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# California State Assembly

## NATURAL RESOURCES



**LUZ RIVAS**  
CHAIR

### AGENDA

Wednesday, April 14, 2021  
9 a.m. -- State Capitol, Room 4202

**Chief Consultant**  
Lawrence Lingbloom

**Principal Consultant**  
Elizabeth MacMillan

**Senior Consultant**  
Michael Jarred

**Committee Secretary**  
Sue Fischbach

### BILLS HEARD IN FILE ORDER

**\*\* = Bills Proposed for Consent**

1. AB 1486 Carrillo California Environmental Quality Act: housing.
2. AB 1147 Friedman Regional transportation plan: Active Transportation Program.
3. AB 1371 Friedman Recycling: plastic: packaging and carryout bags.
4. ~~AB 1547~~ ~~Reyes~~ ~~Air pollution: warehouse facilities.~~
5. AB 478 Ting Solid waste: thermoform plastic containers: postconsumer recycled plastic.
6. AB 9 Wood Fire safety: wildfires: fire adapted communities.
7. AB 1311 Wood Recycling: beverage containers.
8. AB 826 Bennett Beach erosion: South Central California Coast: Point Conception to Point Mugu.
9. AB 1255 Bloom Fire prevention: fire risk reduction guidance: local assistance grants.
10. AB 1454 Bloom The California Beverage Container and Litter Reduction Act.
11. **\*\*AB 1261** Burke State Air Resources Board: greenhouse gas emissions: incentive programs.
12. AB 981 Frazier Forestry: California Fire Safe Council.
13. AB 1384 Gabriel Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.
14. AB 897 Mullin Office of Planning and Research: regional climate networks: climate adaptation action plans.

- |     |                  |                   |  |
|-----|------------------|-------------------|--|
| 15. | AB 78            | O'Donnell         | San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy: territory: Dominguez Channel watershed and Santa Catalina Island.      |
| 16. | AB 67            | Petrie-Norris     | Sea level rise: working group: economic analysis.  |
| 17. | AB 72            | Petrie-Norris     | Environmental protection: Natural Resources Agency: coastal adaptation projects: sea level rise: regulatory review and permitting: report. |
| 18. | AB 39            | Chau              | California-China Climate Institute.  |
| 19. | <b>**AB 1570</b> | Natural Resources | Public resources: omnibus bill.  |
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SUBJECT:

We encourage the public to provide written testimony before the hearing by visiting the committee website at <https://antr.assembly.ca.gov>. Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted.

Due to ongoing COVID-19 safety considerations, including guidance on physical distancing, seating for this hearing will be very limited for press and for the public. All are encouraged to watch the hearing from its live stream on the Assembly's website at <https://www.assembly.ca.gov/todaysevents>.

The Capitol will be open for attendance of this hearing, but the public is strongly encouraged to participate via the web portal, Remote Testimony Station, or phone. Any member of the public attending a hearing in the Capitol will need to wear a mask at all times while in the building. We encourage the public to monitor the committee's website for updates.

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 1486 (Carrillo) – As Amended April 7, 2021

**SUBJECT:** California Environmental Quality Act: housing

**SUMMARY:** Establishes alternative streamlined California Environmental Quality Act (CEQA) review procedures for housing elements and related projects undertaken by cities, including a temporary exemption for housing element and related general plan updates, as well as limited CEQA review for “housing element implementation projects,” such as rezoning.

**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.
- 2) The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development and the development of any land outside its boundaries that bears relation to its planning. After the legislative body has adopted a general plan, the planning agency prepares specific plans for the systematic implementation of the general plan, including a housing element. Housing elements, other general plan actions, rezoning, and related actions by cities to plan for housing are generally considered projects for purposes of CEQA and are subject to CEQA’s environmental review, public process, and mitigation requirements. Cities are required to update the housing element of their general plan every eight years to demonstrate how they will accommodate their share of regional housing needs for very low, low, moderate, and above moderate-income households. A housing element update requires an assessment of existing housing capacity and revisions to policies or programs as needed, as well as the implementation of a rezoning program if existing zoning does not provide sufficient capacity to accommodate housing targets.
- 3) SB 375 requires metropolitan planning organizations (MPOs) to include a sustainable communities strategy (SCS), as defined, in their regional transportation plans, or an alternative planning strategy (APS), for the purpose of reducing greenhouse gas (GHG) emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies, including CEQA exemption or abbreviated review for residential or mixed-use residential "transit priority projects" if the project is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in either an approved SCS or APS. These regional plans are subject to CEQA. [SB 375 (Steinberg), Chapter 728, Statutes of 2008]
- 4) Exempts from CEQA any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an EIR has been certified after January 1, 1980, unless substantial changes or new information require the preparation of a supplemental EIR for the specific plan, in which case the exemption applies once the supplemental EIR is certified.

- 5) Exempts from CEQA specified residential housing projects which meet detailed criteria established to ensure the project does not have a significant effect on the environment. [SB 1925 (Sher), Chapter 1039, Statutes of 2002] The SB 1925 exemptions are available to:
  - a) Affordable agricultural housing projects not more than 45 units within a city, or 20 units within an agricultural zone, on a site not more than five acres in size;
  - b) Urban affordable housing projects not more than 100 units on a site not more than five acres in size; and,
  - c) Urban infill housing projects not more than 100 units on a site not more than four acres in size which is within one-half mile of a major transit stop.
- 6) Establishes abbreviated CEQA review procedures for specified infill projects, where only specific or more significant effects on the environment which were not addressed in a prior planning-level EIR need be addressed. An EIR for such a project need not consider alternative locations, densities, and building intensities or growth-inducing impacts. Infill projects may include residential, retail, commercial, transit station, school, or public office building projects located within an urban area. [SB 226 (Simitian), Chapter 469, Statutes of 2011]
- 7) Exempts from CEQA residential, mixed-use, and "employment center" projects, as defined, located within "transit priority areas," as defined, if the project is consistent with an adopted specific plan and specified elements of an SCS or APS adopted pursuant to SB 375. [SB 743 (Steinberg), Chapter 386, Statutes of 2013]
- 8) Establishes a ministerial approval process (i.e., not subject to CEQA) for certain multifamily affordable housing projects that are proposed in local jurisdictions that have not met regional housing needs. [SB 35 (Wiener), Chapter 366, Statutes of 2017]
- 9) Exempts from CEQA multi-family residential and mixed-use housing projects on infill sites within cities and unincorporated areas that are within the boundaries of an urbanized area or urban cluster. [AB 1804 (Berman), Chapter 670, Statutes of 2018]

**THIS BILL:**

- 1) Establishes an exemption from CEQA for the adoption or revision of a housing element, and amendments to other general plan elements to ensure consistency with the housing element or comply with legal requirements triggered by a housing element revision, amendment, or update. Provides this exemption does not apply to any action to implement a policy or program of an adopted housing element, including the approval of any development project. Sunsets the exemption on January 1, 2025.
- 2) Authorizes limited review of a "housing element implementation project" (HEIP) as follows:
  - a) Defines an HEIP as a project that the lead agency has determined based upon substantial evidence meets all of the following criteria:
    - i) The project is an action in furtherance of implementing a program in a housing element to rezone property to accommodate low-income housing needs.

- ii) The project is located within an urban area, as defined.
  - iii) The project is consistent with the goals and applicable policies specified for the project area in either an SCS or APS adopted by the MPO and approved by the Air Resources Board pursuant to SB 375.
- b) Defines “urban area” to include either an incorporated city or an unincorporated area that is completely surrounded by one or more incorporated cities that meets both of the following criteria:
- i) The population of the unincorporated area and the population of the surrounding incorporated cities equal a population of 100,000 or more.
  - ii) The population density of the unincorporated area is equal to, or greater than, the population density of the surrounding cities.
- c) Provides the following limited review and exemption alternatives for an HEIP:
- i) Tiering: If an EIR was certified within the last eight years for the adoption or revision of a housing element, the application of CEQA to the approval of an HEIP shall be limited to the effects on the environment that (A) were not analyzed in the EIR or (B) new information that was not known and could not have been known at the time of the certification of the EIR shows the effects will be more severe significant effects than described in the EIR.
  - ii) Exemption: Exempts an HEIP if an EIR was certified for the adoption or revision of a housing element and uniformly applicable development policies or standards adopted by the city, county, or the lead agency, would apply to the project, and the lead agency, makes a finding that the uniformly applicable development policies or standards will substantially mitigate the project’s significant effects.
  - iii) Limited EIR: Provides that, when an EIR is required for an HEIP, the EIR need not consider either of the following:
    - (1) Alternative locations, densities, and building intensities to the project.
    - (2) Growth-inducing impacts of the project.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**1) Author’s statement:**

One of the most significant barriers to facilitating the production of housing is the long and litigious environmental review process required to create a new housing policy and implement necessary code changes. AB 1486 reduces duplicative environmental review and opportunities for litigation that delay the construction of desperately needed new housing by creating a more expeditious and cost-effective process for local jurisdictions to comply with California’s housing law. This bill would provide regulatory clarity to municipalities and allow a more distinctive path to complying with state and regional

housing capacity goals by limiting CEQA review of housing element updates to a general plan, with the understanding that program level environmental review is already conducted in the development of Regional Transportation Plans and Sustainable Communities Strategies. Without clarity, jurisdictions must prepare duplicative environmental review in updating and implementing housing elements, or risk litigation and non-compliance with state law.

- 2) **The Regional Housing Needs Assessment (RHNA) crunch.** The Department of Housing and Community Development (HCD) has adopted a schedule for the Sixth Housing Element Update that has changed the requirements and deadlines for housing element updates. It is anticipated that many more jurisdictions will need to incorporate housing element implementation programs to re-zone in order to accommodate housing targets this cycle, which are significantly higher than in previous housing element update cycles due to recent changes in state law governing the criteria used to determine regional housing need. Under the prior methodology, regional housing need determinations were largely based on forecasted household growth. State determinations now must factor in “existing need” which includes housing units needed to reduce existing cost-burdened and overcrowded households. In addition to a new methodology for determining housing needs, recent legislation has also created restrictions on local jurisdictions’ calculation of existing housing capacity, and requirements to “affirmatively further fair housing” (i.e., reduce racial and economic segregation). Though these changes to state housing law were long overdue, they have contributed to a situation in which many more jurisdictions also anticipate litigation on housing element updates and implementation programs to re-zone, during a process with already stringent timelines.

According to HCD’s schedule of deadlines for each region to submit updated housing elements, Southern California and the Bay area are the first regions to receive regional housing need determinations according to this new methodology and will be the first regions required to update local housing elements and zoning pursuant to these housing goals. (The San Diego region received its housing determination from HCD prior to the inclusion of “cost burden” as a factor in regional housing need.) For these regions, the methodology has resulted in regional housing need determinations two to four times larger than determinations in previous cycles (1,341,827 units for Southern California compared to 412,137 units in the previous cycle; 441,175 units for the Bay area compared to 187,990 units). Furthermore, due to a shift in land use patterns to focus development in areas with access to transit and jobs, this has led to some coastal jurisdictions receiving housing allocations that are more than five or even seven times larger than previous cycles. Additionally, although final jurisdiction allocations were only finalized by the Southern California Association of Governments (SCAG) in March 2021, jurisdictions must adopt updated housing elements by October 2021. (The Bay Area region’s final allocations are anticipated to be approved in December 2021 with housing elements due January 2023). After the update of local housing elements, jurisdictions have three years to complete any necessary regulatory updates or zoning changes.

- 3) **Kicking the environmental review can down the road?** This bill gives cities alternatives to avoid lengthy CEQA review of housing elements and related projects, and perhaps avoid or better defend litigation against their planning decisions. For a city like Los Angeles, with a history of delays due to controversy and litigation over planning decisions, the CEQA relief may be the only way to meet the impending deadline to update its housing element.

However, less review at the planning stage may lead to more review, and perhaps more litigation, for housing developments projects down the road. In the case of a housing element approved via exemption, later city housing actions subject to CEQA, including rezoning and development projects, will not be able to rely on the CEQA review completed at the housing element/general plan stage. Though this bill offers short-term relief to cities, it's not clear it will be good for long-term housing production.

- 4) **Does one-size fit all?** Extensive CEQA review and litigation over housing elements is a phenomenon that has been limited to date to communities in Los Angeles (e.g., Hollywood and Venice) and the San Francisco area.

The HCD deadline for the City of Los Angeles and 196 other jurisdictions in the Southern California region is October 15, 2021. The deadline for San Francisco and 108 other jurisdictions in the Bay Area region is January 15, 2023, affording 21 months from today to complete the CEQA process. Jurisdictions in the San Joaquin Valley have deadlines in December 2023 and January 2024, or more than two and a half years from now. There are also no examples of CEQA challenges to housing element adoption in these San Joaquin Valley jurisdictions. The only examples of CEQA litigation against housing elements or related community planning the committee could find are in Los Angeles, San Francisco, Berkeley, and Marin.

In the past, the vast majority of housing elements around the state have been approved via existing CEQA procedures (typically negative declaration or mitigated negative declaration) without litigation or any other unreasonable delay. The sunset in this bill (January 1, 2025) extends application of the exemption for three years, well beyond the housing element update deadlines for every region in the state. This sunset may be longer than necessary to address the immediate RHNA crunch faced in the Southern California region and the looming crunch in the Bay Area. While CEQA relief may be justified by RHNA deadlines that may make it impossible for some jurisdictions to clear CEQA review of a housing element in time, it's not clear why a jurisdiction with nearly three years to update its housing element needs relief from the usual CEQA process.

- 5) **Double referral.** This bill has been double-referred to the Housing and Community Development Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

City of Los Angeles, Mayor Eric Garcetti (sponsor)  
California Apartment Association  
California Association of Realtors

### **Opposition**

None on file

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





Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 1147 (Friedman) – As Amended March 18, 2021

**SUBJECT:** Regional transportation plan: Active Transportation Program

**SUMMARY:** Requires each Metropolitan Planning Organization (MPO) to submit a 2035 target action plan by July 1, 2023, to identify barriers in meeting regional greenhouse gas (GHG) emissions reduction targets and establishes the Sustainable Communities Strategy (SCS) Block Grant Program.

**EXISTING LAW:**

- 1) Pursuant to Federal law, requires any urbanized area with a population greater than 50,000 to establish an MPO that is responsible for ensuring that regional transportation planning is cohesive across local jurisdictions.
- 2) Establishes the statewide goal of reducing GHG emissions to 40% below 1990 level by December 31, 2030.
- 3) Requires transportation planning agencies to prepare and adopt regional transportation plans (RTP) that, with specifications, achieve a coordinated and balanced regional transportation system.
- 4) Requires each MPO to prepare an SCS as a part of the RTP. SCS forecasts a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce GHG emissions from automobiles and light trucks to achieve, if feasible, the GHG emissions reduction targets approved by the Air Resources Board (ARB).
- 5) Requires ARB, every four to eight years, to work with the MPOs to set regional GHG emission reduction targets.
- 6) Requires ARB to prepare a report, every four years, which assesses progress made by each MPO in meeting the regional GHG emissions reduction targets set by ARB.
- 7) Requires ARB to prepare a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions.
- 8) Requires the Strategic Growth Council (SGC) to submit, by January 31, 2022, a report containing an overview of the California Transportation Plan (CTP) and all SCSs and alternative planning strategies (APS) and an assessment of how the implementation of all these plans will influence the configuration of the statewide integrated multimodal transportation system.
- 9) Establishes the Active Transportation Program (ATP) in the California Department of Transportation (Caltrans) for the purposes of encouraging increased use of active modes of transportation, such as biking and walking. ATP is funded by state and federal funds appropriated to Caltrans, for allocation by the California Transportation Commission (CTC).

**THIS BILL:**

- 1) Requires each MPO to submit data every four years to the ARB that delineates how transportation funds have been spent in relation to the SCS, including the amount of transportation funding committed and spent for each transportation mode and the correlation between transportation spending and any increase or decrease in vehicle miles traveled (VMT) and allows ARB to require, by regulation, any additional data it deems necessary to satisfy the above requirement.
- 2) Requires, on or before July 1, 2023, ARB to determine:
  - a) Whether each MPO is on track to meet its regional GHG emissions reduction target for 2035;
  - b) Whether there is any discrepancy between regional emissions reduction targets and any relevant targets contained within ARB's most recent scoping plan; and,
  - c) What actions are necessary for each MPO to meet its regional GHG emissions reduction target for 2035 and what actions are necessary to align regional GHG emissions reduction targets for the MPO with ARB's scoping plan.
- 3) Requires, on or before July 1, 2023, each MPO to submit a 2035 target action plan to ARB for review and approval that includes the following:
  - a) Identification of elements within its most recent SCS or APS that need modification or acceleration to achieve its 2035 GHG emissions reduction target;
  - b) A summary of feedback from outreach to disadvantaged communities;
  - c) Identification of measures to improve equity in actions taken to meet the region's GHG emissions reduction targets, including air pollution reduction benefits, public health benefits, job-housing fit benefits, and anti-displacement benefits;
  - d) Identification of significant local land use decisions that interfere with the region's GHG emissions reduction targets, including zoning or other ordinances or policies that would prevent the land use plan from being implemented;
  - e) Designation of high priority investment areas that will result in infill, transit-oriented, or walkable development or will significantly contribute to the achievement of the 2035 regional GHG emissions reduction target;
  - f) Corrective actions to get the MPO on track to meet its GHG emissions reduction targets for 2035, including near-term actions and a priority list of transformative projects that need additional federal or state funding; and,
  - g) Establish that the 2035 target action plan is not a project for purposes of the California Environmental Quality Act.
- 4) Requires a city or county to make a good faith effort to take actions that support its region's SCS or APS, including when amending or developing its general plan.

- 5) Authorizes an MPO to request a consultation with the board of supervisors or city council to discuss actions the local agency is authorized to take to assist in meeting the regional GHG emissions reduction targets, if the MPO concludes that a local agency's land use decisions are interfering with the region's achievement of the targets. Requires consultation to occur within 30 days of the MPO's request and requires results to be reported back to the governing body of the MPO.
- 6) Requires that the RTP developed by each transportation planning agency include using an electric bicycle as a means of travel whose percentage share of all trips are counted in each transportation planning agencies' regional transportation plan and requires each MPO's public participation plan to include outreach efforts to disadvantaged communities to encourage comments and active participation.
- 7) Extends the due date for the SGC review of the CTP from January 31, 2022 to January 1, 2023, and requires the following:
  - a) SGC to convene key state agencies, MPOs, and local governments to assist in the completion of the report;
  - b) A description of key state agencies', MPOs', and local governments' assessments of barriers to the achievement of state and regional GHG emissions reduction targets related to the CTP and all SCSs and APSs; and,
  - c) Requires recommendations for actions at the state, regional, and local level to achieve state and regional GHG emissions reduction targets related to the CTP and all SCSs and APSs, including the necessary resources and tools that are still needed.
- 8) Creates the SCS Block Grant Program, administered by SGC, to provide block grants, upon appropriation by the Legislature, to each MPO with an approved 2035 target action plan to support efforts to meet each region's GHG emissions reduction targets.
- 9) Requires SGC develop guidelines for the SCS Block Grant and post them and the schedule for allocation of block grants on its internet website. Requires the guidelines to include all of the following:
  - a) Prioritize funding for MPOs to assist in identifying and developing projects that will provide significant and transformative emissions reduction benefits that are not ready to begin construction, such as those identified in the 2035 target action plans;
  - b) Ensure the SCS Block Grant Program will assist in the implementation of each MPO's 2035 target action plan;
  - c) Consider comments from local governments, MPOs, and other stakeholders;
  - d) Conduct outreach to disadvantaged communities to encourage comments on the draft guidelines; and,
  - e) Establish reporting requirements for each block grant recipient to evaluate the block grant's outcomes.

- 10) Authorizes an MPO to consider whether a city or county has made a good faith effort to take actions that support its region's SCS or APS when allocating its block grant.
- 11) Adds piloting innovative and transformative active transportation projects, including, but not limited to, bicycle highways and the facilitation of 15-minute cities to the Legislature's intent for the Active Transportation Program (ATP).
- 12) Defines "15-minute city" as a portion of a city or unincorporated county where every resident has access to essential services, such as restaurants, grocery stores, medical care facilities, outdoor recreation, employment, childcare, and educational opportunities, within a 15-minute bicycle ride.
- 13) Requires, on or before July 1, 2023, the CTC, in consultation with the Active Transportation Program Workgroup, revise ATP guidelines and project selection criteria to include provisions for pilot innovative and transformative active transportation projects, including the proposal submitted by Caltrans, as a part of this bill, and that facilitate the creation of 15-minute cities through active transportation investments.
- 14) Requires, on or before July 1, 2023, Caltrans submit to CTC a proposal for approval and potential ATP funding for a pilot program establishing branded networks of bicycle highways that are numbered and signed within two of California's major metropolitan areas in different regions of the state. Requires the proposal for the pilot to include the following:
  - a) Restrict use of a network to bicyclists and ensure it contains intermittent entrances and exits, serves trips of five miles or more, and supports speed travel of up to 25 miles per hour; and
  - b) Select sites for the pilot based on regional support, connectivity to other bike routes, and the potential to maximize active transportation and its associated benefits.
- 15) Requires, on or before July 1, 2026, Caltrans report to the Legislature on the status of the pilot program and recommendations for the development of additional networks of bicycle highways.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

AB 1147 takes a multifaceted approach to set California on the course to meet its GHG emission reduction targets expected under SB 375 by making changes at the state, local, and regional levels to provide tools, accountability, and incentives for MPOs to meet their 2035 regional GHG emission target. AB 1147 requires each MPO to create a 2035 Target Action Plan, develops a new block grant program to ensure MPOs achieve their 2035 goals, and requires local governments to make a good faith effort to take actions that support their MPO's SCS.

Active transportation must play a vital role in California's goal to reduce GHG and VMT. Walking and bicycling also have many positive benefits associated

with public health, strong local economies, and sustainable and equitable development. AB 1147 assists in the development of transformative active transportation projects that other cities and countries have embraced, but have not been done in California, such as bicycle highways and 15 minute cities. AB 1147 will improve the sustainability and quality of California's communities.

- 2) **Background.** Emissions from the transportation sector, the state's largest source of GHGs, are still on the rise despite statewide GHG emission reduction efforts and increasingly ambitious targets. According to ARB's GHG emission inventory, transportation sector emissions have grown to 41% of California's total emissions as of 2017. A 2018 Legislative Analyst's Office report found that 90% of the transportation sector's emissions were from on-road sources – 69% from passenger vehicles and 22% from heavy-duty vehicles.

GHG emissions from transportation are the product of two factors: the total distance the state's vehicle fleet travels and the GHG emissions associated with that travel. California only considers the first factor using the unit of VMT. In October of 2019, a report from Next 10 looked at transportation emission trends in 2016-2017 and found that despite the state's intention to rein in VMT and GHG emissions, both had increased.

SB 375 (Steinberg) Chapter 728, Statutes of 2008, also known as the Sustainable Communities and Climate Protection Act, requires ARB to set regional targets for GHG emissions reductions from passenger vehicles. In 2010, ARB established targets for 2020 and 2035 for each region covered by one of the state's MPOs. MPOs, as part of their RTPs, develop an SCS that contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emissions reduction targets. Once adopted by the MPO, the RTP guides the transportation policies and investments for the region. ARB reviews each adopted SCS to determine if it agrees that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, existing law requires the MPO to prepare a separate APS to meet the targets.

