the Legislative Analyst's Office is required to submit to the legislature on the economic impacts of our climate targets.

2) **Great expectations**. This bill is a vehicle for potential extension of the cap and trade regulation. The "support if amended" and "oppose unless amended" letters listed below are based on aspirations for the cap and trade extension, not the current contents of the bill.

REGISTERED SUPPORT / OPPOSITION:

Support (if amended)

Alchemist CDC
California Certified Organic Farmers (CCOF)
California Climate & Agriculture Network (CALCAN)
California Farmlink
California Food and Farming Network
Carbon Cycle Institute
Center for Food Safety
Ceres Community Project
Coalition for Clean Air
Community Alliance With Family Farmers
Community Environmental Council
Environmental Defense Fund
Farm2People
Food Access LA
Move LA
NextGen California
Office of Kat Taylor
Pesticide Action & Agroecology Network
Public Advocates
Roots of Change
Sierra Harvest
Sustainable Agriculture Education
Union of Concerned Scientists
Wild Farm Alliance

Opposition (unless amended)

Asian Pacific Environmental Network (APEN)
California Environmental Justice Alliance
Center on Race, Poverty & the Environment

Central California Asthma Collaborative (CCAC)
Central California Environmental Justice Network (CCEJN)
Central Valley Air Quality Coalition (CVAQ)
Clean Water Action
Climate Center
Communities for a Better Environment
Community Water Center
Leadership Counsel for Justice and Accountability
Physicians for Social Responsibility - Los Angeles
The Greenlining Institute
Transform

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