SB 150 (Allen) Chapter 646, Statutes of 2017 requires ARB to report to the Legislature on the progress of SB 375 implementation every four years. The 2018 report found that GHG emission reductions under SB 375 are not being achieved and that VMT per capita is not declining, despite every MPO preparing an SCS as required. This suggests that SCS plans are not being implemented as envisioned and/or are not yielding the expected results. Due to data gaps, this finding is based on statewide total GHG emissions and VMT data, rather than by region, so it is difficult to see how each region is performing.

However, there is no evidence that any MPO achieved its 2020 GHG emission reduction goals. There is also concern that MPO's will not achieve the 2035 goals either. Many of the strategies to reduce VMT involve changes to land use and transportation projects that have cumulative GHG emissions for every year they are delayed. In addition, when land use decision and transportation projects that increase VMT go forward they usually affect GHG emission for significant time spans, which can increase GHGs for decades. Therefore, there is urgency to achieving the GHG targets expected under SB 375.

- 3) **Mind the gap.** Placing the lack of progress in VMT reductions solely on SCS implementation is a point of contention for regions that say that many VMT reduction

strategies fall outside the authority of MPOs. According to comments on ARB's Draft Mobile Source Strategy by the California Association of Councils of Governments, "ARB's Scoping Plan calls for a 25% decrease in GHG emissions (per capita) from reduced use of cars and light trucks. [Regional] strategies to meet the 2010 regional targets address 13% of these reductions. [Regional] strategies to meet the 2018 targets account for another 5%. That leaves 7% in state-initiated VMT reduction strategies unaddressed (which MPOs refer to as the gap)." This bill seeks to address this issue by requiring ARB to determine whether there is any discrepancy between regional GHG emissions reduction targets and any relevant targets contained within CARB's most recent scoping plan. This bill also requires ARB to determine what is necessary for each MPO to meet its regional GHG emissions reduction target for 2035 and what actions are necessary to align regional GHG emissions reduction targets for the MPO with ARB's scoping plan.

- 4) **Coordination required.** In the SB 150 report, ARB recommends that an interagency body involving the Secretaries and Chairs of key California agencies and commissions, and representatives from regional and local governments produce and implement a new "State Mobility Action Plan for Healthy Communities" that responds to this report's findings on challenges, opportunities, and data gaps. This bill addresses that recommendation and calls upon SGC, as a part of its overview of CTP, SCSs, and APS, to assess barriers to the achievement of state and regional GHG emissions reduction targets. In performing the assessment, the bill requires SGC to convene key state agencies, MPOs, and local governments to assist in completing the report. It is important that local, regional, and state agencies, who all play a role in achieving SB 375 GHG emission reduction, work together collaboratively to address the challenges the state is facing in achieving VMT reductions.
- 5) **Implementation challenges.** SCS's are reviewed by ARB to ascertain whether or not they will meet the regional GHG reduction goals if they are implemented. However, MPO's often do not have the funding or local support to implement their SCS.

A 2018 Legislative Analyst's Office report, "Assessing California's Climate Policies – Transportation," noted a possible reason why SB 375 is not reducing driving is because SCS plans might not be getting implemented at the local level. Cities and counties retain authority over land use decisions and are not obligated to make decisions that are consistent with their regional SCS plan. For example, a city might have zoning requirements that limit housing density or require minimum amounts of parking for new housing development that are at odds with the travel demand model assumptions used by their MPO in the regional SCS plan. A recent survey of local governments by University of California, Davis researchers found that, on average, respondents had adopted only about half of the eight most common land use assumptions found in SCS plans. Moreover, one-quarter of respondents were unaware of the state grant programs available to support SB 375 implementation. This bill attempts to address this problem by requiring a city or county to make a good faith effort to take actions that support its region's SCS or APS when amending or developing its general plan and authorizes an MPO to meet with the governing local body regarding taking actions to assist in meeting the SB 375 targets.

Some regions have identified challenges with obtaining state funding for projects to reduce VMT and implementing their SCS. While the state offers a number of competitive grant programs for housing and infill infrastructure, they are typically focused on individual projects already planned by a developer. In infill areas, challenges with existing

infrastructure create an immediate barrier to potential development and therefore those individual housing projects never materialize. To address this problem, this bill creates the SCS Block Grant Program to provide grants to each MPO with an approved 2035 target action plan. As an accountability measure, this bill requires MPOs to consider if cities and counties have made good faith efforts when allocating its block grant. The SCS Block Grant Program attempts to provide the MPO flexibility in funding projects that will help them implement their SCS and meet their 2035 regional GHG reduction target. However, it is important that funding serves historically underserved and low-income communities. Should the bill move forward, the author may wish to consider amending the SCS Block Grant Program to ensure investments advance equity and benefit all Californians.

- 6) **Active Transportation Program.** As a strategy for reducing VMT and shifting transportation modes toward bicycles, this bill adds the 15-minute city and bicycle highways as innovative and transformative projects within the ATP.

The concept of a 15-minute city envisions neighborhoods in which almost all residents' needs can be met within 15 minutes of their homes on foot, by bike, or on public transit. Cities could accomplish such a vision with greater deployment of mixed-use development. Portland, Oregon's 2013 plan calls for "complete neighborhoods," but even in a city that already has the highest rate of biking in the nation, it will take years to achieve these goals. In the Bay Area, Google is planning for mixed-use development near transit stations which could help to foster the development of 15-minute cities there. This bill states legislative intent that ATP pilot innovative and transformative active transportation projects, including, but not limited to, bicycle highways (see below) and the facilitation of 15-minute cities. Active transportation infrastructure is just one of the components of a 15-minute city and must be accompanied by mixed-use development to truly offer the benefits. Many SCS call for increased mixed-use development, which will complement any 15-minute city active transportation infrastructure investment.

In its 2017 "Toward an Active California: State Bicycle and Pedestrian Plan" Caltrans proposed exploring opportunities to develop a network of separated "bicycle highways" to serve regional and interregional travel. Specifically, the strategy recommended pursuing development of branded (e.g., numbered, signed, and legible) networks of bicycle highways within California's major metropolitan areas, potentially through a pilot study. This bill, similar to the Caltrans proposal, requires the pilot to restrict the use of the network to bicyclists, and ensure the network has intermittent entrances and exits, serves longer distance trips (five miles or more), and supports higher-speed travel up to 20-25 miles per hour.

Recently, Caltrans Bay Area (District 4) initiated a study to understand where bicycle highways could be installed alongside state highway corridors. The first survey was open between January and March 2021. A design of what bicycle highways should look like in the Bay Area is expected in fall of 2021, and a final report of how bicycle highways can be implemented will follow in winter of 2021-2022.

The ATP is currently oversubscribed and funds many other important projects such as projects to improve the safety of routes to schools. Should the bill move forward, the author may wish to clarify that these new innovative ATP projects will not come at the expense of currently eligible projects and are contingent on additional funding.

7) **Double referral.** This bill passed Assembly Transportation Committee by a vote of 10-3 on April 5, 2021.

8) **Related and previous legislation.**

SB 261 (Allen) requires that SCS be developed to additionally achieve GHG emission reduction targets for the passenger vehicle sector for 2045 and 2050 and VMT reduction targets for 2035, 2045, and 2050 established by CARB. SB 261 passed out of the Senate Environmental Quality Committee on a 5-2 vote and is awaiting hearing in the Senate Transportation Committee.

SB 475 (Cortese) requires CARB to issue new guidelines on SCS every four years and tasks a State-Regional Collaborative for Climate, Equity, and Resilience with developing tools for MPOs to use to determine consistency of RTPs with long-range GHG emission reduction targets. SB 475 is currently awaiting hearing in the Senate Environmental Quality Committee.

SB 526 (Allen) of 2019 would have required CARB to adopt a regulation that requires MPOs to provide any data that CARB determines is necessary to fulfill the requirements of the SB 150 Progress Report, and to determine if the MPO is on track to meet its 2035 GHG emissions reduction target. SB 526 would have also established an interagency working group, to be administered by the SGC and comprised of specified membership, to develop and implement a State Mobility Action Plan for Health Communities. SB 526 was held in the Senate Appropriations Committee.

AB 285 (Friedman), Chapter 605, Statutes of 2019 updates the requirements of CTP to reflect the state's recent environmental legislation and requires SGC to review implementation of CTP.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

American Lung Association in California  
California Yimby  
Coalition for Clean Air  
Elders Climate Action, NorCal and SoCal Chapters

**Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /



Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 1371 (Friedman) – As Amended April 7, 2021

**SUBJECT:** Recycling: plastic: packaging and carryout bags

**SUMMARY:** Prohibits online retailers from using single-use plastic packaging in the state. Reinstates the at-store recycling program for plastic bags.

**EXISTING LAW:**

- 1) Under the federal Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100-220, Title II) prohibits the at-sea disposal of plastic and other solid materials for all navigable waters within the United States. The law also requires the US Environmental Protection Agency (US EPA), the National Oceanic and Atmospheric Administration, and the US Coast Guard to jointly conduct a public education program on the marine environment.
- 2) Under the federal Clean Water Act requires the state to identify a list of impaired water-bodies and develop and implement Total Maximum Daily Loads for impaired water bodies.
- 3) Under the Porter Cologne Water Quality Control Act regulates discharges of pollutants in stormwater and urban runoff by regulating, through the National Pollution Discharge Elimination System, industrial discharges and discharges through the municipal storm drain systems.
- 4) Establishes the Preproduction Plastic Debris Program, which requires the State Water Resources Control Board and regional boards to develop a program that requires plastic manufacturing, handling, and transportation facilities to implement best management practices to control discharges of preproduction plastic pellets. The program includes inspections, stakeholder outreach efforts, and enforcement activities.
- 5) Under the Integrated Waste Management Act, requires that local jurisdictions divert at least 50% of solid waste from landfill disposal and establishes a statewide goal that 75% of solid waste be diverted from landfill disposal by 2020.
- 6) Requires local jurisdictions to prepare, adopt, and submit to the Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element (SRRE) that includes a program for the management of solid waste generated within the jurisdiction. The SRRE is focused on the implementation of all feasible source reduction, recycling, and composting programs and identifying the amount of landfill capacity needed for the jurisdiction.
- 7) Prohibits a state food service facility from dispensing prepared food using a type of food service packaging unless the packaging is on a specified list maintained by CalRecycle and has been determined to be reusable, recyclable, or compostable.

- 1) Established the At-Store Recycling Program, which sunset on January 1, 2020. The Program:
  - a) Required operators of stores, defined as supermarkets and stores over 10,000 square feet that includes a pharmacy, to establish an at-store recycling program. Under the program:
    - i) Plastic bags provided by the store were required to include a label encouraging customers to return the bag to the store for recycling.
    - ii) Required stores to provide clearly labeled and easily accessible recycling bins for plastic bags.
    - iii) Required that all plastic bags collected must be recycled in a manner consistent with the local jurisdiction's SRRE.
    - iv) Required a store to maintain records relating to the program for at least three years and to make the records available to the local jurisdiction or CalRecycle upon request.
  - b) Authorized a city, county, or the Attorney General to levy fines for stores for violations.

**THIS BILL:**

- 1) Defines terms used in the bill, including:
  - a) "Online retailer" as a business that sells goods over the internet and transports goods by mail or parcel delivery, including business-to-business and business-to-consumer sales. Specifies that an online retailer does not include retailers that are online or mobile applications that facilitate sales solely from third-party sellers to third-party buyers, as specified.
  - b) "Large online retailer" as an online retailer that has annual gross sales equal to or more than \$1 million and that has equal to or more than 2,500 shipping units sold and transported in or into the state annually.
  - c) "Small online retailer" as an online retailer that has annual gross sales of less than \$1 million in or into the state and less than 2,500 shipping units sold and transported in or into the state annually.
  - d) "Packaging" to include primary, secondary, and tertiary packaging, as specified.
  - e) "Reusable packaging" as packaging that is designed for reuse; highly durable; repeatedly recovered, inspected, and repaired; and, prevented from becoming solid waste with a process in place for recovery and recycling.
  - f) "Single-use packaging" as packaging that is intended for a single use; is regularly discarded, recycled, or otherwise disposed of after a single use; and, is not reusable packaging.

- 2) Prohibits online retailers that sell or offer for sale and delivers products in or into the state from using single-use plastic packaging that consists of shipping envelopes, cushioning, or void fill for packaging and transport. Specifies that large online retailers must meet this requirement by January 1, 2023, and small online retailers must meet this requirement by January 1, 2025.
- 3) Prohibits a manufacturer, retailer, producer, or other distributor that sells or offers for sale and delivers products in or into the state from using expanded polystyrene (EPS) packaging to package or transport the products.
- 4) Requires online retailers that have at least one physical location in the state with in-person sales to provide a take back container for plastic film and EPS packaging for consumers at each location. Requires collection bins for plastic film and EPS packaging at each physical location with in-person sales that is visible, easily accessible to the customer, and clearly marked. Requires that all clean plastic film and clean EPS packaging collected be transported and recycled in a manner that does not conflict with the local jurisdiction's SRRE. Requires specified record keeping to demonstrate compliance. Sunsets this provision on January 1, 2025.
- 5) Requires online retailers that provide lockers for the secure pickup of purchased products at a store to provide a collection bin at the store near the lockers that is visible, easily accessible to the customer, and clearly marked as available for the purpose of collecting and recycling plastic film and EPS packaging. Requires that the bin be maintained by the online retailer. Requires that all plastic film and EPS packaging collected by the online retailer be collected, transported, and recycled in a manner that does not conflict with the local jurisdiction's SRRE. Requires specified record keeping to demonstrate compliance. Sunsets this provision on January 1, 2025.
- 6) Requires an online retailer that delivers purchased products to customers in this state to have an at-delivery recycling program that provides for the pickup of plastic film and EPS packaging previously purchased from the online retailer at the time of pickup, at no cost to the consumer. Requires all plastic film and EPS packaging collected by the online retailer to be collected, transported, and recycled in a manner that does not conflict with the local jurisdiction's SRRE. Requires specified record keeping to demonstrate compliance. Sunsets this provision on January 1, 2025.
- 7) Clarifies that this bill does not prohibit the adoption, implementation, or enforcement of a local ordinance, resolution, regulation, or rule governing curbside or dropoff recycling programs operated by, or pursuant to a contract with, a city, county, or other public agency, including fees for these programs.
- 8) Specifies that a city, county, or the Attorney General may impose civil liability in the amount of \$500 for the first violation of the bill's requirements, \$1,000 for the second violation, and \$2,000 for the third and subsequent violations. Requires penalties collected to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General that brought the action. Specifies that penalties collected by the Attorney General be deposited into the Plastic Packaging Reduction Penalty Account, which this bill establishes. Funds may be used, upon appropriation, to enforce the bill's requirements.

- 9) Reinstates and updates the At-Store Recycling Program (Program) and expands the Program to include durable plastic bags, as defined. Sunsets the Program on January 1, 2030.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

Globally, the e-commerce industry used nearly 2.1 billion pounds of plastic packaging in 2019 and of that, e-commerce businesses in the U.S. generated 469 million pounds of plastic packaging waste. And in 2020, consumers spent \$861 billion online with U.S. merchants, up 44% over 2019. With almost a third of the world's population now buying online, the amount of plastic packaging generated is estimated to double by 2025. This staggering growth – expected to outlast the pandemic – is creating a wave of single-use packages and packaging, almost all of which is headed for landfill, incineration, or the environment where it pollutes waterways and oceans.

As an online retail consumer, I have been appalled at the amount of plastic packaging that accompanies my orders. No one wants these materials. We can't put them in our recycling bins, and they are overflowing curbside trash bins and taken to landfills at a huge expense to local governments. We know we can do better here in California, because alternatives already exist and are being implemented elsewhere. In the meantime, companies must provide options for people to bring their packaging and plastic bags back to the retailers that use it and ensure they are recycling those materials.

- 2) **California's recycling goals.** An estimated 35 million tons of waste are disposed of in California's landfills annually. CalRecycle is tasked with diverting at least 75% of solid waste from landfills statewide by 2020. Local governments have been required to divert 50% of the waste generated within the jurisdiction from landfill disposal since 2000. AB 341 (Chesbro), Chapter 476, Statutes of 2011, requires commercial waste generators, including multi-family dwellings, to arrange for recycling services for the material they generate and requires local governments to implement commercial solid waste recycling programs designed to divert solid waste generated by businesses out of the landfill. A follow up bill, AB 1826 (Chesbro), Chapter 727, Statutes of 2014, requires generators of organic waste (i.e., food waste and yard waste) to arrange for recycling services for that material to keep the material out of the landfill. California's recent recycling rate, which reached 50% in 2014, dropped to 37% in 2019.
- 3) **Ocean plastic pollution.** Plastics are estimated to comprise 60-80% of all marine debris and 90% of all floating debris. By 2050, by weight there will be more plastic than fish in the ocean if we keep producing (and failing to properly manage) plastics at predicted rates, according to *The New Plastics Economy: Rethinking the Future of Plastics*, a January 2016 report by the World Economic Forum.

Ocean plastic predominantly enters the ocean from river runoff. The largest contributors are rivers primarily located in Southeast Asia. While some have used this information to place

the blame on those countries, a significant portion of the plastic pollution is generated in the United States and sported to those countries as mixed plastic scrap for recycling. The material is sorted and the material with value is recycled while the rest burned for energy generation or discarded. In countries with inadequate waste management systems, waste plastic finds its way into waterways that flow to the ocean.

Most plastic marine debris exists as small plastic particles due to excessive UV radiation exposure and subsequent photo-degradation. Expanded polystyrene breaks down more rapidly into these smaller particles than rigid plastics. These plastic pieces are confused with small fish, plankton, or krill and ingested by birds and marine animals. Over 600 marine animal species have been negatively affected by ingesting plastic worldwide.

In addition to the physical impacts of plastic pollution, hydrophobic chemicals present in the ocean in trace amounts (e.g., from contaminated runoff and oil and chemical spills) bind to plastic particles where they enter and accumulate in the food chain.

- 4) **This bill.** The US EPA estimates that 14.5 million tons of plastic containers and packaging were generated in the US in 2018. While some plastic packaging is technically recyclable, markets for this material are scarce and it is not accepted in curbside recycling programs. According to the author, plastic packaging and film make up more than 10% of residual waste from material recovery facilities in California, because consumers continue to throw these materials into their recycling bins in the hope they will be recycled. When consumers put plastic mailers, for example, into their curbside recycling, they end up a contaminant in the recycling stream. Plastic film jams up equipment and requires time and labor to stop the machinery and retrieve the plastic. Additionally, plastic film gets into bales of paper bound for recycling, contaminating entire bundles. According to a 2017 report by Closed Loop, only 7% of plastic bags accrued by US households is recycled through collection programs at grocery and big-box stores, and only three percent of non-retail bag film is collected for recycling. The rest winds up in landfills, or is littered and contributes to plastic pollution in the environment.

This bill reduces the amount of plastic packaging by prohibiting online retailers from using single-use plastic packaging and increases opportunities for recycling for consumers by requiring certain retailers to collect and recycle the plastic packaging they distribute.

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

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

350 Humboldt  
California Interfaith Power and Light  
California League of Conservation Voters  
California Product Stewardship Council  
Californians Against Waste  
CALPIRG  
Center for Food Safety  
Friends Committee on Legislation of California

Greentown Los Altos  
Heal the Bay  
Northern California Recycling Association  
Oceana  
Plastic Oceans International  
Plastic Pollution Coalition  
San Francisco Bay Area Physicians for Social Responsibility  
Save Our Shores  
Seventh Generation Advisors  
Sierra Club California  
Surfrider Foundation  
The 5 Gyres Institute  
The Center for Oceanic Awareness, Research, and Education  
The Climate Center  
The Last Plastic Straw  
Upstream  
Wholly H2O  
Wishtoyo Chumash Foundation  
Zero Waste, USA

**Opposition**

American Chemistry Council  
American Institute for Packaging and Environment  
California Chamber of Commerce  
California League of Food Processors  
California Manufacturing & Technology Association  
California Retailers Association  
California Trucking Association  
Consumer Technology Association  
Flexible Packaging Association  
Internet Association  
Plastics Industry Association  
ProAmpac Holdings, Inc.  
Sealed Air Corporation  
Technet  
Western Plastics Association  
Wikoff Color Corp.

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

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 478 (Ting) – As Amended March 18, 2021

**SUBJECT:** Solid waste: thermoform plastic containers: postconsumer recycled plastic

**SUMMARY:** Establishes minimum recycled content requirements for thermoform plastic containers (thermoforms).

**EXISTING LAW:**

- 1) Establishes the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill), which:
  - a) Requires beverage containers sold in this state to have a California redemption value (CRV) of 5 cents for containers that hold fewer than 24 ounces and 10 cents for containers that hold 24 ounces or more and requires a distributor to pay a redemption payment to CalRecycle. Continuously appropriates these funds to CalRecycle for the payment of refund values and processing fees.
  - b) Defines "beverage" to include soda, beer and other malt beverages, wine and distilled spirit coolers, carbonated mineral and soda waters, noncarbonated fruit drinks, and vegetable juices in liquid form that are intended for human consumption. Excludes from the definition of beverage, vegetable drinks in beverage containers of more than 16 ounces, milk, medical food, and any product sold in a container that is not an aluminum beverage container, a glass container, a plastic beverage container, or a bimetal container.
  - c) Requires that each new glass container manufactured in the state contain a minimum of 35% postfilled (recycled food container cullet) glass. Requires every glass food, drink, or beverage container manufacturer in the state to report the amount of tons of new glass and the tons of postfilled glass used in the manufacturing of those containers to CalRecycle every month.
  - d) Provides that any person convicted of a violation is guilty of an infraction punishable by a fine of up to \$100 and not more than \$1,000 per violation.
  - e) Requires, between January 1, 2022, and December 31, 2024, the total number of plastic beverage containers subject to the CRV for sale in the state to, on average, contain no less than 10 percent postconsumer recycled plastic per year. Increases that amount to 25 percent between January 1, 2025, and December 31, 2029; and 50 percent on and after January 1, 2030.
- 2) Establishes the Rigid Plastic Packaging Container (RPPC) law, which requires that specified plastic containers that are made of plastic, capable of at least one closure, and hold a product sold in California to meet one of the following compliance options:

- a) Contain a minimum of 25% postconsumer recycled content;
- b) Be source reduced by at least 10%, as specified;
- c) Be routinely reused or refilled at least 5 times;
- d) Achieve a 45% recycling rate; or,
- e) The product manufacturer consumes sufficient California-generated postconsumer recycled content equivalent to achieving a 25% postconsumer recycling rate.

**THIS BILL:**

- 1) Defines terms used in the bill, including:
  - a) “Postconsumer recycled plastic” as plastic produced from the recovery, separation, collection, and reprocessing of a thermoform plastic container that would otherwise be discarded or disposed after consumer use.
  - b) “Producer” as the person who manufactures the thermoform in the state under that person’s own name or brand and who sells or offers for sale the thermoform in the state. If there is no person who meets this requirement, the producer is the person who imports the thermoform as the owner or licensee of a trademark or brand under which it is sold or distributed in the state. If there is no person who meets this requirement, the producer is the person or company that offers for sale, sells, or distributes the thermoform in the state.
  - c) “Thermoform plastic container” as a plastic container, such as a clamshell, cup, tub, lid, box, tray, egg carton, or similar rigid, nonbottle packaging, formed from sheets of extruded resin and used to package items such as fresh produce, baked goods, nuts, and deli items. Specifies that thermoforms do not include lids or seals of a different type of plastic; medical devices, sterile medical products, prescription medicine, and related packaging; refillable containers; beverage containers subject to the Bottle Bill; thermoforms of a packaging type and resin type for which the total amount of the packaging type and resin type sold in California is less than an unspecified amount.
- 2) Requires that the total thermoforms sold by a producer in the state shall, on average, contain a minimum amount of recycled content:
  - a) From January 1, 2024 through December 31, 2026, no less than 10% postconsumer recycled plastic per year;
  - b) From January 1, 2027 through December 31, 2029, no less than 20% postconsumer recycled plastic per year; and,
  - c) On and after January 1, 2030, no less than 30% postconsumer recycled plastic per year.
- 3) Beginning January 1, 2024, a producer that does not meet the minimum amount of postconsumer recycled plastic requirements is subject to an annual administrative penalty. Beginning March 1, 2025, the penalty shall be collected annually, as specified.



- 4) Allows a producer to pay the penalties in quarterly installments or to arrange an alternative payment schedule subject to the approval of the Department of Resources Recycling and Recovery (CalRecycle), not to exceed a 12-month payment plan. Authorizes an extension due to unforeseen circumstances, such as a public health emergency, state of emergency, or natural disaster.
- 5) Authorizes CalRecycle to conduct audits and investigations and take an enforcement action against a producer to enforce the bill's provisions, including against a producer that fails to pay or underpays the administrative penalty after notice and hearing, as specified.
- 6) Requires CalRecycle to keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment and specifies that this information is not subject to the California Public Records Act.
- 7) Requires CalRecycle to consider granting a reduction of the administrative penalties assessed after considering anomalous market conditions, disruption or lack of supply of recycled plastic, and other factors that have prevented a producer from meeting the requirements.
- 8) In order to receive a reduction of the administrative penalty, requires a producer to submit a corrective action plan to CalRecycle that details the reasons the producer will fail to meet, or has failed to meet, the minimum content requirements and the steps the producer will take to comply with the requirement within the next reporting year. Authorizes CalRecycle to approve the corrective action plan and, if approved, to reduce the administrative penalties. Specifies that administrative penalties accrue from the point of noncompliance if the corrective action plan is not approved.
- 9) Requires a corrective action plan to include a compliance deadline not to exceed 24 months from the date of the original notice of violation; a description of each action the producer shall take to remedy the violation and the applicable compliance deadline for each action; and, the penalties that may be imposed if a producer fails to comply.
- 10) Establishes the Recycling Enhancement Penalty Account (Account) in the State Treasury and requires that penalties be deposited into the Account. Specifies that the Account may be expended, upon appropriation, for the sole purpose of supporting the recycling, infrastructure, collection, and processing of thermoforms in the state.
- 11) Requires producers to report the amount in pounds by resin type of virgin plastic and postconsumer recycled plastic used to manufacture thermoforms sold or offered for sale in California for the previous calendar year. Requires CalRecycle to post this information on its website.
- 12) Specifies that any action to increase the collection, processing, and recycling taken by CalRecycle or any person or entity that affects scrap values, the quantities of materials being recycled, or the method of invoicing the sale of thermoforms pursuant to the bill is not a violation of the Cartwright Act.
- 13) Makes related legislative findings.

**FISCAL EFFECT:** Unknown

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

Since shipping recyclables overseas is no longer a viable option, California must develop its own markets for recycled content materials. Thermoform containers, or clamshells, have a low collection rate and are infrequently recycled. As the state is making strides towards increasing minimum recycled content in plastic bottles, thermoforms must do the same. This bill encourages efficient use of recyclable plastics and moves California towards a closed loop recycling system for polyethylene terephthalate (PET) bottles and PET thermoforms. AB 478 sets a minimum recycled content standard for thermoform containers used in food and beverage applications in California.

- 2) California's waste management goals.** An estimated 35 million tons of waste are disposed of in California's landfills annually. CalRecycle is tasked with diverting at least 75% of solid waste from landfills statewide by 2020. Local governments have been required to divert 50% of the waste generated within the jurisdiction from landfill disposal since 2000. AB 341 (Chesbro), Chapter 476, Statutes of 2011, requires commercial waste generators, including multi-family dwellings, to arrange for recycling services for the material they generate and requires local governments to implement commercial solid waste recycling programs designed to divert solid waste generated by businesses out of the landfill. A follow up bill, AB 1826 (Chesbro), Chapter 727, Statutes of 2014, requires generators of organic waste (i.e., food waste and yard waste) to arrange for recycling services for that material to keep the material out of the landfill. California's recent recycling rate, which reached 50% in 2014, dropped to 37% in 2019.
- 3) Ocean plastic pollution.** Plastics are estimated to comprise 60-80% of all marine debris and 90% of all floating debris. By 2050, by weight there will be more plastic than fish in the ocean if we keep producing (and failing to properly manage) plastics at predicted rates, according to *The New Plastics Economy: Rethinking the Future of Plastics*, a January 2016 report by the World Economic Forum.

California Coastal Cleanup Day was first organized by the California Coastal Commission in 1985. The Coastal Commission continues to organize the event annually and track the items collected. According to the Coastal Commission, the top 10 items collected since 1984 are cigarette butts; food wrappers and containers; caps and lids; bags; cups, plates, and utensils; straws; glass bottles; plastic bottles; cans; and construction material.

Ocean plastic pollution is driven by ocean currents and accumulates in certain areas throughout the ocean. The North Pacific Central Gyre is the ultimate destination for much of the marine debris originating from the California coast. However, plastic generated in California pollutes oceans across the globe, as bales of plastic collected for recycling are exported for processing and recycling. The plastic with value is collected and recycled, and the rest is discarded or incinerated. In countries with inadequate waste management systems, this plastic enters waterways and flows to the ocean. Approximately 150 million metric tons

of plastic is already circulating in the marine environment and an estimated 8 million metric tons enter the oceans annually.

Most plastic marine debris exists as small plastic particles due to excessive UV radiation exposure and subsequent photo-degradation. Expanded polystyrene breaks down more rapidly into these smaller particles than rigid plastics. These plastic pieces are confused with small fish, plankton, or krill and ingested by birds and marine animals. Over 600 marine animal species have been negatively affected by ingesting plastic worldwide.

In addition to the physical impacts of plastic pollution, hydrophobic chemicals present in the ocean in trace amounts (e.g., from contaminated runoff and oil and chemical spills) bind to plastic particles where they enter and accumulate in the food chain.

- 4) **Recycling markets.** In spite of generating the most plastic waste in the world, the United States has not developed significant processing or markets for recycled plastic. Approximately 50% of plastic waste collected for recycling in the United States is exported; in 2016, 88% of that material was exported to countries that lack the infrastructure to properly manage it. After sorting out the material with value, the rest, an estimated 0.15 to 0.99 million metric tons of plastic exported by the United States for recycling. In most cases, the material is shipped to countries that lack the infrastructure to safely manage solid waste and the material that is not recycled ends up in the environment through open disposal or open burning contributing to ocean plastic pollution and toxic air and greenhouse gas emissions.

China, historically the largest importer of recycled plastic, enacted Operation Green Fence in 2013, under which it increased inspections of imported bales of recyclables and returned bales that did not meet specified requirements at the exporters' expense. In 2017, China established Operation National Sword, which included additional inspections of imported recycled materials and a filing with the World Trade Organization (WTO) indicating its intent to ban the import of 24 types of scrap, including mixed paper and paperboard, PET, polyethylene (PE), polyvinyl chloride (PVC), and polystyrene (PS) beginning January 1, 2018. In November 2017, China announced that imports of recycled materials that are not banned would be required to include no more than 0.5% contamination. In January 2019, China announced that it would be expanding its ban even further – to encompass 32 types of scraps for recycling and reuse, including post-consumer plastics such as shampoo and soda bottles.

Following China's actions, other Southeast Asian countries have enacted policies limiting or banning the importation of recycled materials, primarily plastic and mixed paper. Last year, Malaysia and Vietnam implemented import restrictions. Last year, India announced that it would ban scrap plastic imports. Thailand has announced a ban that will go into effect this year. These policies create serious challenges for recyclers.

- 5) **Thermoforms.** Thermoforms include a wide range of plastic packaging created by heating sheets of plastic and then formed into a specific shape in a mold. Common thermoforms include plastic "clamshell" trays used for take-out food, plastic egg cartons, and bakery trays. Most thermoforms are PET, but can be made from a wide range of plastic resins, including polypropylene (PP), and PS, including expanded polystyrene (EPS). In California, thermoforms have included relatively high quantities of recycled content; however, the

source of PET has been PET bottles, not thermoforms. While providing an important market for recycled bottle plastic, this is recycled once and then discarded. Under AB 793 (Ting), Chapter 115, Statutes of 2020, bottle manufacturers are required to include recycled content to ensure that bottles are recycled back into bottles. This bill takes the next step to require that thermoforms are recycled back into thermoforms.

In jurisdictions that accept thermoforms in curbside recycling, only thermoforms made out of PET are usually accepted. The majority of PET thermoforms collected are baled with other PET, primarily bottles, even though bottles and thermoforms generally cannot be recycled together. As a result, recyclers separate the thermoforms from the bottles and the thermoforms are discarded. This bill would create demand for recycled thermoforms in California to ensure that PET thermoforms that are collected are recycled and to encourage the collection and recycling of non-PET thermoforms. This bill would also benefit California's plastic processors, who provide economic benefits and green jobs within the state.

- 6) **Suggested amendments.** The *committee may wish to make the following amendments* to the bill:
- a) This bill exempts plastic containers of “a package type and resin type” from the definition of thermoform, but does not specify the maximum amount of plastic for this exclusion. The committee may wish to amend the bill to specify that this exemption is only by resin type, not package type, and specify that the maximum quantity for the exemption is 1,000,000 pounds for all resins except EPS, and 50,000 pounds for EPS.
  - b) This bill allows for the possibility of an extension when penalties are assessed, but does not clarify CalRecycle's authority to grant an extension. The committee may wish to amend the bill to specify that CalRecycle may grant one extension of up to 12 months due to unforeseen circumstances, at its discretion.
  - c) This bill does not specify an amount used to determine penalties. The committee may wish to amend the bill to replace the blank on page 5, line 37 with “20 cents.” The committee may also wish to remove a provision that refers to penalties that are “equal to or less than zero,” which is not possible if a manufacturer is out of compliance.
  - d) This bill requires CalRecycle to consider reducing penalties due to specified factors, including disruption in, or lack of, supply of recycled plastic. The purpose of increasing recycled content requirements is in large part to increase demand for recycled plastic. Allowing penalty relief due to lack of supply potentially creates a loophole in the requirements. The committee may wish to amend the bill to specify that lack of supply can only be a factor in reducing penalties if it is due to an unforeseen circumstance or event, such as a natural disaster.
  - e) The committee may also wish to amend the bill to reword a phrase on page 7, lines 22-24 for clarity, to read, “... for the sole purpose of supporting the recycling, collection, and processing *infrastructure* of thermoform plastic containers in the state.”
- 7) **Previous legislation.** AB 793 (Ting), Chapter 115, Statutes of 2020, requires plastic beverage containers subject to the Bottle Bill to contain minimum amounts of postconsumer recycled plastic annually, beginning with 15% by January 1, 2022 and increasing to 35% by

2029 and 50% by January 1, 2030.

8) **Double referral.** This bill has also been referred to the Assembly Judiciary Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

350 Silicon Valley  
California Alliance of Nurses for Healthy Environments  
Elders Climate Action, NorCal and SoCal Chapters  
National Stewardship Action Council  
rPlanet Earth

**Opposition**

Foodservice Packaging Institute  
Plastics Industry Association

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



Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 9 (Wood) – As Amended April 5, 2021

**SUBJECT:** Fire safety: wildfires: fire adapted communities

**SUMMARY:** Establishes the Regional Forest and Fire Capacity Program (RFFCP) in the Department of Conservation (DOC) to support regional leadership, build local and regional capacity, and develop, prioritize, and implement strategies and projects that create fire adapted communities by improving watershed health, forest health, community wildfire preparedness, and fire resilience.

**EXISTING LAW:**

- 1) Establishes the DOC within the Natural Resources Agency (NRA) and grants powers and duties to the DOC with regards to forestry, mines and geology, oil and gas, and soil conservation.
- 2) Creates the Division of Resource Conservation (Division) within DOC and grants powers and duties to the Division with regard to resource conservation. Allows the Division to aid Resource Conservation Districts (RCD) in developing plans for achieving their soil and water conservation objectives.
- 3) Requires the NRA, in consultation with the State Fire Marshal (SFM) and the Forest Management Task Force (FMTF), to review regional capacity of each county that contains a very high fire severity zone (VHFHSZ).
- 4) Establishes at the Department of Forestry and Fire Protection (CAL FIRE) a local assistance grant program to improve fire prevention in California and ensure that fire prevention activities happen year round.
- 5) Requires the Board of Forestry and Fire Protection to develop criteria and maintain a "Fire Risk Adapted Community" list of local agencies that meet best practices for local fire planning. Prioritizes local agencies on the list for CAL FIRE's local assistance fire prevention grants.
- 6) Requires, pursuant to SB 901 (Dodd), Chapter 626, Statutes of 2018, the following appropriations from the Greenhouse Gas Reduction Fund (GGRF) be made through the 2023-24 fiscal year to CAL FIRE:
  - a) \$165,000,000 for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.
  - b) \$35,000,000 to complete prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.

**THIS BILL:**

- 1) Defines “regional entities” to mean state conservancies, local and tribal governments, RCDs, joint powers authorities, or nongovernmental organizations with a history of implementing related projects, demonstrated capacity to work across regional partners, and ability to serve as fiscal administrators for the program.
- 2) Establishes the RFFCP in DOC to support regional leadership to build local and regional capacity and develop, prioritize, and implement strategies and projects that create fire adapted communities by improving watershed health, forest health, community wildfire preparedness, and fire resilience.
- 3) Requires DOC, upon appropriation by the Legislature for these purposes, to provide block grants to regional entities to develop regional strategies that develop governance structures, identify wildfire risks, foster collaboration, and prioritize and implement projects within the region to achieve the goals of the RFFCP.
- 4) Authorizes regional entities to implement program activities directly or provide subgrants or contracts, and collaborative planning efforts with local entities, including municipal and tribal governments, nongovernmental organizations, community organizations, fire safe councils, land trusts, RCDs, residents, private and public forest landowners and managers, businesses and others, to accomplish all of the following objectives:
  - a) Develop regional priority strategies that develop and support fire adapted communities by improving forest health, watershed health, fire risk reduction, or fire resilience needed to achieve local, regional, or statewide public safety, climate resiliency, and ecosystem goals included in the “Agreement of Shared Stewardship of California’s Forest and Rangelands” and “California’s Wildfire and Forest Resilience Action Plan”;
  - b) Complete project development and permitting to generate implementation-ready projects that address regional forest and community fire protection priorities for funding consideration;
  - c) Implement forest management demonstration projects that showcase scalable models for management, funding, and achieving and quantifying multiple benefits;
  - d) Implement community fire preparedness demonstration projects that create durable risk reduction for structures and critical community infrastructure; and,
  - e) Develop outreach, education, and training as needed to facilitate and build capacity to implement the RFFCP.
- 5) Authorizes DOC, upon appropriation by the Legislature, to provide block grants to eligible organizations under the RFFCP to support the statewide implementation of the RFFCP through coordination of and technical assistance to regional entities, as well as to support forest health and resilience efforts across regions and throughout the state.
- 6) Requires DOC to do all of the following:



- a) Facilitate peer-to-peer learning within and between regions to share information, experiences, and resources to build regional capacity;
- b) Provide technical assistance to regions to enhance regional capacity and assist in the development and prioritization of projects;
- c) Assist regions in identifying potential funding sources for regional priorities; and,
- d) Encourage the development of local cost share opportunities.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

Wildfire in California is a diverse and complicated crisis that requires a different solution set in every corner of the state. The past six years in California have made it painfully clear that we need to change our approach. Wildfire is a natural part of California's ecology; we cannot and should not prevent every fire, but we must do more to adapt our communities to California's inevitable wildfires. There are many groups in California doing great work to prepare for the next wildfire; the RFFCP aims to support and connect these groups so that we have more consistent capacity throughout the state. The program provides crucial support to regional entities that will plan and develop a pipeline of priority projects that suit the unique needs of each community. Flexible block grant dollars delivered through the program bring the predictability and consistency that are required to make lasting change. There is no silver bullet that will solve the wildfire crisis, but the RFFCP is helping to build the foundation that will change our communities' ability to coexist with the wildfires that have always been a part of California.

- 2) **Background.** Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to public health, property, infrastructure, and ecosystems. In 2020, wildfires burned more than 4.1 million acres. The August Complex Fire in northern California, the largest fire in California's modern history, burned over one million acres. In total, wildfires caused 33 deaths and destroyed over 10,000 structures in 2020. The land area burned in 2020 more than doubled the previous record, roughly 1.8 million acres, which was set in 2018. Furthermore, seven of the state's deadliest fires have occurred since 2017, with over 100 fatalities in 2017 and 2018.

Fire has always been present in California landscapes, either ignited by lightning strikes or by Native American tribes to preserve certain useful plants and prevent larger fires. Low-intensity fires have clear ecological benefits, such as creating habitat and assisting in the regeneration of certain species of plants and trees. Low-intensity fire also reduces surface fuel, which decreases future wildfire intensity.

A century of suppressing low-intensity fires, logging of older growth and more fire-resistant trees, and a significant five-year drought has increased the size and severity of California's fires. Climate change has also contributed to wildfire risk by reducing humidity and

precipitation and increasing temperatures.

The use of targeted mechanical vegetation management, prescribed fire, and managed wildfire reduces the accumulated high fuel loads, promoting healthier, more resilient forests, reducing the risk of high-severity wildfires.

SB 901 (Dodd), Chapter 626, Statutes of 2018, committed \$1 billion for CAL FIRE's Forest Health Grant Program and Fire Prevention Grant Program and dedicated fuel reduction crews over the next five years. The funds are meant to be used to do significant fuel reduction work near communities and in forested watersheds, and many projects will include a biomass utilization component. Approximately half of this commitment has already been spent.

On January 8, 2021, the Governor's Budget proposed \$1 billion to support the FMTF's Wildfire and Forest Resilience Action Plan; the plan included early action items and an extension of the SB 901 funding commitment for five years. This plan included \$85 million for the RFFCP.

- 3) **This bill.** The 2018-2019 state budget appropriated \$20 million from the GGRF to the NRA to develop a regional approach to the state's wildfire crisis, which became the RFFCP at DOC. The RFFCP aims to increase regional capacity to prioritize, develop, and implement projects to improve forest health and fire resilience and increase carbon sequestration in forests throughout California. The RFFCP has a significant emphasis on regional planning. The RFFCP requires each regionally-focused grantee to produce a Forest and Fire Regional Prioritization Plan. The RFFCP framework allows for regional interpretation of what should be in these strategic documents, and how they should be structured. The RFFCP has provided statewide grants to the California Fire Safe Council and the Watershed Training Center. It has provided regional grants to Santa Monica Mountains Conservancy, the Coastal Conservancy, the Sierra Nevada Conservancy, Inland Empire RCD, the Greater San Diego RCD, and the North Coast Resource Partnership. The RFFCP embraces the notion that each community-based entity working on landscape resilience in their local place is also an asset to entities elsewhere. By creating the community of regional entities the RFFCP has increased information sharing, knowledge, and capacity for all the regional entities. In addition, block grants offer more flexibility, which has allowed recipients to leverage significant funding.

On January 8, 2021, the Governor's Forest Management Task Force released a comprehensive action plan to reduce wildfire risk for vulnerable communities, improve the health of forests and wildlands, and accelerate action to combat climate change. In the action plan it recommends expanding the RFFCP, to all high-risk areas statewide and that the RFFCP develop a pipeline of local and regional shovel ready projects. The Governor's budget has included additional funding for the RFFCP and other pending bills mention the RFFCP. However, the RFFCP has not been codified. This bill would codify the RFFCP, making it a permanent fixture of California's fire resiliency efforts.

- 4) **Amendments.** *The author and committee may wish to consider amending the bill to do the following:*
  - a) Clarify which objectives regional entities should accomplish;

- b) Require DOC to provide block grants to eligible organizations if there is an appropriation for that purpose;
- c) Expand the program to landscapes beyond forests;
- d) Define eligible coordinating organizations;
- e) Require DOC to post on its internet website information related to the guidelines for block grants, outcomes of block grants, and progress expanding the RFFCP to new regions of the state; and,
- f) Make other technical and clarifying changes.

5) **Related legislation.**

AB 642 (Friedman) is an omnibus fire prevention bill that makes various changes to support cultural and prescribed fire, including the creation of a Cultural Burning Liaison at CAL FIRE, and requires a proposal for creating a prescribed fire training center in California. This bill passed out of this committee on March 24th on a 9-0 vote and is awaiting hearing in the Assembly Appropriations Committee.

SB 63 (Stern) makes multiple changes in state law to enhance fire prevention efforts by CAL FIRE, including, among other things, improved vegetation management and expanding the area where fire safety building standards apply. This bill is awaiting hearing in the Senate Housing Committee.

- 6) **Double referral.** This bill has also been referred to the Assembly Local Government Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Association of Resource Conservation Districts  
California Native Plant Society  
California State Association of Counties  
Claremont Canyon Conservancy  
Coarsegold Resource Conservation District  
Colusa County Resource Conservation District  
Defenders of Wildlife  
Feather River Resource Conservation District  
Gold Ridge Resource Conservation District  
Irvine Ranch Conservancy  
Mendocino County Resource Conservation District  
North Coast Resource Partnership  
Northern California Power Agency  
Pacific Forest Trust  
Resource Conservation District of Greater San Diego County  
Resource Conservation District of Tehama County

Resource Conservation District of the Santa Monica Mountains  
Rural County Representatives of California  
San Mateo Resource Conservation District  
Sierra Business Council  
Sierra Forest Legacy  
Tahoe Resource Conservation District  
The Nature Conservancy  
The Watershed Research and Training Center  
Upper Salinas - Las Tablas Resource Conservation District  
Urban Counties of California  
Western Shasta Resource Conservation District  
Yolo County Resource Conservation District

**Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /

Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 1311 (Wood) – As Amended April 7, 2021

**SUBJECT:** Recycling: beverage containers: certified recycling centers

**SUMMARY:** Makes various changes to the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill) to expand beverage container redemption opportunities.

**EXISTING LAW:** Establishes the Bottle Bill:

- 1) Requires beverage containers, as defined, sold in-state to have a California redemption value (CRV) of 5 cents for containers that hold fewer than 24 ounces and 10 cents for containers that hold 24 ounces or more. Requires beverage distributors to pay a redemption payment to the Department of Resources Recycling and Recovery (CalRecycle) for every beverage container sold in the state.
- 2) Provides that these funds are continuously appropriated to CalRecycle for, among other things, the payment of refund values and processing payments.
- 3) Requires CalRecycle to annually designate all “convenience zones,” defined as an area one-half mile around a dealer.
- 4) Requires, in a convenience zone where a recycling center or location does not exist and until one has been established in that zone (unserved zone), all dealers in the zone to either redeem empty beverage containers or pay CalRecycle an in-lieu fee of \$100 per day until a recycling location is established.
- 5) Defines “dealer” as a retail establishment that offers the sale of beverages in beverage containers to consumers. Exempts lodging, eating, or drinking establishments and soft drink vending machines.
- 6) Defines “recycling center” as an operation that is certified by CalRecycle and accepts from consumers and pays the CRV for empty beverage containers.
- 7) Requires certified recycling centers to be open for business at least 30 hours per week, with a minimum of 5 hours of operation outside of 9:00 AM to 5:00 PM.
- 8) Requires CalRecycle to establish a processing payment for a beverage container covered under the program that has a scrap value less than the cost of recycling, to be determined as specified, that is at least equal to the difference between the scrap value of the material and the sum of the cost of recycling and a reasonable financial return.
- 9) Requires CalRecycle to pay handling fees to supermarket sites, non-profit convenience zone recyclers, and rural region recyclers to provide an incentive for the redemption of empty beverage containers in a convenience zone.

**THIS BILL:**

- 1) Requires bag drop recycling centers to pay the CRV for containers within a reasonable period of time, not to exceed three business days, and allows it to be paid electronically. Defines “bag drop recycling center” as a recycling location operated by a recycling center at which consumers can drop off bagged, empty beverage containers for redemption.
- 2) Authorizes CalRecycle to certify a recycling center that operates less than 30 hours per week, if the center is in a rural region or if the center best serves the needs of the community and the goals of the Bottle Bill.
- 3) Requires CalRecycle, on or before July 1, 2022, to develop and implement a process for certified recycling centers to apply for authorization to operate on an alternative schedule. Requires CalRecycle to include the following in the process:
  - a) The form and content of the application and the process by which it must be submitted;
  - b) The criteria used to authorize the alternative schedule, including providing flexibility for recycling centers that are owned or operated by small or family-owned businesses, as determined by CalRecycle;
  - c) A minimum number of hours per week, per month, or per year that the recycling center may be open for business; and,
  - d) Any other requirements CalRecycle deems necessary.
- 4) Until July 1, 2022, specifies that a certified recycling center is open for business if it receives written authorization from CalRecycle to operate pursuant to an appointment system if the recycling center ensures that an employee is present during all appointments and available to accept containers and pay the CRV and complies with other specified requirements.
- 5) Requires CalRecycle to authorize a certified recycling center to operate pursuant to an appointment system only if it determines that high customer demand, weather, or public health and safety concerns warrant the implementation of an appointment system.
- 6) Exempts dealers delivering empty beverage containers redeemed from consumers to a certified recycling center or processor from the daily load limits established by CalRecycle for containers.

**FISCAL EFFECT:** Unknown

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

Humboldt County in my district has been a leader in the recycling movement for more than 50 years. In 1971 the Northcoast Environmental Center in Arcata became one of the first non-profit recycling centers in America. Tragically, today there are zero redemption centers that remain open in Humboldt County. Residents of Arcata, many of whom led the recycling revolution, are forced to

drive either one and a half hours north to Crescent City or two and a half hours south to Willits if they want to redeem their CRV containers.

This bill offers several minor changes that will create flexibility in the bottle bill program for redemption centers to operate on alternative schedules and by appointment. These simple changes will provide the flexibility redemption centers in my district need to reopen and give my constituents a reasonable opportunity to redeem their CRV containers.

- 2) **Bottle Bill.** The Bottle Bill was established in 1986 to be a self-funded program that encourages consumers to recycle beverage containers and to prevent littering. The program accomplishes this goal by requiring consumers to pay a deposit for each eligible container purchased. Then the program guarantees consumers repayment of that deposit, the CRV, for each eligible container returned to a certified recycler. Statute includes two main goals for the program: (1) reducing litter; and, (2) achieving a recycling rate of 80% for eligible containers. Containers recycled through the Bottle Bill's certified recycling centers also provides a consistent, clean, uncontaminated stream of recycled materials with minimal processing.
- 3) **Eligible beverage containers.** Only certain containers containing certain beverages are part of the CRV program. Most containers made from glass, plastic, aluminum, and bimetal (consisting of one or more metals) are included. Containers for wine, spirits, milk, fruit juices over 46 ounces, vegetable juice over 16 ounces, and soy drinks are not part of the program. Container types that are not included in the CRV program are cartons, pouches, and any container that holds 64 ounces or more.
- 4) **Ways to redeem containers.** Consumers have four potential options to redeem containers:
  - a) Return the container to a "convenience zone" recycling center located within ½-mile radius of a supermarket. These are generally small centers that only accept beverage containers and receive handling fees from the Beverage Container Recycling Fund (BCRF). During 2019-20 FY, CZ recyclers redeemed about 30% of beverage containers.
  - b) Return to "dealers," i.e., stores that sell CRV containers that accept them. In convenience zones without a convenience zone recycler, beverage dealers, primarily supermarkets, are required to either accept containers for redemption or pay CalRecycle an "in lieu" fee of \$100 per day. Few stores accept beverage containers for redemption.
  - c) Return the container to an "old line" recycling center, which refers to a recycler that does not receive handling fees and usually accepts large quantities of materials, frequently by truckload from municipal or commercial waste collection services. Traditional recyclers collect a little more than half of all CRV containers (58%).
  - d) Consumers can also forfeit their CRV and "donate" their containers to residential curbside recycling collection. In the 2019-20 FY, curbside programs collected about 12% of CRV containers. Curbside programs keep the CRV on these containers.
- 5) **Recycling center closures.** In August 2019, rePlanet closed all 284 of its recycling centers in California. Before its closure, rePlanet was the largest recycling network in California.

Following the closures, rePlanet stated, “With the continued reduction in State fees, the depressed pricing of recycled aluminum and PET plastic, and the rise in operating costs resulting from minimum wage increases and required health and workers compensation insurance, the Company has concluded that operation of these recycling centers is no longer sustainable.” In total, over 1,000 recycling centers have closed since 2013. According to CalRecycle, as of February 26, 2021, there are 1,224 recycling centers in the state. Some counties, such as Humboldt, Trinity, Sierra, and Alpine, have no recycling centers.

Several factors contributed to the closure of these recyclers. Commodity prices have dropped significantly, causing low scrap value for recycled materials. In 2011, PET plastic scrap prices were at a peak of \$500/ton and have steadily declined. By November 2020, the price dropped to \$101/ton. Also, oil prices have declined significantly and reached historically low levels in 2016. New plastic is manufactured from oil, so when the price of oil is very low, virgin plastic prices are low, making recycled plastic unable to compete economically.

Additionally, the methods to determine processing payments do not accurately reflect the cost of recycling or provide a reasonable financial return. Processing payments also lag behind the steady decline in scrap values. Processing payments are intended to cover the difference between a container’s scrap value and the cost of recycling it (including a reasonable rate of return). The calculation to determine the “cost of recycling” does not consider things like transportation costs, putting rural recyclers at a significant disadvantage. Large recyclers that process high numbers of containers generally have lower costs, on average, than smaller centers. Current statute requires CalRecycle to use the average cost of all recycling centers, which results in some centers receiving higher payments than are necessary, while other centers do not receive enough support to remain in business.

The largest challenge facing the Bottle Bill is the closure of over 1,000 recycling centers, leaving many Californians without redemption opportunities. The Legislature, the Administration, and stakeholders have attempted to collaborate on Bottle Bill reforms to align with the state’s climate change goals and the state’s 75% solid waste reduction, recycling, and composting goal, as well as creating long-term fiscal sustainability. However, legislative policy and budget proposals intended to accomplish these goals through substantial program reforms have failed.

- 6) **This bill.** This bill addresses statutory barriers to providing redemption opportunities, especially in rural areas. The intent of this bill is to foster new opportunities for consumers to redeem their CRV and preserve the core functions of the program.

Bag drop recycling programs allow consumers to use specific bags with a label unique to each consumer to collect their empty beverage containers and drop off the bag when it’s full at a bag drop recycling center. The bags are then collected by the operator, counted or weighed, and the redemption value is returned to the consumer electronically. The Bottle Bill does not currently allow for bag drop programs. This bill updates the program to allow bag drop programs in California.

Current law requires that certified recycling centers are open for a minimum of 30 hours per week, including at least five hours outside of 9:00 AM to 5:00 PM. Many smaller, especially family-owned centers, do not need to be open for a full 30 hours per week. Additionally, centers are unable to close for any reason, including for illness or vacation, without risking



decertification. This bill authorizes CalRecycle to authorize alternative schedules based on criteria it develops, taking into consideration providing flexibility for small and family-owned centers.

Many certified recycling centers closed when the state shut down due to the pandemic. In Humboldt County, the closures resulted in only one center remaining open to serve the entire county. This resulted in excessively long lines and crowds that made it impossible to ensure social distancing and protect the health of employees and the public. As a result, the only remaining center closed its doors. This bill authorizes CalRecycle to allow certified recycling centers to operate using an appointment system for six months, through July 1, 2022, to prevent overcrowding while allowing consumers to redeem the containers they have accumulated while redemption centers were closed.

Currently, dealers that redeem beverage containers from consumers can recoup the CRV if they take the containers to a certified recycler. However, they are subject to the state's daily load limits of 100 pounds of plastic or aluminum and 1,000 pounds of glass. This bill exempts dealers from the daily load limits to ensure that they can be reimbursed for the CRV they pay to consumers.

7) **Related legislation.**

AB 1454 (Bloom): 1) Establishes a Beverage Container Recycling Program Advisory Board to oversee and advise the director of CalRecycle on all matters relating to the Bottle Bill; 2) Authorizes CalRecycle to establish regional convenience zones; 3) Expands the payment options for the California Redemption Value (CRV); and, 4) Increases processing payments for certified recycling centers for a specified number of beverage containers. This bill is also scheduled to be heard in this committee on April 14<sup>th</sup>.

SB 38 (Wieckowski) eliminates the Bottle Bill program and replaces it with an industry-run bottle and can recycling program. This bill is awaiting hearing in the Senate Appropriations Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Californians Against Waste  
Rural County Representatives of California

**Opposition**

None on file

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



Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 826 (Bennett) – As Introduced February 16, 2021

**SUBJECT:** Beach erosion: South Central California Coast: Point Conception to Point Mugu

**SUMMARY:** Establishes, upon appropriation by the Legislature, the Beach Erosion Authority for Clean Oceans and Nourishment Program (Program), within the State Coastal Conservancy (SCC), to address the resource and recreational goals of the south central coast area.

**EXISTING LAW:**

- 1) Establishes the SCC in the Natural Resources Agency (NRA).
- 2) Specifies that SCC consists of the following members: the chairperson of the SCC, the Secretary of the NRA, the Director of Finance, and four members of the public, two appointed by the Governor, one appointed by the Speaker of the Assembly, and one appointed by the Senate Committee on Rules.
- 3) Authorizes the SCC to apply for and accept federal grants and receive gifts, donations, subventions, rents, royalties, and other financial support from public and private sources.
- 4) Specifies that the SCC shall serve as the repository for lands whose reservation is required to meet the policies and objectives of the California Coastal Act of 1976.
- 5) Authorizes the SCC to acquire property or interests pursuant to its mission.
- 6) Authorizes the SCC to address the impacts and potential impacts of climate change on resources within its jurisdiction, including projects that reduce greenhouse gases, address extreme weather events including sea level rise, storm surge, beach and bluff erosion, salt water intrusion, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources.
- 7) Authorizes the SCC to award grants to nonprofits and public agencies.
- 8) Establishes San Francisco Bay Area Conservancy Program, within the SCC, to address the resource and recreational goals of the San Francisco Bay area in a coordinated, comprehensive, and effective way.
- 9) Establishes the Santa Ana River Conservancy Program to be administered, within the SCC, to address the resource and recreational goals of the Santa Ana River region.
- 10) Requires the SCC to develop and implement a Lower Cost Coastal Accommodations Program to improve the availability of lower cost accommodations along the coast.

**THIS BILL:**

- 1) Declares it is the obligation of the Legislature to encourage local governments to form bonds to counter sea level rise, beach erosion, and to preserve marine life.

- 2) Establishes the Program, within the SCC, to address the resource and recreational goals of the south central coast area.
- 3) Defines the “area” in the Program to mean those lands that are located within the Central California Coast from Point Conception to Point Mugu.
- 4) Authorizes the SCC to undertake projects and award grants and loans to public agencies and nonprofit organizations to help achieve all of the following goals of the Program:
  - a) Recreational opportunities, open space, trails, wildfire habitat and species restoration, enhancement, and protection, protection and maintenance of the quality of the waters in the South Central Coast for all beneficial uses, related educational use, and natural floodwater conveyance; and,
  - b) Public access to, enjoyment of, and enhancement of recreational and educational experience on program lands in a manner consistent with the protection of land and natural resources and economic resources in the area.
- 5) Requires the SCC to do all of the following when implementing the Program:
  - a) Create an advisory group to offer advice, expertise, support, or service to the SCC, without compensation. Authorizes the group to comprise of members of the environmental community, local government, local agencies, and public and private representatives;
  - b) Prepare a coastal erosion and sea level rise plan, as specified;
  - c) Give priority to sea level rise and coastal erosion related projects that create expanded opportunities for recreation, greening, aesthetic improvement, and wildfire habitat along the coast and in parts of the shoreline; and,
  - d) Implement the Program in conformance with all related general and specific plans and zoning regulations of local agencies within the south central coast area.
- 6) Authorize the SCC to do all of the following when implementing the Program:
  - a) Acquire interests and options in real property and make acquisition grants for these purposes according to specified noticing requirements;
  - b) Exercise a right of first refusal for surplus property located within the south central coast area;
  - c) Lease, rent, sell, exchange, or transfer interests in real property;
  - d) Undertake or fund projects to implement site improvements, upgrade deteriorating facilities or construct new facilities for outdoor recreation, public access, nature appreciation and interpretation; historic and cultural preservation; or protection, restoration, or enhancement of natural resources and habitat;
  - e) Provide for the management of Program lands;

- f) Fix or collect fees for the use of any land owned or controlled, or for any service provided, by the SCC;
  - g) Accept grants, gifts, donations of money and property, subventions, rents, royalties and other assistance from public and private sources;
  - h) Recruit and coordinate volunteers and experts to conduct interpretive and recreational programs, and assist with construction projects and the maintenance of facilities;
  - i) Enter into contracts and joint powers agreements; and,
  - j) Sue and be sued.
- 7) Prohibits the SCC from doing any of the following:
- a) Exercise the power of eminent domain in implementing the Program;
  - b) Manage, regulate, or control the use of any land owned or leased by another public agency, except as provided pursuant to a written agreement with that public agency;
  - c) Levy a tax;
  - d) Take an action that interferes with, conflicts with, impedes, adversely impacts, or prevents the planning and implementation of transportation projects and programs contained in the regional transportation plan, approved and maintained, from time to time, by the Southern California Association of Governments; and,
  - e) Act to affect any water right or water-resource facility, including any publicly owned water treatment works, in the south central coast area.
- 8) Requires the SCC, to the extent feasible, utilize the services of the California Conservation Corps and Community Conservation Corps.
- 9) Creates the Beach Erosion Authority for Clean Oceans and Nourishment Account (Account) in the SCC Fund. Moneys in the account shall be available, upon appropriation, for purposes of implementing the Program. Requires any fee revenue collect by SCC for the Program to be deposited into the Account.
- 10) Requires the SCC to include information about the Program in its report to the Governor and Legislature.
- 11) Makes implementation of this bill contingent upon an appropriation by the Legislature.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

Through its close coordination with its member agencies and departments, the Beach Erosion Authority for Clean Oceans and Nourishment JPA (BEACON) has

repeatedly shown itself to be a vital resource, and model agency, in the South Central Coast. Established in 1986, the joint powers agency (Counties of Santa Barbara and Ventura as well as the coastal cities of Santa Barbara, Goleta, Carpinteria, Ventura, Oxnard and Port Hueneme) was formed to address coastal erosion, beach nourishment and clean oceans within the Central California Coast from Point Conception to Point Mugu. Since its conception, it has conducted sea level rise, coastal erosion, mitigation, and restoration plans for the last 30 years. Most recently, BEACON shared its Ventura County Sea Level Rise Adaption plan with the Board of Supervisors to better support Ventura County residence living along the coast line. In October 2020, BEACON announced its latest project to design and engineering of a beach access stairway at Mondo's Cove beach, adjacent to the community of Faria Beach. By becoming a program within Conservancy, BEACON would have better access to grants, better communication and coordination with the conservancy, and would receive additional assistance at both the state and local level.

- 2) **SCC.** The SCC is a state agency, established in 1976, to protect and improve natural lands and waterways, to help people get to and enjoy the outdoors, and to sustain local economies along California's coast. It is a non-regulatory agency that supports projects to protect coastal resources and increase opportunities for the public to enjoy the coast. SCC implements statewide resource plans through its projects, including the California Water Action Plan, the Wildlife Action Plan, and many others. SCC works along the entire length of California's coast and within the watersheds of rivers and streams that extend inland from the coast. SCC also works throughout the nine-county San Francisco Bay Area and the entire Santa Ana River watershed.
- 3) **This bill.** Extreme storm and weather events are changing the coast of California, which sea level rise is exacerbating, causing increased flooding and inundation, coastal erosion, changes in sediment supply and movement, and saltwater intrusion to water supplies. The degree of impact and rate of change sea level rise has on coastal communities and ecosystems varies widely along the state's 1,200-mile coastline. Santa Barbara and Ventura Counties are already experiencing impacts, which will continue to grow. The sea level along the state's coastline is currently predicted to rise by as much as one-half foot by 2030 and up to 7 feet by 2100. The area the Program would cover would be from Point Conception to Point Mugu, which covers large portions of Santa Barbara and Ventura Counties.

This bill intends to create a program within the SCC to address resource and recreational goals of the south central coast including through projects that increase recreational opportunities, protect public access, and address sea level rise. The Program would have the same name as the existing joint powers authority (JPA) that does identical work.

The SCC is already active in the area this Program would cover. Over the last 10 years the SCC has provided over \$14 million for projects in the proposed Program area including to members of the BEACON JPA. In the past, the Legislature has created programs within the SCC in the San Francisco Bay Area and Santa Ana River watershed. However, both programs expand SCC jurisdiction inland. This bill does not specify how far inland the Program would go. SCC also operates a Climate Ready program grant program, which has awarded over \$12 million for 62 projects to adapt to the impacts of climate change. Awards

for the Climate Ready program have included members of the BEACON JPA. It is important that this bill be compatible with, and supportive of, the Climate Ready Program.

4) **Amendments.** The author and committee *may wish to consider* the following amendments:

- a) Clarify the definition of the “area” of the program;
- b) Add addressing sea level rise as one of the goals of the Program;
- c) Specify the Program may carry out projects within the area of the Program;
- d) Clarify what the sea level rise plan should include;
- e) Require the Program’s actions to address sea level rise be consistent with the SCC’s Climate Ready Program and prioritize natural infrastructure; and,
- f) Make other clarifying and technical changes.

5) **Related/prior legislation.**

SB 1 (Atkins) establishes the California Sea Level Rise State and Regional Support Collaborative within the Ocean Protection Council (OPC) to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone and the area under the jurisdiction of the San Francisco Bay Conservation and Development Commission. This bill is awaiting hearing in the Senate Environmental Quality Committee.

SB 45 (Portantino) would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, subject to approval by the voters in the November 8, 2022 general election, would authorize the issuance of \$5.51 billion in general obligation bonds to finance projects for wildfire prevention, safe drinking water, sea level rise, drought preparation, and flood protection. This bill is awaiting hearing in the Senate Governance and Finance Committee.

AB 1500 (E Garcia) would, subject to approval by the voters in the November 8, 2022 general election, authorize a \$6.7 billion general obligation bond to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, sea level rise, and workforce development programs. This bill passed out of the Assembly Water, Parks, and Wildlife Committee on a 9-0 vote.

AB 67 (Petrie-Norris) would require a state agency to take into account the current and future impacts of sea level rise when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds for those purposes. The bill would require the OPC to establish a multiagency working group, consisting of specified individuals, on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise, the breadth of its impact, and the severity of its anticipated harm. This bill is also scheduled to be heard in this committee on April 14.

SB 576 (Umberg), Chapter 374, Statutes of 2019, establishes the Climate Ready Program to be administered by the SCC. This bill requires the OPC to develop and implement a coastal climate change adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve the climate change resiliency of the state's coastal communities, infrastructure, and habitat.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Ventura County

**Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /



Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 1255 (Bloom) – As Amended April 6, 2021

**SUBJECT:** Fire prevention: fire risk reduction guidance: local assistance grants

**SUMMARY:** Requires, on or before July 1, 2023, the Natural Resources Agency (NRA), in collaboration or consultation with specified state agencies, to develop a guidance document that describes goals, approaches, opportunities, and best practices in each region of the state for ecologically appropriate, habitat-specific fire risk reduction. Requires specified consultation with counties related to the Department of Forestry and Fire Protection's (CAL FIRE) local fire prevention grant program.

**EXISTING LAW:**

- 1) Requires the Board of Forestry and Fire Protection (Board) to classify all lands within the state for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state [known as the State Responsibility Area (SRA)].
- 2) Requires CAL FIRE to identify certain areas in the local responsibility area (LRA) as very high fire hazard severity zones (VHFHSZ) based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas.
- 3) Authorizes the board of supervisors of any county to provide by ordinance that the county assumes responsibility for the prevention and suppression of all fires on all land in the county, including lands within the SRA, when CAL FIRE concurs in accordance with criteria adopted by the Board. Specifies that the county exercises, for the duration of the contract, all the duty, power, authority, and responsibility for the prevention and suppression of all fires on all land in the county for which the county is authorized.
- 4) Requires, to the extent feasible and only in portions of the state, the Board's vegetation treatment program programmatic environmental impact report, when certified, to serve as the programmatic environmental document for persons conducting prescribed fires with a CAL FIRE burn permit.
- 5) Authorizes prescribed burning, mastication, herbicide application, mechanical thinning, or other vegetative treatments of chaparral or sage scrub to only occur if CAL FIRE finds that the activity will not cause "type conversion" away from the chaparral and coastal sage scrub currently on site.
- 6) Requires the Natural Resources Agency (NRA), in consultation with the State Fire Marshal (SFM) and the Forest Management Task Force (FMTF), to review regional capacity of each county that contains a VHFHSZ.
- 7) Establishes a local assistance grant program at CAL FIRE to improve fire prevention in California and ensure that fire prevention activities happen year round.

- 8) Requires the Board to develop criteria and maintain a "Fire Risk Adapted Community" list of local agencies that meet best practices for local fire planning. Prioritizes local agencies on the list for CAL FIRE's local assistance fire prevention grants.
- 9) Requires, pursuant to SB 901 (Dodd), Chapter 626, Statutes of 2018, the following appropriations from the Greenhouse Gas Reduction Fund (GGRF) be made through the 2023-24 fiscal year to CAL FIRE:
  - a) \$165 million for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.
  - b) \$35 million to complete prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.

**THIS BILL:**

- 1) Defines "forest restoration" to mean assisting the recovery of degraded forest ecosystems by reestablishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystems, sustainability, resilience, and health under current and future conditions. Requires forest restoration activities to take a broader approach than fuel reduction activities by considering the need for resilience to a wider range of stressors, such as increased temperatures, drought, and insect-induced mortality. Requires Forest Restoration activities to also provide watershed health and wildlife habitat benefits.
- 2) Defines "habitat-specific fire risk reduction" to mean fire risk reduction activities that take into account an area's ecology including, but not limited to, the needs of native plant and animal species and the historic fire regimes including, but not limited to, the pattern, timing, duration, and intensity in which fires have naturally occurred. Specifies that habitat-specific fire risk reduction reduces fire risk for communities while minimizing any negative impacts to native plants and animal species.
- 3) Defines "type conversion" to mean the dominant native plant species, such as native shrublands, are dramatically reduced or extirpated, allowing nonnative plant species to colonize and spread due to single or multiple disturbance events, including wildfire incidents.
- 4) Requires, on or before July 1, 2023, the NRA, in collaboration with CAL FIRE, the State Water Resources Control Board, and the Department of Fish and Wildlife, and in consultation with the Office of Planning and Research, the Office of Emergency Services, the Department of Parks and Recreation, state conservancies, and other relevant state agencies, to develop a guidance document that describes goals, approaches, opportunities, and best practices in each region of the state for ecologically appropriate, habitat-specific fire risk reduction.
- 5) Requires the guidance document to do all of the following:
  - a) Identify and define applicable regions of the state, accounting for and distinguishing habitat characteristics that are important to recognize to support habitat-specific and threat-specific, effective wildfire risk reduction activities;

- b) Describe future conditions that balance fire behavior, public safety, and climate resilience with habitat protection and watershed function, and that recognize different balances of those priorities and proximity to vulnerable assets, including, but not limited to, homes;
  - c) Describe strategies for achieving and maintaining the desired conditions over long time horizons. Specifies for forests, this must include addressing future economic pressure to harvest timber while maintaining climate and fire resilient forest structure;
  - d) Describe existing workforce limitations and assist state agencies in identifying and developing workforce training opportunities and career specified fields;
  - e) Recommend actions that state agencies can take to implement any fire prevention or forest health programs that account for and prioritize habitat-specific fire risk reduction and forest restoration projects that avoid type conversion;
  - f) Identify projects that should be implemented in each region of the state; and,
  - g) Recommend opportunities to use and implement the guidance document, including a description of the general scale of wildfire risk reduction needs in each region and recommendations to allocate funding to CAL FIRE, state agencies, conservancies, or other entities.
- 6) Requires the guidance document to be developed through a public process, including region-specific public workshops.
- 7) Requires, to the extent feasible, CAL FIRE, state agencies, and conservancies incorporate the guidance document into their funding programs.
- 8) Requires CAL FIRE to collaborate or consult with state agencies and conservancies to implement the guidance document, as specified.
- 9) Specifies any funding for programs described in the guidance document approved by the state before July 1, 2022 will not be delayed or contingent upon the development of the guidance document.
- 10) Requires CAL FIRE to consult with a county before awarding a local assistance grant for a project within the county, to ensure that a county's, including a contract county's, local fire prevention priorities are considered and prioritized.
- 11) Eliminates the sunset date of January 1, 2024 for CAL FIRE's authority to provide advanced payments.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

Wildfire in California is a natural and important influence on California's diverse landscapes. However, increasingly hot temperatures, unpredictable wind and weather events, and ongoing drought conditions have created a growing and

increasingly complicated wildfire threat to communities across California. Our natural resources, public lands, and diverse habitats, which provide numerous benefits to communities including recreation, clean water, and clean air, are also imperiled.

While California will likely always have a substantial need for fire suppression and response, we should make greater investments in risk reduction and resilience strategies and activities that can help reduce the catastrophic impacts and onerous costs of wildfires.

AB 1255 provides an integrated approach to advance wildfire resilience actions and risk mitigation in a variety of habitat types, with the goals of building resilience into our natural resources and ensuring our communities are safe. In addition, the proposed bill seeks to engage community members, stakeholders, and the best available science to consider innovative approaches to workforce development, planning, and infrastructure hardening.

- 2) **Background.** Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to public health, property, infrastructure, and ecosystems. In 2020, wildfires burned more than 4.1 million acres. The August Complex Fire in northern California, the largest fire in California's modern history, burned over one million acres. In total, wildfires caused 33 deaths and destroyed over 10,000 structures in 2020. The land area burned in 2020 more than doubled the previous record, roughly 1.8 million acres, which was set in 2018. Furthermore, seven of the state's deadliest fires have occurred since 2017, with over 100 fatalities in 2017 and 2018.

Fire has always been present in California landscapes either occurring by lightning strikes or used by Native American tribes to preserve certain useful plants and prevent larger fires. Low-intensity fires have clear ecological benefits, such as creating habitat and assisting in the regeneration of certain species of plants and trees. Low-intensity fire also reduces surface fuel, which decreases future wildfire intensity.

A century of suppressing low-intensity fires, logging of older growth and more fire-resistant trees, and a significant five-year drought has increased the size and severity of California's fires. Climate change has also contributed to wildfire risk by reducing humidity and precipitation and increasing temperatures.

The use of targeted mechanical vegetation management, prescribed fire, and managed wildfire reduces the accumulated high fuel loads, promoting healthier, more resilient forests, reducing the risk of high-severity wildfires.

SB 901 (Dodd), Chapter 626, Statutes of 2018, committed \$1 billion for CAL FIRE's Forest Health Grant Program and Fire Prevention Grant Program and dedicated fuel reduction crews over the next five years. The funds are meant to be used to do significant fuel reduction work near communities and in forested watersheds, and many projects will include a biomass utilization component. Approximately half of this commitment has already been spent.

On January 8, 2021, the Governor's Budget proposed \$1 billion to support the FMTF's Wildfire and Forest Resilience Action Plan; the plan included early action items and an extension of the SB 901 funding commitment for five years.

- 3) **This bill.** On January 8, 2021, the Governor's Forest Management Task Force (FMTF) released a comprehensive action plan to reduce wildfire risk for vulnerable communities, improve the health of forests and wildlands, and accelerate action to combat climate change. This action plan stated:

California's diverse landscapes and communities require regionally tailored strategies and actions. Protecting California's communities and natural places from the impacts of catastrophic wildfire cannot be achieved through a "one size fits all" solution. Different types of vegetation and landscapes— from redwoods to chaparral to desert— require different approaches. State investments and programs must recognize and enable regionally and locally-driven solutions in partnership with groups and leaders from these regions

This bill attempts to create habitat specific fire risk reduction activities to address the diverse landscapes of California that are all subject to fire risk. A review of CAL FIRE's Forest Health Grant Program and Local Fire Prevention Grant Program has shown that a majority of the awards have been awarded to forested landscapes of the North Coast, Northern California, and the Sierra Nevada. While Southern California has received less than 10% of the awards. The bill requires NRA to provide guidance to state agencies who are funding fire risk reduction on how to identify habitat specific fire risk reduction activities for all landscapes of the state.

In addition, the bill attempts to recognize that the six contract counties (Marin, Kern, Los Angeles, Santa Barbara, Ventura, and Orange) assume all the fire prevention responsibilities for the state in those counties and should play a larger role in deciding how local fire prevention grants are allocated.

- 4) **Amendments.** In order to reduce conflict with AB 9 (Wood) and improve the clarity of the bill. The author and committee *may wish to consider* the following amendments:
- a) Clarify the definition of forest restoration;
  - b) Add the Forest Management Task Force to the list of agencies the NRA should collaborate with;
  - c) Remove references to addressing the economic pressure of timber harvesting;
  - d) Remove identification of specific projects;
  - e) Remove the requirement that CAL FIRE coordinate with regional entities when implementing the guidance document; and,
  - f) Clarify county consultation requirement to recognize the role of contract counties.

## 5) **Related legislation.**

AB 9 (Wood) establishes in the Department of Conservation the Regional Forest and Fire Capacity Program to support regional leadership to build local and regional capacity and develop, prioritize, and implement strategies and projects that create fire-adapted communities by improving watershed health, forest health, community wildfire preparedness, and fire resilience. This bill is also scheduled to be heard in this committee on April 14<sup>th</sup>.

AB 642 (Friedman) is an omnibus fire prevention bill that makes various changes to support cultural and prescribed fire, including the creation of a Cultural Burning Liaison at CAL FIRE, and requires a proposal for creating a prescribed fire training center in California. This bill passed out of this committee on March 24<sup>th</sup> with a vote of 9-0 and is awaiting hearing in the Assembly Appropriations Committee.

SB 63 (Stern) makes multiple changes in state law to enhance fire prevention efforts by CAL FIRE, including, among other things, improved vegetation management and expanding the area where fire safety building standards apply. This bill is awaiting hearing in the Senate Housing Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Association of Local Conservation Corps  
 California Association of Realtors  
 California Invasive Plant Council  
 California Native Plant Society  
 Civicorps  
 Community Nature Connection  
 Defenders of Wildlife  
 Endangered Habitats League  
 Los Angeles Conservation Corps  
 Midcoast Community Council  
 North Peninsula Democratic Club  
 Orange County Conservation Corps  
 Pacific Forest Trust  
 San Jose Conservation Corps & Charter School  
 Sierra Business Council  
 Southern California Mountains Foundation  
 Urban Corps of San Diego County  
 1 Individual

### **Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 1454 (Bloom) – As Amended March 4, 2021

**SUBJECT:** The California Beverage Container and Litter Reduction Act

**SUMMARY:** Establishes the Beverage Container Recycling Program Advisory Board (Board) to oversee and advise the director of the Department of Resources Recycling and Recovery (CalRecycle) on all matters relating to the Bottle Bill. Authorizes CalRecycle to establish regional convenience zones. Expands the payment options for the California Redemption Value (CRV). Increases processing payments for certified recycling centers for a specified number of beverage containers.

**EXISTING LAW:**

- 1) Requires CalRecycle to establish, by January 1, 2020, the Statewide Commission on Recycling Markets and Curbside Recycling (Commission) as an independent advisory body comprised of representatives from public agencies, private solid waste enterprises, and environmental organizations with expertise in recycling. Requires the Commission to:
  - a) By July 1, 2021, issue policy recommendations to achieve specified market development goals for recycled content products and feedstocks and to achieve the state's 75% recycling goal;
  - b) By July 1, 2021, identify products that are recyclable or compostable and regularly collected in curbside recycling programs;
  - c) Update the recommendations and identifications regularly but not less than annually;
  - d) Provide the opportunity for the public to review and comment on recommendations and identifications; and,
  - e) Provide regular feedback to CalRecycle on public messaging designed to encourage proper recycling and to minimize contamination in curbside recycling programs.
- 2) Establishes the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill):
  - a) Requires beverage containers, as defined, sold in-state to have a California Refund Value (CRV) of 5 cents for containers that hold fewer than 24 ounces and 10 cents for containers that hold 24 ounces or more. Requires beverage distributors to pay a redemption payment to CalRecycle for every beverage container sold in the state.
  - b) Provides that these funds are continuously appropriated to CalRecycle for, among other things, the payment of refund values and processing payments.

- c) Requires CalRecycle to annually designate all “convenience zones,” defined as an area one-half mile around a dealer.
- d) Requires, in a convenience zone where a recycling center or location does not exist and until one has been established in that zone (unserved zone), all dealers in the zone to either redeem empty beverage containers or pay CalRecycle an in-lieu fee of \$100 per day until a recycling location is established.
- e) Defines “dealer” as a retail establishment that offers the sale of beverages in beverage containers to consumers. Exempts lodging, eating, or drinking establishments and soft drink vending machines.
- f) Defines “recycling center” as an operation that is certified by CalRecycle and accepts from consumers and pays the CRV for empty beverage containers.
- g) Requires CalRecycle to establish a processing payment for a beverage container covered under the program that has a scrap value less than the cost of recycling, to be determined as specified, that is at least equal to the difference between the scrap value of the material and the sum of the cost of recycling and a reasonable financial return.
- h) Requires CalRecycle to pay handling fees to supermarket sites, non-profit convenience zone recyclers, and rural region recyclers to provide an incentive for the redemption of empty beverage containers in a convenience zone.

**THIS BILL:**

- 1) Establishes the Board, which:
  - a) Consists of nine members:
    - i) A beverage manufacturer;
    - ii) A certified recycler;
    - iii) A reclaimer;
    - iv) A nongovernmental organization;
    - v) A waste hauler;
    - vi) A local government representative from a rural area;
    - vii) A local government representative from an urban area; and,
    - viii) A public member without a financial interest in the beverage container recycling program.
  - b) Requires CalRecycle to consult with the Board when initiating, reviewing, or expanding policies, guidelines, or budgetary changes impacting the Bottle Bill program.



- c) Requires the Board to meet at least twice per year and states that Board members are entitled to payment of necessary traveling expenses.
  - d) Requires the Board to advise the director of CalRecycle and to make recommendations to the director concerning regulations; procedures for employment and personnel training and compensation; rate and collection of fees and penalties; changes in bylaws, procedures, and orders; fees, payments, and “program elements;” and “all matters related to” the Bottle Bill, including, but not limited to, inspections and enforcement, annual budget, fees, and regulations.
  - e) Requires the Board to keep proprietary information confidential.
  - f) Requires the director to adopt regulations and procedures to be used by the Board and to accept the recommendations of the Board if the director finds that the recommendations are practicable and in the interest of the beverage container recycling industry and the public.
  - g) Within 30 days of receiving a recommendation from the Board, the director shall provide the Board with notice of the acceptance of the recommendation or with a written statement of the reasons for the denial, if the director does not accept the recommendation.
- 2) Authorizes CalRecycle to designate regional convenience zones serving multiple unserved zones, based on community need after considering population density, distance between recycling centers, geography, and consumer transportation times.
  - 3) Specifies that certified recyclers pay the CRV “onsite at the time of redemption” through a voucher or electronic payment. Requires electronic payments to be made within five of the recycling center’s business days. Authorizes the recycler to charge up to 2% per transaction as an administrative fee.
  - 4) States codified findings relating to the intent of the Bottle Bill, recent certified recycling center closures, and the costs of recycling. States legislative intent to require CalRecycle to establish processing payments to groupings of certified recycling centers that reflect the actual cost of recycling at those centers based on the relative monthly volume of beverage containers collected for recycling and that the methodology for calculating the processing fees remain as set forth in existing law.
  - 5) Authorizes CalRecycle, upon appropriation, to increase processing payments to certified recycling centers by up to 50% higher than statewide rates for the first 40,000 glass containers and 200,000 plastic containers collected by the recycler each month. Specifies that CalRecycle shall not impose a higher processing fee than the processing fee that would be imposed without this provision. States all actions taken by CalRecycle to implement this provision prior to April 1, 2022 are exempt from the rulemaking provisions of the Administrative Procedure Act.
  - 6) Requires CalRecycle, upon appropriation, to pay handling fees to the first operator of a recycling center certified to operate in a convenience zone that has been continuously unserved for at least six months, regardless of the physical location of the recycler within the zone.

- 7) States the intent of the Legislature to appropriate \$25 million from the Beverage Container Recycling Fund (BCRF) “for relief for recycling infrastructure,” as follows:
  - a) Plastic quality incentive payments; and,
  - b) Startup loans for certified recycling centers located in an unserved or underserved area of the state. If the recycler continually maintains operations for 18 months, requires the loans be forgiven.
- 8) Makes related technical and clarifying changes.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author’s statement:**

AB 1454 will provide immediate stabilization to the recycling infrastructure through targeted funding and provide start-up incentives for new centers to open up in unserved/underserved areas. This bill will set in motion needed updates and program incentives to return the Bottle Bill program to an 80% or higher recycling of all beverage containers in all regions and make it more convenient for consumers to redeem their deposit.

- 2) **Bottle Bill.** The Bottle Bill was established in 1986 to be a self-funded program that encourages consumers to recycle beverage containers and to prevent littering. The program accomplishes this goal by requiring consumers to pay a deposit for each eligible container purchased. Then the program guarantees consumers repayment of that deposit, the CRV, for each eligible container returned to a certified recycler. Statute includes two main goals for the program: (1) reducing litter; and, (2) achieving a recycling rate of 80% for eligible containers. Containers recycled through the Bottle Bill’s certified recycling centers also provides a consistent, clean, uncontaminated stream of recycled materials with minimal processing.
- 3) **Eligible beverage containers.** Only certain containers containing certain beverages are part of the CRV program. Most containers made from glass, plastic, aluminum, and bimetal (consisting of one or more metals) are included. Containers for wine, spirits, milk, fruit juices over 46 ounces, vegetable juice over 16 ounces, and soy drinks are not part of the program. Container types that are not included in the CRV program are cartons, pouches, and any container that holds 64 ounces or more.
- 4) **Ways to redeem containers.** Consumers have four potential options to redeem containers:
  - a) Return the container to a “convenience zone” recycling center located within ½-mile radius of a supermarket. These are generally small centers that only accept beverage containers and receive handling fees from the BCRF. During 2019-20 FY, CZ recyclers redeemed about 30% of beverage containers.
  - b) Return to “dealers,” i.e., stores that sell CRV containers, that accept them. In convenience zones without a convenience zone recycler, beverage dealers, primarily

supermarkets, are required to either accept containers for redemption or pay CalRecycle an “in lieu” fee of \$100 per day. Few stores accept beverage containers for redemption.

- c) Return the container to an “old line” recycling center, which refers to a recycler that does not receive handling fees and usually accepts large quantities of materials, frequently by truckload from municipal or commercial waste collection services. Traditional recyclers collect a little more than half of all CRV containers (58%).
  - d) Consumers can also forfeit their CRV and “donate” their containers to residential curbside recycling collection. In the 2019-20 FY, curbside programs collected about 12% of CRV containers. Curbside programs keep the CRV on these containers.
- 5) **Recycling center closures.** In August 2019, rePlanet closed all 284 of its recycling centers in California. Before its closure, rePlanet was the largest recycling network in California. Following the closures, rePlanet stated, “With the continued reduction in State fees, the depressed pricing of recycled aluminum and PET plastic, and the rise in operating costs resulting from minimum wage increases and required health and workers compensation insurance, the Company has concluded that operation of these recycling centers is no longer sustainable.” In total, over 1,000 recycling centers have closed since 2013. According to CalRecycle, as of February 26, 2021, there are 1,224 recycling centers in the state. Some counties, such as Trinity, Sierra, and Alpine, have no recycling centers.

Several factors contributed to the closure of these recyclers. Commodity prices have dropped significantly, causing low scrap value for recycled materials. In 2011, PET plastic scrap prices were at a peak of \$500/ton and have steadily declined. By November 2020, the price dropped to \$101/ton. Also, oil prices have declined significantly and reached historically low levels in 2016. New plastic is manufactured from oil, so when the price of oil is very low, virgin plastic prices are low, making recycled plastic unable to compete economically.

Additionally, the methods to determine processing payments do not accurately reflect the cost of recycling or provide a reasonable financial return. Processing payments also lag behind the steady decline in scrap values. Processing payments are intended to cover the difference between a container’s scrap value and the cost of recycling it (including a reasonable rate of return). The calculation to determine the “cost of recycling” does not consider things like transportation costs, putting rural recyclers at a significant disadvantage. Large recyclers that process high numbers of containers generally have lower costs, on average, than smaller centers. Current statute requires CalRecycle to use the average cost of all recycling centers, which results in some centers receiving higher payments than are necessary, while other centers do not receive enough support to remain in business.

The largest challenge facing the Bottle Bill is the closure of over 1,000 recycling centers, leaving many Californians without redemption opportunities. The Legislature, the Administration, and stakeholders have attempted to collaborate on a Bottle Bill reforms to align with the state’s climate change goals and the state’s 75% solid waste reduction, recycling, and composting goal, as well as creating long-term fiscal sustainability. However, legislative policy and budget proposals intended to accomplish these goals through substantial program reforms have failed.

- 6) **This bill.** This bill is intended to revise the Bottle Bill to encourage new recycling opportunities so that consumers are able to redeem their CRV and preserve the core functions of the program.
- 7) **The Board.** CalRecycle has limited flexibility in implementing the Bottle Bill. The statute is extremely prescriptive, leaving CalRecycle with little ability to make regulatory changes to improve the program's performance. The Administration identified this as one of the factors that has made improving the program performance so challenging.

This bill establishes the Board to advise and make recommendations to the director on nearly all of CalRecycle's Bottle Bill-related functions, including regulations; employment and personnel training and compensation; rates and collection of fees and penalties; "changes in bylaws," procedures, and orders; fees, payments, and program elements; and "all matters related to" the Bottle Bill. Several of these matters, such as rates and employee compensation, are not within CalRecycle's purview. The bill requires that CalRecycle consult with the Board prior to initiating, reviewing or expanding policies, guidelines, or budgetary changes impacting the Bottle Bill. The bill also requires the director to accept the recommendations of the Board if the recommendations are "practicable and in the interest of the beverage container recycling industry and the public."

Just two years ago, the Legislature established the Commission to provide guidance to CalRecycle. The Commission has 17 members, including representatives from local government, public works agencies, waste management companies, recyclers, including a Bottle Bill recycler, nongovernmental organizations, and labor. The Commission established committees on market development, organics, recycling, and labeling and media. The Commission and its committees have held frequent meetings, which are broadcast to the public, to discuss a broad range of waste management and recycling issues, including the Bottle Bill. The Commission published its draft policy recommendations on December 21, 2020; Recommendation 14 focuses on changes that could be made to improve the Bottle Bill program.

The Board proposed by this bill is duplicative of the existing Commission, which has not yet finalized its policy recommendations. Members of the public and Bottle Bill stakeholders have the opportunity to review and comment on the Commission's draft policy recommendations, including those affecting the Bottle Bill. CalRecycle hosts monthly public meetings that provide an opportunity for stakeholder comment on all department actions and programs. It is unclear what value the Board would provide by advising the director on regulations and policies, when statutory changes are needed. Moreover, the scope of the Board's authority extends beyond actions related to improving the Bottle Bill's performance. By requiring the director to accept the Board's recommendations if they are in the interest of "the beverage container recycling industry and the public," the bill grants the Board excessive authority over the actions of CalRecycle and does not acknowledge CalRecycle's duty to further the goals of the program, including protecting the environment by improving recycling and preventing litter and its associated plastic pollution. *The committee may wish to amend the bill to remove the Board.*

- 8) **Regional zones.** This bill attempts to reduce the number of unserved zones by authorizing CalRecycle to establish regional zones after considering population density, distance between recycling centers, geography, and consumer transportation times. This bill also authorizes

CalRecycle to award handling fees to the first operator to open in a convenience zone that has been unserved for more than six months. The current ½-mile radius for convenience zones was established over 30 years ago and has never been updated. Larger zones may make sense in some areas of the state where it would still be convenient for consumers to redeem their containers. Larger zones in those areas would also relieve dealers from the requirement to either redeem containers or pay the state's in lieu fee. However, increasing the size of convenience zones only provides a benefit to consumers if it also results in additional recycling centers, since such changes may reduce the number of dealers that redeem beverage containers. The author of this bill may wish to continue to work with stakeholders to ensure that this provision results in improved redemption opportunities for consumers. The *committee may wish to amend the bill* to limit the size of a regional zone to not more than five unserved convenience zones.

- 9) **CRV payment alternatives.** This bill authorizes certified recycling centers to pay CRV to consumers through vouchers or electronic payments as an alternative to cash payments. One way to improve access to convenient redemption opportunities for consumers is to allow dropoff recycling programs (sometimes referred to as bag-drop). Dropoff programs are currently authorized under the Bottle Bill, but their utilization is inhibited by the existing requirement to provide payment at the time of redemption. Allowing electronic payments is one way to facilitate dropoff recycling programs and increase convenience and redemption opportunities for consumers. However, as drafted, this bill requires payment by voucher or electronic payment, and does not limit electronic payments to dropoff programs. Additionally, five business days is an unnecessarily long time to process an electronic payment. The *committee may wish to amend the bill* to clarify that electronic payments may be used for dropoff recycling programs, reduce the time for the payment to three business days, and remove the reference to vouchers.
- 10) **Supplemental payments.** This bill authorizes CalRecycle to award up to 50% higher processing payments for all certified recycling centers for the first 40,000 glass containers and 200,000 plastic containers collected by a recycler each month. This provision would provide important support to the recycling centers that remain in operation, and may encourage new centers to open. The reason that recycling centers require additional financial assistance is due to the flawed methodology used to determine the cost of recycling. As noted in the bill's findings, CalRecycle's 2018 Processing Fee Cost Survey finds that the cost to recycle varies between large, medium, and small recyclers. Small recyclers generally have higher operating costs. Rural recycling centers also face higher transportation costs, which are not reflected in the cost surveys. By relying on the average for all centers, the current methodology overpays recycling centers with lower costs and underpays centers with higher costs. The author of this bill may wish to work with CalRecycle and stakeholders to revise the methodology used to determine the cost of recycling to ensure that the processing payments accurately reflect the costs rather than providing supplemental payments to all recycling centers.

This bill does not include a sunset for this provision, which makes the supplemental payments indefinite. The supplemental payments should provide temporary relief to recyclers until a more comprehensive solution to the processing payments is adopted. The *committee may wish to amend the bill* to sunset this provision on January 1, 2025.

11) **Startup funding.** This bill states legislative intent to appropriate \$25 million for two purposes, quality incentive payments for plastic beverage containers, which would go to curbside programs to reduce contamination, and startup loans for new recycling centers. The loans would be forgiven if a recycling center maintains operations for 18 months.

12) **Related legislation.**

AB 1311 (Wood) authorizes CalRecycle to certify bag drop recycling centers and to allow certified recycling centers to operate by appointment or under an alternative schedule. Exempts dealers from daily load limits for beverage containers. This bill is also scheduled to be heard in this committee on April 14<sup>th</sup>.

SB 38 (Wieckowski) eliminates the Bottle Bill program and replaces it with an industry-run bottle and can recycling program. This bill is awaiting hearing in the Senate Appropriations Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

5 Gyres Institute  
 Association of Postconsumer Plastic Recyclers  
 California Grocers Association  
 California League of Conservation Voters  
 Californians Against Waste  
 Can Manufacturers Institute  
 Center for Oceanic Awareness, Research, & Education  
 Friends Committee on Legislation of California  
 Heal the Bay  
 International Bottled Water Association  
 Northern California Recycling Association  
 Plastic Oceans International  
 Plastic Pollution Coalition  
 Plastic Recycling Corporation of California  
 Republic Services - Western Region  
 Save Our Shores  
 Seventh Generation Advisors  
 Sierra Club of California  
 Upstream  
 Wishtoyo Chumash Foundation  
 Zero Waste USA

**Opposition**

Consumer Watchdog

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

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 1261 (Burke) – As Amended March 18, 2021

**SUBJECT:** State Air Resources Board: greenhouse gas emissions: incentive programs

**SUMMARY:** Requires the Air Resources Board (CARB) to develop and apply specified measurement and evaluation criteria to its incentive programs connected to greenhouse gas (GHG) emissions reduction goals, as recently recommended by the State Auditor.

**EXISTING LAW:**

- 1) Requires CARB, pursuant to the California Global Warming Solutions Act of 2006 [AB 32 (Núñez), Chapter 488, Statutes of 2006], to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to 1990 levels by 2020 and adopt regulations to achieve maximum technologically feasible and cost-effective GHG emission reductions. AB 32 authorizes CARB to permit the use of market-based compliance mechanisms to comply with GHG reduction regulations once specified conditions are met. Requires CARB to approve a statewide GHG emissions limit equivalent to 40% below the 1990 level by 2030.
- 2) Establishes the Greenhouse Gas Reduction Fund (GGRF) and requires all moneys, except for fines and penalties, collected by CARB from the auction or sale of allowances pursuant to a market-based compliance mechanism (i.e., the cap-and-trade program adopted by CARB under AB 32) to be deposited in the GGRF and available for appropriation by the Legislature.
- 3) Establishes the GGRF Investment Plan and Communities Revitalization Act to set procedures for the investment of GHG allowance auction revenues. Authorizes a range of GHG reduction investments and establishes several policy objectives:
  - a) Maximize economic, environmental, and public health benefits;
  - b) Foster job creation;
  - c) Complement efforts to improve air quality;
  - d) Direct investment toward the most disadvantaged communities and households in the state;
  - e) Provide opportunities for businesses, public agencies, nonprofits, and other community institutions to participate in and benefit from statewide efforts to reduce GHG emissions; and,
  - f) Lessen the impacts and effects of climate change on the state's communities, economy, and environment.
- 4) Specifies that moneys appropriated from the GGRF for investments may include funding to reduce GHG emissions through:

- a) Energy efficiency, clean and renewable energy generation, distributed renewable energy generation, transmission and storage, and other related actions;
  - b) The development of state-of-the-art systems to move goods and freight, advanced technology vehicles and vehicle infrastructure, advanced biofuels, and low-carbon and efficient public transportation;
  - c) Strategic planning and development of sustainable infrastructure projects;
  - d) Investments in programs implemented by local and regional agencies, local and regional collaboratives, and nonprofit organizations coordinating with local governments; and,
  - e) Funding research, development, and deployment of innovative technologies, measures, and practices related to programs and projects funded pursuant to the Act.
- 5) Requires the investment plan to allocate a minimum of 25% of the available moneys in the GGRF to projects that provide benefits to identified disadvantaged communities, and additional minimum of 5% to projects that benefit low-income households or to projects located within and benefitting individuals living in low-income communities, and an additional minimum of 5% to projects that benefit low-income households that are outside of, but within a 1/2 mile of, disadvantaged communities, or to projects located within the boundaries of, and benefitting individuals living in, low-income communities that are outside of, but within a 1/2 mile of, disadvantaged communities.
  - 6) Directs CARB and agencies administering GGRF funding to maximize the co-benefits associated with funded projects.
  - 7) Requires the Department of Finance (DOF) to submit an annual report and a triennial investment plan to the Legislature on the status of projects funded by GGRF moneys.

**THIS BILL** requires CARB to do all of the following with respect to incentive programs administered by CARB:

- 1) To improve CARB's ability to isolate the GHG emissions reductions for each of its incentive programs, requires CARB, on or before January 1, 2023, to establish a process to formally identify any overlap among any incentive programs that share the same objectives.
- 2) To improve CARB's ability to identify the effectiveness of each of its incentive programs in reducing GHG emissions, requires CARB, on or before January 1, 2023, to develop a process to define, collect, and evaluate data on the behavioral changes that result from each of its incentive programs.
- 3) To better demonstrate that CARB's incentive programs are as effective as possible in achieving specific socioeconomic benefits, requires CARB, on or before January 1, 2023, to develop a process to define, collect, and evaluate data that will translate to metrics demonstrating the socioeconomic benefits that result from each of its incentive programs.
- 4) Requires CARB to use the information collected pursuant to (1) and (2) to refine GHG emissions estimates for each of its incentive programs that are included in its annual reports to the Legislature, funding plans, and any long-term planning documents or reports.



- 5) Requires CARB, beginning on July 1, 2023, to use the metrics and data collected pursuant to (3) to make funding and design recommendations in its annual reports to the Legislature and funding plans based on the efficacy and costs of its incentive programs in providing socioeconomic benefits.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Background.** On February 23, 2021, the State Auditor released the report of its audit of CARB incentive programs, which was initiated by Senator Steven Bradford and approved by the Joint Legislative Audit Committee (JLAC): *California Air Resources Board: Improved Program Measurement Would Help California Work More Strategically to Meet Its Climate Change Goals* (<https://www.auditor.ca.gov/pdfs/reports/2020-114.pdf>).

According to the State Auditor:

As directed by (JLAC), my office conducted an audit of (CARB). Our assessment focused on transportation programs intended to reduce (GHG) emissions, and the following report details the audit's findings and conclusions. In general, we determined that CARB must do more to help the State work strategically toward its climate change goals.

CARB has not done enough to measure the GHG emissions reductions its individual transportation programs achieve. Specifically, CARB has not collected or evaluated sufficient data to allow it to determine whether or how its incentive programs, which pay consumers in exchange for purchasing low- and zero-emission vehicles, reduce GHG emissions beyond what CARB's regulations already require. For example, CARB has done little to measure the extent to which its incentive programs lead to emissions reductions by causing individuals and businesses to acquire clean vehicles that they otherwise would not. As a result, CARB has overstated the GHG emissions reductions its incentive programs have achieved, although it is unclear by how much. Given the ambitious nature of the State's climate change goals and the short time frame to meet them, California is in need of more reliable tools with which to make funding decisions.

Additionally, CARB has not consistently collected or analyzed data to determine whether some of its programs provide the socioeconomic benefits that CARB has identified for those programs, such as maximizing participants' economic opportunities. Because these programs may cost significantly more than other incentive programs from the perspective of reducing GHG emissions, CARB must do more to measure and demonstrate specific benefits to disadvantaged communities and low-income communities and households that the programs intend to serve. Finally, despite requirements in state law and its own guidelines, CARB has been slow to measure the jobs its programs create and support—or the benefits of the specialized job training that certain programs are supposed to provide. As with the need to assess accurately programs' GHG reductions, knowing whether its programs are achieving the expected important but more expensive socioeconomic benefits is crucial to providing the State with the information it needs to allocate its limited resources effectively in pursuit of its various goals.

The Auditor made the following recommendations:

- a) To improve its ability to isolate each of its incentive programs' GHG reductions, by February 2022 CARB should establish a process to formally identify its incentive programs' overlap with other programs that share the same objectives.
- b) To improve its ability to identify the effectiveness of each of its incentive programs in reducing GHG emissions, by August 2021 CARB should develop a process to define, collect, and evaluate data on the behavioral changes that result from each of its incentive programs.
- c) To better assist the State in achieving its GHG goals, CARB should use the information we describe above to refine its GHG emissions estimates for its incentive programs in its annual reports to the Legislature, the funding plans approved by its board, and any longer-term planning documents or reports.
- d) To better demonstrate that its incentive programs are as effective as possible in achieving specific socioeconomic benefits, by February 2022 CARB should develop a process to define, collect, and evaluate data that will translate to metrics showing the socioeconomic benefits that result from each of the incentive programs.
- e) To provide transparency to the Legislature and other stakeholders, beginning in 2022 and using the metrics and data described above, CARB should make funding and design recommendations in its funding plans and annual reports based on which programs are effective in producing socioeconomic benefits and at what cost.

According to the Auditor, CARB agreed with these recommendations and indicated that it is taking steps to implement them.

This bill simply codifies the Auditor's recommendations.

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

Meeting the state's climate goals is one of our most important tasks as legislators, and in order to develop and support policy that gets us where we need to go, we must ensure that we are working with the best available data. (CARB) is responsible for developing and implementing many of the state's largest programs that affect the daily lives of all Californians and many businesses, as a legislative body it is imperative that we have the proper oversight, input, and data to ensure that our constituents are considered in these policy decisions. Implementing the "key findings" of the State Auditor's report in AB 1261 will ensure that we are adequately tracking and funding those programs that most equitably and significantly reduce our greenhouse gas emissions.

- 3) **To what end?** The Auditor makes some very good points, and the recommendations to improve measurement and evaluation are wholesome and sensible. However, setting high-level priorities for CARB and other incentive programs largely lies in the hands of the Legislature. Some of the incentive programs with under-verified effectiveness have been the recipients of the largest appropriations in previous budget cycles, such as the Clean Vehicle Rebate Project (CVRP). CARB's implementation of the Auditor's recommendations, confirmed in this bill, may lead to better data for future GGRF expenditure plans and other

legislative actions to support incentive programs, though those future legislative actions will not be bound by this bill.

In addition, the Legislature has added, and continues to propose, additional criteria and conditions for incentives programs, such as geographic allocations, environmental co-benefits, and labor standards. Notwithstanding the merits of these additional criteria, they don't necessarily lend themselves to strict accounting-type evaluation and comparison.

It begs the question whether CARB may be getting mixed messages about incentive program objectives and priorities. In addition, many climate and clean air incentive programs, whether funded by GGRF, vehicle registration fees, or other sources, are administered by state and local agencies other than CARB. These programs were not subject to the audit and are not subject to this bill.

**REGISTERED SUPPORT / OPPOSITION:****Support**

African American Farmers of California  
Black Business Association  
California African American Chamber of Commerce  
California Association of Black Pastors  
Central Valley Latino Mayors and Elected Officials Coalition  
Coastal Energy Alliance  
Colab Ventura County  
Greater Los Angeles African American Chamber of Commerce  
Harbor Association of Industry & Commerce  
Latin Business Association  
Long Beach Area Chamber of Commerce  
Nisei Farmers League  
San Diego Urban Sustainability Coalition  
Santa Barbara County Taxpayers Association  
Si Se Puede  
South Bay Association of Chambers of Commerce  
Valley Industry & Commerce Association  
Wilmington Chamber of Commerce

**Opposition**

None on file

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



Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 981 (Frazier) – As Introduced February 18, 2021

**SUBJECT:** Forestry: California Fire Safe Council

**SUMMARY:** Establishes the California Fire Safe Council (Council) in the Natural Resources Agency (NRA). Requires the Council to identify programs administered by state, regional, and local agencies to address and minimize the risks of wildfire and coordinate the implementation of these programs.

**EXISTING LAW:**

- 1) Requires the Board of Forestry and Fire Protection (Board) to classify all lands within the state for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state [known as the State Responsibility Area (SRA)].
- 2) Requires the Department of Forestry and Fire Protection (CAL FIRE) to identify certain areas outside the SRA as very high fire hazard severity zones (VHFHSZ) based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas.
- 3) Requires a person who owns, leases, controls, operates, or maintains a building or structure on land that is covered with flammable material in the SRA or VHFHSZ to maintain 100 feet of defensible space around the structure. Requires the most intense fuels management within 30 feet of the structure.
- 4) Establishes, upon appropriation, an ember-resistant zone within five feet of a structure as part of the defensible space requirements for structures located in specified high fire hazard areas. Requires removal of material from the ember-resistant zone based on the probability that vegetation and fuel will lead to ignition of the structure by ember.
- 5) Requires the State Fire Marshal (SFM), in consultation with CAL FIRE and the Department of Housing and Community Development to develop a list of low-cost retrofits that provide for comprehensive site and structure fire risk reduction to protect structures from fire risk. Requires CAL FIRE to incorporate the list in its fire prevention education and outreach efforts.
- 6) Establishes a local assistance grant program to improve fire prevention in California and ensure that fire prevention activities happen year round.
- 7) Requires the Board to develop criteria and maintain a "Fire Risk Adapted Community" list of local agencies that meet best practices for local fire planning. Prioritizes local agencies on the list for CAL FIRE's local assistance fire prevention grants.
- 8) Requires, pursuant to SB 901 (Dodd), Chapter 626, Statutes of 2018, the following appropriations from the Greenhouse Gas Reduction Fund (GGRF) be made through the

2023-24 fiscal year to CAL FIRE:

- a) \$165 million for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.
  - b) \$35 million to complete prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.
- 9) Requires the Office of Emergency Services (OES) to enter into a joint powers agreement with CAL FIRE to develop and administer a comprehensive wildfire mitigation program to provide financial assistance to create fire-resistant homes, businesses, and public buildings and facilitate vegetation management.
- 10) Requires the NRA, in consultation with the SFM and the Forest Management Task Force (FMTF), to review regional capacity of each county that contains a VHFHSZ.

**THIS BILL:**

- 1) Establishes the Council in the NRA consisting of the following 11 members:
  - a) Seven members appointed by the Secretary of the Natural Resources Agency;
  - b) Two members appointed by the Speaker of the Assembly; and,
  - c) Two members appointed by the Senate Committee on Rules.
- 2) Specifies each member serves a term of four years and the terms of the members are staggered.
- 3) Requires the Council to do all of the following:
  - a) Identify programs administered by state, regional, and local agencies to address and minimize the risks of wildfire and coordinate the implementation of these programs;
  - b) Identify public and private programs that may be leveraged to facilitate home hardening and community resiliency to minimize the impacts of wildfire to habitable structures;
  - c) Conduct outreach efforts to regional and local wildfire mitigation groups; and,
  - d) Recommend to the Legislature on how programs identified can be coordinated to increase the effectiveness of those programs.
- 4) Appropriates \$7 million from the GGRF for the 2021-21 fiscal year to the NRA for implementing this bill.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

In the past few years, Californians have suffered through the worst fire seasons in the state's recorded history. Urgent funding has been dedicated to California's firefighting resources and emergency response capabilities. These resources have come from an immense variety of sources from all corners of the state, and have been applied at the local, state, and federal level. AB 981 will establish the California Fire Safe Council within the Natural Resources Agency to serve as an independent body that can offer expert recommendations to coordinate and streamline the wide array of programs and funding available to communities for wildfire risk reduction and mitigation. AB 981 will also designate the newly-created California Fire Safe Council as a dedicated entity for critical technological assistance to community organizations and would require it to report to the Legislature on the state of fire science research within California.

The establishment of the California Fire Safe Council will improve the effectiveness of these investments by offering recommendations for coordinating and streamlining funds for specific activities at the community and homeowner level. Without effective community and homeowner adoption of risk adaptations, wildfire mitigation measures, and fire response technologies, Californians will continue to face devastating losses of lives and homes year after year. Many programs seek to address these critical needs at the local level and the California Fire Safe Council will offer considered recommendations to enhance the impact of every dollar by unifying funding streams and coordinating program efforts across the state. The California Fire Safe Council will also act as a link for technical and technology support for local organizations to assist them in accessing and applying these technologies to their own local needs. California's world-class researchers and research institutions are the preeminent scholars on fire science and Californians should take full advantage of their deep expertise to better protect communities and ecosystems in the most vulnerable fire risk zones.

- 2) **Background.** Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to public health, property, infrastructure, and ecosystems. In 2020, wildfires burned more than 4.1 million acres. The August Complex Fire in northern California, the largest fire in California's modern history, burned over one million acres. In total, wildfires caused 33 deaths and destroyed over 10,000 structures in 2020. The land area burned in 2020 more than doubled the previous record, roughly 1.8 million acres, which was set in 2018. Furthermore, seven of the state's deadliest fires have occurred since 2017, with over 100 fatalities in 2017 and 2018.

Fire has always been present in California landscapes either occurring by lightning strikes or used by Native American tribes to preserve certain useful plants and prevent larger fires. Low-intensity fires have clear ecological benefits, such as creating habitat and assisting in the regeneration of certain species of plants and trees. Low-intensity fire also reduces surface fuel, which decreases future wildfire intensity.

A century of suppressing low-intensity fires, logging of older growth and more fire-resistant

trees, and a significant five-year drought has increased the size and severity of California's fires. Climate change has also contributed to wildfire risk by reducing humidity and precipitation and increasing temperatures.

The use of targeted mechanical vegetation management, prescribed fire, and managed wildfire reduces the accumulated high fuel loads, promoting healthier, more resilient forests, reducing the risk of high-severity wildfires.

SB 901 (Dodd), Chapter 626, Statutes of 2018, committed \$1 billion for CAL FIRE's Forest Health Grant Program and Fire Prevention Grant Program and dedicated fuel reduction crews over the next five years. The funds are meant to be used to do significant fuel reduction work near communities and in forested watersheds, and many projects will include a biomass utilization component. Approximately half of this commitment has already been spent.

On January 8, 2021, the Governor's Budget proposed \$1 billion to support the FMTF's Wildfire and Forest Resilience Action Plan; the plan included early action items and an extension of the SB 901 funding commitment for five years.

- 3) **This bill.** Funding and programs related to wildfire mitigation have grown significantly since 2017, as California's wildfires have worsened. Many state entities are dealing with issues related to wildfires because the issue crosses many jurisdictions. The wildfire early action expenditure plan contained in SB 85 (Committee on Budget and Fiscal Review, 2021) appropriated funding to 15 different state agencies. The Governor proposes to appropriate funding to additional agencies in the Budget. Many, but not all of these agencies, are part of the NRA. Coordinating the implementation of these programs will be important to maximize the fire prevention and mitigation benefits of these investments. This bill proposes to create the Council to do that work. There are Fire Safe Councils all over the state and an association that represents them. This bill would not replace those, but would create a state Council with the same name. As this bill moves forward, the author may assign the Council more tasks to accomplish to further the intent of the bill. However, the bill currently does not include many of the details usually included in bills creating councils, boards, and commissions, including who would be the chair, would the members be compensated, which members would be public or private, and what qualifications Council members should have. The author and committee *may wish to consider* the following amendments to fill in these details:
- a) Specify that two of the members appointed by the Secretary of the NRA will be public members and the two members appointed by the Senate and Assembly will be public members;
  - b) Specify public members must have a demonstrated background in fire prevention, fire mitigation, or fire science;
  - c) Specify the chair will be a public member elected by a majority of the Council;
  - d) Specify the non-public members shall be from the NRA, CAL FIRE, OES, one of the state's conservancies, and the Department of Conservation (DOC);
  - e) Specify that members shall serve without compensation, but the members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties;



- f) Specify that nonpublic members serve at the pleasure of their respective appointing powers;
- g) Require the Council to meet a least six times a year;
- h) Require that recommendations to the Legislature be posted on NRA's website; and,
- i) Remove the GGRF appropriation, and instead specify that up to \$7 million in GGRF may be appropriated by the Legislature for the purposes of the bill.

4) **Related legislation.**

AB 9 (Wood) establishes the Regional Forest and Fire Capacity Program in the DOC to support regional leadership to build local and regional capacity and develop, prioritize, and implement strategies and projects that create fire-adapted communities by improving watershed health, forest health, community wildfire preparedness, and fire resilience. This bill is also scheduled to be heard at this committee's April 14<sup>th</sup> hearing.

AB 642 (Friedman) is an omnibus fire prevention bill that makes various changes to support cultural and prescribed fire, including the creation of a Cultural Burning Liaison at CAL FIRE, and requires a proposal for creating a prescribed fire training center in California. This bill passed out of this committee on March 24th on a 9-0 vote and is awaiting hearing in the Assembly Appropriations Committee.

SB 63 (Stern) makes multiple changes in state law to enhance fire prevention efforts by CAL FIRE, including, among other things, improved vegetation management and expanding the area where fire safety building standards apply. This bill is awaiting hearing in the Senate Housing Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Association of Realtors  
California Association of Recreation and Park Districts  
California Fire Chiefs Association  
California Special Districts Association  
Fire Districts Association of California

**Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /



Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 1384 (Gabriel) – As Introduced February 19, 2021

**SUBJECT:** Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022

**SUMMARY:** Requires the Strategic Growth Council (SGC) to develop a strategic resiliency framework (framework), as specified.

**EXISTING LAW:**

- 1) Establishes SGC, consisting of the Director of the State Office of Planning and Research (OPR), the Secretary of the Resources Agency, the Secretary for Environmental Protection, the Secretary of Business, Transportation, and Housing, the Secretary of California Health and Human Services, and one member of the public appointed by the Governor.
- 2) Directs SGC to:
  - a) Identify and review activities and funding programs of member state agencies that may be coordinated to improve air and water quality, improve natural resources protection, increase the availability of affordable housing, improve transportation, meet the state's GHG emissions reduction goals, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner;
  - b) Recommend policies and investment strategies to the Governor, Legislature, and appropriate state agencies to encourage the development of sustainable communities;
  - c) Provide, fund, and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities; and,
  - d) Manage and award grants and loans to support the planning and development of sustainable communities.
- 3) Requires the Natural Resources Agency (NRA) to update its climate adaptation strategy, the Safeguarding California Plan (Plan), by July 1, 2017, and every three years thereafter, by coordinating adaptation activities among lead state agencies in each sector.
- 4) Establishes the Integrated Climate Adaptation and Resiliency Program (ICARP) to coordinate regional, local, and state efforts to adapt to climate change. Requires ICARP to:
  - a) Pursue an emphasis on climate equity across sectors and strategies that benefit both greenhouse gas (GHG) emissions reductions and adaptation efforts;
  - b) Require program efforts including, but not limited to, working with and coordinating local and regional efforts for climate adaptation and resilience; and,
  - c) Maintain a continued data clearinghouse on climate change and climate adaptation for the purposes of facilitating educated state and local policy decisions.

**THIS BILL:**

- 1) Declares it is the intent of the Legislature to prioritize the state's response to the impacts resulting from climate change by ensuring that all state agencies collaboratively prepare for and are ready to respond to the impacts of climate change, with a focus on people, places, and water.
- 2) Requires the SGC to develop and coordinate a framework that does all of the following:
  - a) Makes recommendations and identifies actions, including, but not limited to, workshops that are necessary to prepare the state for the most significant climate change impacts modeled for 2025, 2050, and beyond;
  - b) Identifies and provides for special protections for vulnerable communities and industries that are disproportionately impacted by climate change;
  - c) Develops timetables and metrics to measure progress in achieving the framework; and,
  - d) Establishes actions for community and economic resiliency for various specified ecosystems.
- 3) Requires each state agency identified in the framework to do the following:
  - a) Collaboratively engage with regional entities, including local agencies and communities, to enhance policy and funding coordination and promote regional solutions; and,
  - b) Proactively engage vulnerable communities whose planning and project development efforts have been disproportionately impacted by climate change to ensure benefits to these regions while preventing potentially unintended consequences from land use and community development decisions.
- 4) Authorizes the Treasurer to assist state agencies by leveraging public and private capital investment to help with loans and other incentives to attain the goals established by the framework.

**FISCAL EFFECT:** Unknown

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

The effects of the climate crisis are hitting California hard. In the past few years, the state has seen rising average temperatures, destructive fires, higher sea levels, and severe drought and floods. Already many lives, and even whole communities, have been lost or destroyed. Important species, iconic trees, agriculture, and entire ecosystems on which Californians depend for vital resources are on the brink of collapse.

The state has taken bold thought leadership to create the Safeguarding California Plan and other adaptation frameworks that offer policy principles and

recommendations. However, California still lacks governance on critical priority actions and timelines to achieve those protections.

Given the breadth, complexity, pervasiveness, persistence, and danger of climate change, it is important to have a clear framework in place to guide the state over the coming decades to ensure we have a thoughtful set of goals, coordinated government actions, and innovative funding mechanisms in place.

- 2) **Adaptation/Resilience.** According to the Fourth Climate Change Assessment, California is one of the most “climate-challenged” regions of North America and must actively plan and implement strategies to prepare for and adapt to extreme events and shifts in previously “normal” averages. The report stated that climate change impacts are here, including the following:
- a) Temperatures are warming, heat waves are more frequent, and precipitation has become increasingly variable.
  - b) Glaciers in the Sierra Nevada have lost an average of 70% of their area since the start of the 20th century.
  - c) The sea level along the central and southern California coast has risen more than 5.9 inches over the 20th century. Recently, even moderate tides and storms have produced extremely high sea levels—La Jolla’s all time highest sea level occurred in November 2015 under a high astronomical tide and a moderate storm.

Climate risks in California include sea level rise, changes in precipitation that increase the risk of both drought and flooding, and increases in temperatures that can affect public health, air quality, and habitat.

During 2017 and 2018, California experienced the largest fires ever recorded in its history. In 2017, over 1.3 million acres burned in high-severity wildfires and over 10,000 structures were destroyed. In 2018, over 1.8 million acres burned and over 22,700 structures were destroyed. Over one hundred Californians have died from wildfires over those two years. Over 95% of the structures lost in those two years were residences. Increased severity and length of wildfire seasons has been attributed to the climate change impacts of reduced humidity and precipitation and increased temperatures.

A significant challenge to understanding and addressing the impacts of climate change is California’s natural and historic climate experiences of drought, flooding, wildfires, and heat waves. Climate change exacerbates many of California’s normal climate issues. This creates confusion about what solutions are truly addressing climate impacts versus dealing with historic issues caused by poor water management, bad land use decisions, and low-severity fire exclusion. However, there is also a benefit that California has a long history of working on some of these issues.

California has been a leader in reducing its GHG emissions. However, many other jurisdictions have not taken significant steps to reduce their GHG emissions. The level of climate impacts California will experience in the future will be the direct result of the global level of GHG emissions allowed now and in the future.

California has been planning and taking steps to deal with the impacts of climate change for over 10 years. In 2009, the NRA described adaptation as a relatively new concept in California policy and stated the term means, “efforts that respond to the impacts of climate change – adjustments in natural or human systems to actual or expected climate changes to minimize harm or take advantage of beneficial opportunities.”

California’s adaptation efforts can be traced back to 2008, when Governor Schwarzenegger ordered the NRA, through the Climate Action Team, to coordinate with local, regional, state, federal, public, and private entities to develop, by 2009, the state’s Climate Adaptation Strategy. Governor Schwarzenegger’s Executive Order S-13-08 required the strategy to summarize the best-known science on climate change impacts for California, assess California’s vulnerability to the identified impacts, and outline solutions that can be implemented within and across state agencies to promote resiliency. As a result, NRA drafted The 2009 California Climate Adaptation Strategy. The state’s Climate Adaptation Strategy represents the work of seven sector-specific working groups led by 12 state agencies, boards, and commissions and numerous stakeholders. The state’s Climate Adaptation Strategy proposes a comprehensive set of recommendations designed to inform and guide California decision makers as they begin to develop policies that will protect the state, its residents, and its resources from a range of climate change impacts. In July of 2014, NRA released an update to the 2009 California Climate Adaptation Strategy, *Safeguarding California: Reducing Climate Risk*. AB 1482 (Gordon), Chapter 603, Statutes of 2015, required updates to the plan every three years, which was done last in 2018.

California is responding to these risks through various efforts, including the recently passed parks bond (Proposition 68) and water bond (Proposition 1), which allocated significant resources to adaptation, the Coastal Conservancy’s Climate Ready Program, and the Wildlife Conservation Board’s Climate Adaptation and Resiliency Program. These programs provide funding for planning, preservation, and the creation of natural infrastructure. The use of natural infrastructure, such as wetland/estuary restoration, living shorelines, and dune restoration projects offer opportunities to make the coast more resilient, sequester more carbon, and provide important habitat and recreational benefits.

The state has required local governments to include climate impacts in their general planning. The state also provides local governments with resources and information to plan for climate impacts through the ICARP.

### 3) **Related/previous legislation.**

AB 1500 (E. Garcia) would, subject to approval by the voters in the November 8, 2022 general election, authorize a \$6.7 Billion general obligation bond to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, sea level rise, and workforce development programs. This bill passed out of the Assembly Water, Parks, and Wildlife Committee on a 9-0 vote.

SB 45 (Portantino) would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, subject to approval by the voters in the November 8, 2022 general election, would authorize the issuance of \$5.51 Billion in general obligation bonds to finance projects for wildfire prevention, safe drinking water, sea

level rise, drought preparation, and flood protection. This bill is awaiting hearing in the Senate Governance and Finance Committee

AB 839 (Mullin, 2019) required, on or before July 1, 2021, the Secretary of the NRA to review the Safeguarding California Plan and develop a strategic resiliency framework. Establishes the Adaptation through Resiliency, Economic Vitality, and Equity Account to allocate money to provide financial assistance in the form of grants and financing for climate adaptation projects that achieve the recommendations and actions called for in the framework. This bill was held on suspense in the Senate Appropriations Committee.

AB 2371 (Friedman, 2020) required SGC to establish a science advisory team to provide recommendations on climate adaptation priorities, scientific studies and models, guidelines for allocation of adaptation funding, monitoring metrics, and experimental adaptation projects. This bill was never heard in the Senate Environmental Quality Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California State Parks Foundation  
Community Nature Connection  
Elders Climate Action, NorCal and SoCal Chapters  
Friends of the LA River  
Los Angeles Neighborhood Land Trust  
Midpeninsula Regional Open Space District  
Pacoima Beautiful  
San Fernando Valley Chapter of Climate Reality Project  
SoCal 350 Climate Action  
The River Project

### **Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /





Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 897 (Mullin) – As Amended April 7, 2021

**SUBJECT:** Office of Planning and Research: regional climate networks: climate adaptation action plans

**SUMMARY:** Requires the Office of Planning and Research (OPR) to facilitate the creation of regional climate networks (networks) and create standards for the development of a regional climate adaptation action plan (plan) to support the implementation of regional climate adaptation efforts.

**EXISTING LAW:**

- 1) Establishes the Strategic Growth Council (SGC), consisting of the Director of OPR, the Secretary of the Resources Agency, the Secretary for Environmental Protection, the Secretary of Business, Transportation, and Housing, the Secretary of California Health and Human Services, and one member of the public appointed by the Governor.
- 2) Directs SGC to:
  - a) Identify and review activities and funding programs of member state agencies that may be coordinated to improve air and water quality, improve natural resources protection, increase the availability of affordable housing, improve transportation, meet the state's GHG emissions reduction goals, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner;
  - b) Recommend policies and investment strategies to the Governor, Legislature, and appropriate state agencies to encourage the development of sustainable communities;
  - c) Provide, fund, and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities; and,
  - d) Manage and award grants and loans to support the planning and development of sustainable communities.
- 3) Requires the Natural Resources Agency (NRA) to update its climate adaptation strategy, the Safeguarding California Plan (Plan), by July 1, 2017, and every three years thereafter, by coordinating adaptation activities among lead state agencies in each sector.
- 4) Establishes the Integrated Climate Adaptation and Resiliency Program (ICARP) to coordinate regional, local, and state efforts to adapt to climate change. Requires ICARP to:
  - a) Pursue an emphasis on climate equity across sectors and strategies that benefit both greenhouse gas (GHG) emissions reductions and adaptation efforts;
  - b) Require program efforts including, but not limited to, working with and coordinating local and regional efforts for climate adaptation and resilience; and,

- c) Maintain a continued data clearinghouse on climate change and climate adaptation for the purposes of facilitating educated state and local policy decisions.

**THIS BILL:**

- 1) Defines "regional climate network" to mean a group of eligible entities whose jurisdictions are located in the same region, and whose combined jurisdiction enhances their effectiveness in responding to climate risks.
- 2) Defines "eligible entity" to mean a local, regional, or state organization, including, but not limited to, a city, county, special district, council of government, metropolitan planning organization (MPO), joint powers authority, climate collaborative, regional member of the Alliance of Regional Collaboratives for Climate Adaptation, nonprofit organization, community-based organization, tribal government, school district, and higher education institution.
- 3) Requires, on or before July 1, 2022, OPR to establish geographic boundaries for networks. Requires in establishing the boundaries that OPR do all of the following:
  - a) Use regions identified in California's Fourth Climate Change Assessment, or subsequent update as a basis for establishing the boundaries. Authorizes OPR to also consider the geographic boundaries of an MPO;
  - b) Solicit public input before determining the final geographic boundaries; and,
  - c) Develop guidelines on how to establish regional climate networks and their governance boards to achieve specified objectives.
- 4) Authorizes an eligible entity to establish and participate in a network. Requires an eligible entity to notify OPR before the establishment, expansion, or consolidation of a regional climate network, including their role within the network.
- 5) Authorizes a network to be expanded or consolidated at any time.
- 6) Requires OPR to provide technical assistance to regions seeking to establish a network, facilitate coordination between regions, and encourage as many eligible entities into one network as feasible.
- 7) Authorizes a regional climate network to develop a plan.
- 8) Requires, by January 1, 2023, OPR to develop guidelines that establish standards for how a network should develop a plan to gain the approval of OPR. Requires the guidelines to address, but not be limited to, all of the following:
  - a) Standards and required contents for plans, including:
    - i) A description and prioritization of projects and actions necessary to respond to the climate vulnerabilities of a region;
    - ii) Clear identification of the benefits and adaptation goals the priority projects are designed to achieve, including, when feasible, metrics to reflect these benefits; and,

- iii) Specified requirements to consider when prioritizing a project.
  - b) Resources and guidance to ensure that plans, to the extent appropriate, are consistent with and build upon other existing and relevant planning documents.
  - c) Standards on how to develop a plan through a public process that encourages participation from impacted communities, including, but not limited to, community-based organizations, nongovernmental organizations, private sector groups, and relevant state agencies.
- 9) Requires OPR to provide technical assistance to local governments developing networks and plans.
- 10) Requires, by January 1, 2022, OPR to make recommendations to relevant policy committees of the Legislature on improving state support for network including developing a central coordinating office and regional office in or near regions to provide technical assistance to regional climate networks.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

Climate change is already affecting California and is projected to continue to do so well into the foreseeable future. Current and projected impacts of climate change include increased temperatures, sea-level rise, intense wildfires, altered precipitation patterns, excessive flooding, severe drought, and more frequent storm events. These impacts can result in additional consequences including detrimental effects on human health and safety, economic continuity, ecosystem integrity, and provision of basic services.

Local entities play a critical role in preparing for climate change, as many impacts will vary based on a community's physical, social, and economic characteristics. These characteristics tend to extend beyond city or county boundaries, making regional coordination between local governments, community-based organizations, non-profits, and private sector entities a vital component of thorough resiliency planning. Some local entities across the state have begun the process of preparing for the impacts of climate change. However, many entities have not begun coordinating this preparedness with adjacent entities in their region, and some have not begun planning at all.

- 2) **Background.** According to the Fourth Climate Change Assessment, California is one of the most "climate-challenged" regions of North America and must actively plan and implement strategies to prepare for and adapt to extreme events and shifts in previously "normal" averages. The report stated that climate change impacts are here, including the following:
- a) Temperatures are warming, heat waves are more frequent, and precipitation has become increasingly variable.

- b) Glaciers in the Sierra Nevada have lost an average of 70% of their area since the start of the 20th century.
- c) The sea level along the central and southern California coast has risen more than 5.9 inches over the 20th century. Recently, even moderate tides and storms have produced extremely high sea levels—La Jolla’s all time highest sea level occurred in November 2015 under a high astronomical tide and a moderate storm.

Climate risks in California include sea level rise, changes in precipitation that increase the risk of both drought and flooding, and increases in temperatures that can affect public health, air quality, and habitat.

During 2017 and 2018, California experienced the largest fires ever recorded in its history. In 2017, over 1.3 million acres burned in high-severity wildfires and over 10,000 structures were destroyed. In 2018, over 1.8 million acres burned and over 22,700 structures were destroyed. Over one hundred Californians have died from wildfires over those two years. Over 95% of the structures lost in those two years were residences. Increased severity and length of wildfire seasons has been attributed to the climate change impacts of reduced humidity and precipitation and increased temperatures.

A significant challenge to understanding and addressing the impacts of climate change is California’s natural and historic climate experiences of drought, flooding, wildfires, and heat waves. Climate change exacerbates many of California’s normal climate issues. This creates confusion about what solutions are truly addressing climate impacts versus dealing with historic issues caused by poor water management, bad land use decisions, and low-severity fire exclusion. However, there is also a benefit that California has a long history of working on some of these issues.

California has been a leader in reducing its GHG emissions. However, many other jurisdictions have not taken significant steps to reduce their GHG emissions. The level of climate impacts California will experience in the future will be the direct result of the global level of GHG emissions allowed now and in the future.

California has been planning and taking steps to deal with the impacts of climate change for over 10 years. In 2009, the NRA described adaptation as a relatively new concept in California policy and stated the term means, “efforts that respond to the impacts of climate change – adjustments in natural or human systems to actual or expected climate changes to minimize harm or take advantage of beneficial opportunities.”

California’s adaptation efforts can be traced back to 2008, when Governor Schwarzenegger ordered the NRA, through the Climate Action Team, to coordinate with local, regional, state, federal, public, and private entities to develop, by 2009, the state’s Climate Adaptation Strategy. Governor Schwarzenegger’s Executive Order S-13-08 required the strategy to summarize the best-known science on climate change impacts for California, assess California’s vulnerability to the identified impacts, and outline solutions that can be implemented within and across state agencies to promote resiliency. As a result, NRA drafted The 2009 California Climate Adaptation Strategy. The state’s Climate Adaptation Strategy represents the work of seven sector-specific working groups led by 12 state agencies, boards, and commissions and numerous stakeholders. The state’s Climate

Adaptation Strategy proposes a comprehensive set of recommendations designed to inform and guide California decision makers as they begin to develop policies that will protect the state, its residents, and its resources from a range of climate change impacts. In July of 2014, NRA released an update to the 2009 California Climate Adaptation Strategy, Safeguarding California: Reducing Climate Risk. AB 1482 (Gordon), Chapter 603, Statutes of 2015, required updates to the plan every three years, which was done last in 2018.

California is responding to these risks through various efforts, including the recently passed parks bond (Proposition 68) and water bond (Proposition 1), which allocated significant resources to adaptation, the Coastal Conservancy's Climate Ready Program, and the Wildlife Conservation Board's Climate Adaptation and Resiliency Program. These programs provide funding for planning, preservation, and the creation of natural infrastructure. The use of natural infrastructure, such as wetland/estuary restoration, living shorelines, and dune restoration projects offer opportunities to make the coast more resilient, sequester more carbon, and provide important habitat and recreational benefits.

The state has required local governments to include climate impacts in their general planning. The state also provides local governments with resources and information to plan for climate impacts through the ICARP.

Currently, there are existing regional groups focused on climate adaptation, such as members of the Alliance of Regional Collaboratives for Climate Adaptation. However, other regions of the state have not done any regional adaptation work, and all regions would benefit from state technical assistance and financial support to increase regional adaptation. This bill would go beyond ICARP by creating technical assistance, standards, and possible incentives for networks to create and implement the plans. This will dramatically increase regional adaptation efforts. However, the standards in the bill for the plans are extensive and may be a barrier to wider participation. As the bill moves forward, the author may wish to consider simplifying the plan's requirements. In addition, AB 1500 (E. Garcia) proposes to allocate over \$1 billion to implement regional or local climate adaptation plans. As the bill moves forward, the author should monitor each bill to ensure that they complement each other.

- 3) **Amendments.** The author and committee may wish to consider the following amendments:
  - a) Require a network to submit to OPR a plan for review, comments, and approval;
  - b) Clarifies OPR's recommendations to the Legislature are not part of the specified guidelines, but a standalone requirement; and,
  - c) Make other clarifying and technical changes.
- 4) **Related/prior legislation.**

AB 1500 (E. Garcia) would, subject to approval by the voters in the November 8, 2022 general election, authorize a \$6.7 billion general obligation bond to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, sea level rise, and workforce development programs. This bill passed out of the Assembly Water, Parks, and Wildlife Committee on a 9-0 vote.

SB 45 (Portantino) would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, subject to approval by the voters in the November 8, 2022 general election, would authorize the issuance of \$5.51 billion in general obligation bonds to finance projects for wildfire prevention, safe drinking water, sea level rise, drought preparation, and flood protection. This bill is awaiting hearing in the Senate Governance and Finance Committee.

AB 2621 (Mullen, 2020) required, on or before January 1, 2022, OPR to develop guidelines that establish standards for how a network should develop a regional climate adaptation action plan (plan) to gain the approval of the OPR. Requires OPR to make recommendations on improving state support for regional climate network. This bill was held on suspense in the Senate Appropriations Committee.

**REGISTERED SUPPORT / OPPOSITION:****Support**

350 Silicon Valley  
Bay Planning Coalition  
California Native Plant Society  
Change Begins With Me Indivisible Group  
Community Nature Connection  
Defenders of Wildlife  
Elders Climate Action, NorCal and SoCal Chapters  
Hammond Climate Solutions  
Local Government Commission  
Midpeninsula Regional Open Space District  
Pacific Forest Trust  
San Diego Climate Action Campaign  
San Diego Coastkeeper  
San Francisco Public Utilities Commission  
Save the Bay  
Sierra Business Council  
Solano County Water Agency

**Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /

Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 78 (O'Donnell) – As Introduced December 7, 2020

**SUBJECT:** San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy: territory: Dominguez Channel watershed and Santa Catalina Island

**SUMMARY:** Expands the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) to include the Dominguez Channel watershed and Santa Catalina Island.

**EXISTING LAW:**

- 1) Establishes the RMC, which is responsible for the preservation and protection of lands in the San Gabriel River and Lower Los Angeles River watersheds.
- 2) Establishes the RMC's territory to consist of those portions of Los Angeles County and Orange County located within the San Gabriel River and its tributaries, the lower Los Angeles River and its tributaries, and the San Gabriel Mountains.
- 3) Requires the RMC to prepare a San Gabriel and Lower Los Angeles Parkway and Open Space Plan, which includes policies and priorities for the conservation of the San Gabriel River and its watershed, the Lower Los Angeles River, and the San Gabriel Mountains, and identifies underused existing public open spaces and recommendations for providing better public use and enjoyment.
- 4) Establishes the RMC's governing board and specifies the board shall consist of 15 voting members and 9 ex officio members, as specified.

**THIS BILL:**

- 1) Expands the RMC to include the Dominguez Channel watershed and Santa Catalina Island.
- 2) Requires the RMC to update the San Gabriel and Lower Los Angeles Parkway and Open Space Plan to include the priorities for conservation and enhanced public use within the Dominguez Channel watershed and Santa Catalina Island.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

Since its establishment the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy has successfully pursued a mission of preserving open space and habitat while facilitating public access to California's wilderness and wildlife. By providing grants to various projects throughout its territory, the Conservancy has improved watersheds, restored wildlife habitat, and provided numerous outdoor recreational and educational opportunities. While the

Conservancy has had great success with numerous projects within its territory, several neighboring communities have not had the same opportunities. Two of these areas in need are The Dominguez Channel Watershed and Catalina Island. The San Gabriel Rivers and Mountains Conservancy is in a unique position to help these areas and expand their mission of preserving California's natural resources in a way we can all enjoy. AB 78 will allow them to do exactly that by expanding their territory to cover these areas.

- 2) **Conservancy.** The RMC was created by the California Legislature in 1999. It is one of ten conservancies within the Natural Resources Agency. The RMC's mission is to preserve open space and habitat in order to provide for low-impact recreation and educational uses, wildlife habitat restoration and protection, and watershed improvements within its jurisdiction. The territory of the RMC includes the watersheds for the San Gabriel River and the lower Los Angeles River, along with portions of the Santa Clara River and the lower Santa Ana River. RMC has received funding from Proposition 12 (2000), Proposition 13 (2000), Proposition 40 (2002), Proposition 50 (2002), Proposition 84 (2006), Proposition 1 (2014), and Proposition 68 (2018). Several of these bonds contained specified funding for the RMC [Proposition 84 (\$36 million), Proposition 50 (\$20 million), Proposition 40 (\$40 million) and Proposition 12, which predated the establishment of RMC, provided \$25 million for the Los Angeles and San Gabriel River watersheds]. Proposition 1 and the earlier bonds also include programs which the RMC is eligible to receive funding from, such as urban river restoration. Proposition 68 allocated two pots of money to the RMC for \$37.5 million for projects that enhance the Lower Los Angeles River watershed and its tributaries and \$30 million for the whole RMC.
- 3) **Territory.** According to the RMC:

With more than seven million people living in the watersheds drained by the San Gabriel and Los Angeles Rivers, the effects of humans on natural ecosystems are extensive: native habitat is scarce, wildlife movement is obstructed, surface and groundwater quality is largely impaired, and ocean water quality is adversely affected. While flood protection has been a high priority and largely successful, creation of sufficient park space, a comprehensive network of trails and bike paths, and opportunities to observe nature in urban settings have been a low priority.

Currently, the RMC territory is approximately 1,480 square miles. This bill would add over 200 square miles to its jurisdiction including the Dominguez Channel Watershed and Santa Catalina Island. The Dominguez Channel Watershed is located within the south bay region of Los Angeles County and encompasses approximately 133 square miles of land and water. The area includes part or all of the Cities of Carson, Gardena, Hawthorne, Inglewood, Los Angeles, Lawndale, Manhattan Beach, Palos Verdes Estates, Redondo Beach, Rolling Hills, Rolling Hills Estates, San Pedro, Torrance, and Wilmington. Approximately 81% of the watershed or 93% of the land is developed. Residential development covers nearly 40% of the watershed, and another 41% is made up by industrial, commercial and transportation uses. With a population of nearly 1 million, considerable demands are made on infrastructure and services within the watershed. The Dominguez Watershed drains into the Long Beach and Los Angeles Harbors.



Santa Catalina Island is located 29 miles south-southwest of Long Beach, California, and its landmass is approximately 74 square miles. The City of Avalon and the unincorporated village of Two Harbors serve as the main population centers. These two areas, along with the smaller settlements of Rancho Escondido and Middle Ranch, account for the majority of the island's residents and development. The vast majority of the island is open undeveloped territory, which is managed by the Catalina Island Conservancy, a non-profit that seeks to preserve and provide access to the island's undeveloped interior. According to the Catalina Island Conservancy, the island has the longest publicly accessible stretch of undeveloped coastline left in Southern California. In the past, the island experienced an extreme drought that required water rationing.

The addition of Dominguez Channel Watershed and Santa Catalina Island will allow RMC to acquire, manage land, and provide grants to those areas. This may include storm water capture projects in Catalina Island to help residents during the next drought. The bill would also allow a portion of the Proposition 68 funding to be spent in these new areas.

**4) Related/Previous legislation.**

AB 1694 (O'Donnell, 2019) was identical to this bill and was held in the Senate Appropriations Committee.

SB 355 (Lara), Chapter 677, Statutes of 2015, increases the RMC governing board to 15 voting members and nine ex officio members and specifies the additional members' qualifications.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Boy Scouts of America, Greater Los Angeles Area Council  
City of Avalon  
City of Carson  
City of El Segundo  
City of Gardena  
City of Inglewood  
City of Los Angeles  
City of Torrance  
Conservation Corps of Long Beach  
Los Angeles Conservation Corps  
The Nature Conservancy  
Watershed Conservation Authority

**Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /



Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 67 (Petrie-Norris) – As Amended April 5, 2020

**SUBJECT:** Sea level rise: working group: economic analysis

**SUMMARY:** Requires a state agency to take into account the current and future impacts of sea level rise based on specified projections when planning, designing, building, operating, maintaining, and investing in infrastructure located in areas vulnerable to flooding from sea level rise or storm surges. Requires, on or before March 1, 2022, the Ocean Protection Council (OPC) to establish a multiagency working group on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise.

**EXISTING LAW:**

- 1) Requires the California Coastal Commission (CCC) to protect, conserve, restore, and enhance the state's coastal resources.
- 2) Authorizes the San Francisco Bay Conservation and Development Commission (BCDC), in coordination with local governments, regional councils of government, and other agencies and interested parties, to develop regional strategies for addressing the impacts of, and adapting to, the effects of sea level rise and other impacts of global climate change on the San Francisco Bay and affected shoreline areas.
- 3) Requires state agencies to take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining and investing in state infrastructure.
- 4) Requires the Natural Resources Agency (NRA) to update its climate adaptation strategy, the Safeguarding California Plan (Plan), by July 1, 2017, and every three years thereafter, by coordinating adaptation activities among lead state agencies in each sector.
- 5) Establishes the Climate Ready Program to be administered by the State Coastal Conservancy (SCC).
- 6) Requires the OPC to develop and implement a coastal climate change adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve the climate change resiliency of the state's coastal communities, infrastructure, and habitat.
- 7) 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.
- 8) Requires the State Lands Commission (SLC) to be 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 governments.

- 9) Requires a local trustee of granted public trust lands whose annual gross public trust revenues exceed \$250,000 to prepare and submit to the SLC an assessment of how it proposes to address sea level rise.

**THIS BILL:**

- 1) Requires a state agency to take into account the current and future impacts of sea level rise based on projections provided by the OPC when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone, BCDC's jurisdiction, or otherwise vulnerable to flooding from sea level rise or storm surges, such as airports, rail lines, streets and highways, pipelines, wastewater treatment plants, schools, hospitals, and other facilities, or otherwise approving the allocation of state funds including, but not limited to, bonds, grants, and loans, for these purposes.
- 2) Prohibits new or expanded infrastructure vulnerable to sea level rise, supported in whole or in part by state funds, from qualifying for state funds unless the project is not anticipated to be vulnerable to sea level rise risks funding the life of that project.
- 3) Authorizes specified projects such as minor repairs of existing infrastructure within areas vulnerable to sea level rise to be exempt from the specified sea level rise vulnerability requirements under specified conditions.
- 4) Requires, on or before March 1, 2022, the OPC, in consultation with the Office of Planning and Research (OPR), to establish a multiagency working group on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise.
- 5) Requires the working group to consist of all of the following:
  - a) The executive director of the OPC as the chair;
  - b) One or more representatives from the OPR;
  - c) One or more representatives from the Strategic Growth Council (SGC);
  - d) One or more representatives from the CCC;
  - e) One or more representatives from the SCC;
  - f) One or more representatives from the State Water Resources Control Board;
  - g) One person, appointed by the Governor, from an academic institution who has expertise in climate change projections and impacts across California;
  - h) One or more representatives from BCDC; and
  - i) One or more representatives from the SLC.
- 6) Requires the OPC, in consultation with the working group, to do all of the following:

- a) On or before January 1, 2023, develop a standard methodology and template for conducting economic analyses of risks and adaptation strategies associated with sea level rise, including the risk of taking no action, to be shared with the NRA, the California Environmental Protection Agency, the State Controller, and local governments. Requires the methodology and template to be reviewed every two years and updated as needed.
  - b) On or before January 1, 2024, develop and publish a class-specific infrastructure resilience plan, which includes recommendations and is focused on specified infrastructure. Requires the class-specific infrastructure resilience plan to be submitted to the working group and the SGC.
  - c) Identify actions to advance climate-safe infrastructure in frontline and low-income communities from the impacts of sea level rise and coastal flooding.
  - d) Integrate various Sea-Level documents into ICARP.
  - e) Requires a state agency to conduct a sea level rise analysis for any state-funded infrastructure project located in the coastal zone, within the jurisdiction of the BCDC or otherwise vulnerable to flooding from sea level rise or storm surges, as specified.
- 7) Authorizes the State Controller to conduct audits of state agencies and consult with working group member agencies to verify and ensure compliance with specified portions of this bill.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

It is in our best interest as a state to address sea level rise in a systemic way. Local governments are struggling to develop and implement strategies to prepare for sea level rise, and they need tools to help make these decisions. To support local sea level rise efforts, the state must provide additional information, assistance and support. Delaying sea level rise preparations and continuing to build in sea-level flood zones will result in lost opportunities and higher costs. California must act now.

2) **Sea Level Rise.** According to the Fourth Climate Change Assessment, California is one of the most "climate-challenged" regions of North America and must actively plan and implement strategies to prepare for and adapt to extreme events and shifts in previously "normal" averages. The report stated that climate change impacts are here, including the following:

- a) Temperatures are warming, heat waves are more frequent, and precipitation has become increasingly variable.
- b) Glaciers in the Sierra Nevada have lost an average of 70% of their area since the start of the 20th century.

- c) The sea level along the central and southern California coast has risen more than 5.9 inches over the 20th century. Recently, even moderate tides and storms have produced extremely high sea levels—La Jolla’s all time highest sea level occurred in November 2015 under a high astronomical tide and a moderate storm.

Climate risks in California include sea level rise, changes in precipitation that increase the risk of both drought and flooding, and increases in temperatures that can affect air quality and habitat.

While Climate scientists have developed a consensus that one of the effects of a warming planet is that global sea levels will rise. The degree and timing of sea level rise, however, is still uncertain, and depends in part, upon whether global greenhouse gas emissions and temperatures continue to increase. The magnitude of sea level rise is projected to be about half of 1 foot in 2030 and as much as 7 feet by 2100.

The potential changes in sea levels and coastal storms will impact both human and natural resources along the coast. These events will increase the risk of flooding and inundation of buildings, infrastructure, wetlands, and groundwater basins. A 2015 economic assessment by the Risky Business Project estimated that if current global greenhouse gas emission trends continue, between \$8 billion and \$10 billion of existing property in California is likely to be underwater by 2050, with an additional \$6 billion to \$10 billion at risk during high tide. A recent study by researchers from the U.S. Geological Survey (USGS) estimates that by 2100, roughly 6 feet of sea level rise and recurring annual storms could impact over 480,000 California residents (based on 2010 census data) and \$119 billion in property value (in 2010 dollars). When adding the potential impacts of a 100-year storm, these estimates increase to 600,000 people and over \$150 billion of property value.

Rising seas will also erode coastal cliffs, dunes, and beaches—affecting shorefront infrastructure, houses, businesses, and recreation. The state’s Safeguarding California Plan cites that for every foot of sea level rise, 50 to 100 feet of beach width could be lost. Moreover, a recent scientific study by USGS researchers predicted that under scenarios of 3 to 6 feet of sea level rise—and absent actions to mitigate such impacts—up to two-thirds of Southern California beaches may become completely eroded by the year 2100.

In December 2019, The Legislative Analyst Office released a report entitled “Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts” which outlined the impacts and issues facing state, regional, and local government related to sea level rise. The report stated that “coastal adaptation activities can help lessen sea level rise impacts” and made several policy recommendations to plan and reduce sea level rise impacts.

Sea Level Rise also threatens the state’s infrastructure, such as water and transportation infrastructure, located within and near the coastal zone and in the BCDC’s jurisdiction. The OPC’s State of California Sea-Level Rise Guidance and the CCC’s Sea Level Rise Policy Guidance recommend evaluating the expected impacts to infrastructure caused by approximately 10 feet of sea level rise over the next 80 years, using what is known as the H++ scenario, along with other sea level rise

scenarios. In addition, in May 2020, the CCC adopted “Making California’s Coast Resilient to Sea Level Rise: Principles for Aligned State Action” which recommends addressing a minimum of 3.5 feet of sea level rise in the next 30 years.

**3) Related/prior legislation.**

SB 1 (Atkins) establishes the California Sea Level Rise State and Regional Support Collaborative within the Ocean Protection Council (OPC) to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone and the area under the jurisdiction of the San Francisco Bay Conservation and Development Commission. This bill is awaiting hearing in the Senate Environmental Quality Committee.

SB 45 (Portantino) would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, subject to approval by the voters in the November 8, 2022 general election, would authorize the issuance of \$5.51 billion in general obligation bonds to finance projects for wildfire prevention, safe drinking water, sea level rise, drought preparation, and flood protection. This bill is awaiting hearing in the Senate Governance and Finance Committee.

AB 1500 (E. Garcia) would, subject to approval by the voters in the November 8, 2022 general election, authorize a \$6.7 billion general obligation bond to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, sea level rise, and workforce development programs. This bill passed out of the the Assembly Water, Parks, and Wildlife Committee on a 9-0 vote.

SB 576 (Umberg), Chapter 374, Statutes of 2019, establishes the Climate Ready Program to be administered by the SCC. This bill requires the OPC to develop and implement a coastal climate change adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve the climate change resiliency of the state’s coastal communities, infrastructure, and habitat.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Coastkeeper Alliance (sponsor)  
California Coastal Protection Network  
California State Parks Foundation  
California Watershed Network  
Coachella Valley Waterkeeper  
Defenders of Wildlife  
Friends of Harbors, Beaches and Parks  
Greenbelt Alliance  
Humboldt Baykeeper  
Inland Empire Waterkeeper  
League of Women Voters of California  
Los Angeles Waterkeeper  
Monterey Coastkeeper

Orange County Coastkeeper  
Russian Riverkeeper  
San Diego Coastkeeper  
Santa Barbara Channelkeeper  
Sierra Club  
Surfrider Foundation  
The Trust for Public Land  
Union of Concerned Scientists  
Yuba River Waterkeeper

**Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /



Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON NATURAL RESOURCES  
Luz Rivas, Chair  
AB 72 (Petrie-Norris) – As Introduced December 7, 2020

**SUBJECT:** Environmental protection: Natural Resources Agency: coastal adaptation projects: sea level rise: regulatory review and permitting: report

**SUMMARY:** Establishes the Coastal Adaptation Permitting Act of 2021.

**EXISTING LAW:**

- 1) Requires the Natural Resources Agency (NRA) to update the state’s plan for climate adaptation, the Safeguarding California Plan (Plan) by July 1, 2017, and every three years thereafter, by coordinating adaptation activities among lead state agencies in each sector.
- 2) Establishes the Integrated Climate Adaptation and Resiliency Program (ICARP) within the Office of Planning and Research to coordinate regional, local, and state efforts to adapt to climate change. Requires ICARP to:
  - a) Pursue an emphasis on climate equity across sectors and strategies that benefit both greenhouse gas (GHG) emissions reductions and adaptation efforts;
  - b) Require program efforts including, but not limited to, working with and coordinating local and regional efforts for climate adaptation and resilience; and,
  - c) Maintain a continued data clearinghouse on climate change and climate adaptation for the purposes of facilitating educated state and local policy decisions.

**THIS BILL** establishes the Coastal Adaptation Permitting Act of 2021, which:

- 1) Requires the NRA to explore, and authorizes it to implement, options within its jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects.
- 2) By July 1, 2023, requires the NRA to report to the Legislature on suggestions and recommendations for improving and expediting the regulatory review and permitting process for coastal adaptation projects.
- 3) Defines “coastal adaptation projects” as activities intended or designated to address, mitigate, or prevent the adverse social and economic effects of sea level rise.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author’s statement:**

The California coast is 840 miles of breathtaking beauty, home to 70% of Californians and a major engine of our State’s economy. All of which is under

profound threat from SLR. Over the course of this century, sea levels are expected to rise by seven feet. In California's coastal communities, millions of people and billions of dollars are at risk. Scientists have determined that coastal adaptation initiatives are one of the most promising strategies to combat sea level rise. However, coastal adaptation efforts in California face many challenges; including high cost, lack of available resources and a highly complicated approval process for coastal adaptation projects. We need this bill in order to cut unproductive Green Tape.

- 2) **Climate adaptation/resilience.** According to the Fourth Climate Change Assessment, California is one of the most “climate-challenged” regions of North America and must actively plan and implement strategies to prepare for, and adapt to, extreme events and shifts in previous averages. The report stated that climate change impacts are here, including the following:
- a) Temperatures are warming, heat waves are more frequent, and precipitation has become increasingly variable.
  - b) Glaciers in the Sierra Nevada have lost an average of 70% of their area since the start of the 20th century.
  - c) The sea level along the central and southern California coast has risen more than 5.9 inches over the 20th century. Recently, even moderate tides and storms have produced extremely high sea levels—La Jolla's all time highest sea level occurred in November 2015 under a high astronomical tide and a moderate storm.

Climate risks in California include sea level rise, extreme storm and weather events, changes in precipitation that increase the risk of both drought and flooding, and increases in temperatures that can affect public health, air quality, and habitat.

Extreme storm and weather events are changing the coast of California, which is exacerbated by sea level rise, causing increased flooding and inundation, coastal erosion, changes in sediment supply and movement, and saltwater intrusion to water supplies. The degree of impact and rate of change sea level rise has on coastal communities and ecosystems varies widely along the state's 1,200-mile coastline. The sea level along the state's coastline is currently predicted to rise by as much as six inches by 2030 and up to seven feet by 2100.

A significant challenge in understanding and addressing the impacts of climate change is California's natural and historic cycles of drought, flooding, wildfires, and heat waves. Climate change exacerbates California's historic climate issues. This creates confusion about what solutions are truly addressing climate impacts versus historic issues caused by poor water management, bad land use decisions, and low-severity fire exclusion.

California is a leader in reducing GHG emissions. However, climate change is a global problem, and many other states and counties, including the United States, have not taken the actions necessary to curb GHG emissions. The level of climate impacts California will experience in the future will depend on the global level of GHG emissions.

In addition to controlling GHG emissions, California has been planning for the impacts of climate change for over a decade. In 2009, the NRA described adaptation as a relatively new concept in California policy and stated the term means, “efforts that respond to the impacts of climate change – adjustments in natural or human systems to actual or expected climate changes to minimize harm or take advantage of beneficial opportunities.”

California’s adaptation efforts can be traced back to 2008, when Governor Schwarzenegger ordered the NRA, through the Climate Action Team, to coordinate with local, regional, state, federal, public, and private entities to develop, by 2009, the state’s Climate Adaptation Strategy (Strategy). Governor Schwarzenegger’s Executive Order S-13-08 required the Strategy to summarize the best-known science on climate change impacts for California, assess California’s vulnerability to the identified impacts, and outline solutions that can be implemented within and across state agencies to promote resiliency. As a result, NRA developed *The 2009 California Climate Adaptation Strategy*. The Strategy represents the work of seven sector-specific working groups led by 12 state agencies, boards, and commissions and numerous stakeholders. The Strategy proposes a comprehensive set of recommendations designed to inform and guide California decision makers as they develop policies that will protect the state, its residents, and its resources from a range of climate change impacts.

In July of 2014, NRA released an update to the Strategy, the Safeguarding California Plan: Reducing Climate Risk (Plan). AB 1482 (Gordon), Chapter 603, Statutes of 2015, required updates to the Plan every three years, which was last completed in 2018. According to the Plan, the climate impacts facing California are accelerated warming across the state, sea level rise, more severe storms and extreme weather, more intense and frequent heat waves, more intense and frequent drought, shrinking snowpack and reduced precipitation, greater riverine flows, more severe and frequent wildfires, and ocean acidification, hypoxia, and warming. The Plan identifies seven principles to safeguard California from climate change and associated recommendations: 1) Consider climate change in all functions of government; 2) Partner with California’s most vulnerable populations to increase equity and resilience through investments, planning, research, and education; 3) Support continued climate research and data tools; 4) Identify significant and sustainable funding sources to reduce climate risks, harm to people, and disaster spending; 5) Prioritize natural infrastructure solutions that build climate preparedness, reduce GHG emissions, and produce other benefits; 6) Promote collaborative adaptation processes with federal, local, tribal, and regional government partners; and, 7) Increase investment in climate change vulnerability assessments of critical built infrastructure systems.

In December of 2019, the Legislative Analyst’s Office published a report, *Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts* in response to increasing legislative interest in determining how the state can best prepare for the impacts of climate change. The report notes that most of the work to prepare for and respond to climate change on the coast has to take place at the local level, because development is primarily owned by private entities or local governments. Additionally, most land use policies and decisions are made by local policymakers. However, the state can play a role in encouraging and supporting local efforts. The report makes several recommendations for potential legislative changes to support and enhance coastal adaptation efforts, including fostering regional-scale adaptation, supporting local planning and adaptation projects, providing information and support, and enhancing public awareness.

Last November, the NRA released a report developed in collaboration with the California Environmental Protection Agency, the Department of Food and Agriculture, and the State Water Resources Control Board entitled *Cutting Green Tape: Regulatory Efficiencies for a Resilient Environment*. The report is part of a larger initiative to increase the pace and scale of environmental restoration in California. Complex and overlapping permitting requirements can result in fewer and smaller actions, slower pace, and higher costs for projects. This effort is focused on improving regulatory processes and policies. The report identifies 12 recommendations ranging from smaller projects, larger projects, projects in the coastal zone, and projects to enhance streamflow and recharge groundwater. Recommendation 11 is focused on improving efficiencies in the coastal zone by authorizing the Coastal Commission to explore and implement efficiencies within their authority to advance restoration projects that are consistent with, or complementary to, existing and planned efficiencies authorized by other state entities.

California is responding to climate change risks through various efforts, including the parks bond (Proposition 68) and water bond (Proposition 1), which allocated significant resources to adaptation, the Coastal Conservancy's Climate Ready Program, and the Wildlife Conservation Board's Climate Adaptation and Resiliency Program. These programs provide funding for planning, preservation, and the creation of natural infrastructure. The use of natural infrastructure, such as wetland/estuary restoration, living shorelines, and dune restoration projects offer opportunities to make the coast more resilient, sequester more carbon, and provide important habitat and recreational benefits.

The state has required local governments to include climate impacts in their general planning. The state also provides local governments with resources and information to plan for climate impacts through the ICARP.

### **Related legislation.**

AB 67 (Petrie-Norris) requires a state agency to take into account the current and future impacts of sea level rise when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds for those purposes. The bill would require the Ocean Protection Council (OPC) to establish a multiagency working group, consisting of specified individuals, on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise, the breadth of its impact, and the severity of its anticipated harm. This bill is also scheduled to be heard in this committee on April 14<sup>th</sup>.

AB 1384 (Gabriel) requires the Strategic Growth Council to develop and coordinate a strategic resiliency framework that makes recommendations to prepare the state for the most significant climate change impacts modeled for 2025, 2050, and beyond. This bill also requires specified state agencies to engage with regional entities to enhance policy and funding coordination and promote regional solutions and proactively engage with vulnerable communities. This bill is also scheduled to be heard in this committee on April 14<sup>th</sup>.

SB 1 (Atkins) establishes the California Sea Level Rise State and Regional Support Collaborative within OPC to provide state and regional information to the public and support

to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone and the area under the jurisdiction of the San Francisco Bay Conservation and Development Commission. This bill is awaiting hearing in the Senate Environmental Quality Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Environmental Justice League  
Surfrider Foundation

**Opposition**

None on file

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



Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 39 (Chau) – As Amended March 25, 2021

**SUBJECT:** California-China Climate Institute

**SUMMARY:** Authorizes the Regents of the University of California (UC) to establish the California-China Climate Institute (CCCI).

**EXISTING LAW,** Article IX, Section 9 of the California Constitution, establishes the UC as a public trust to be administered by the UC Regents, “with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services.”

**THIS BILL:**

- 1) Authorizes the UC Regents to establish the CCCI, a UC-wide initiative to accelerate climate action through cooperative efforts and exchange between two of the world’s largest economic powers.
- 2) Requires CCCI to work closely with UC campuses, departments, and leaders to accomplish its work.
- 3) Requires CCCI to operate in partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University and other entities and institutions in China and California.
- 4) Provides CCCI will, to the extent possible, receive guidance and support from expert policy, government, business, academic, and climate leaders and advisory committees, including the Assembly, the Senate, the Governor’s office, the California Environmental Protection Agency, the Natural Resources Agency, and the UC.
- 5) Prescribes the following duties for CCCI:
  - a) Fostering collaboration among government, business, academic institutions, and civil society to inform and shape national and subnational climate policy and advance the goals of the Paris Agreement.
  - b) Advancing joint policy research on major climate issues, including:
    - i) Low-carbon transportation and zero-emission vehicles.
    - ii) Carbon pricing.
    - iii) Climate adaptation and resilience.

- iv) Sustainable land use and climate-smart agriculture.
  - v) Carbon capture and storage.
  - vi) Long-term climate goal setting and policy enforcement.
- c) Supporting high-level subnational climate dialogue between top government, business, and climate leaders from throughout the United States and China with respect to climate policy, investment, and finance.
- d) Providing training to Californian and Chinese researchers, scientists, technical experts, policymakers, and other leaders to advance critical climate and environmental policies, including, but not necessarily limited to, air quality, carbon pricing, carbon emissions, clean energy, and innovation.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**1) Author's statement:**

In September 2019, former California Governor Edmund G. Brown Jr. helped launch the CCCI to promote climate action through joint research, training and dialogue between California and China. The Institute is jointly located at the UC Berkeley School of Law and the UC Berkeley College of Natural Resources. It has a partnership with the Institute of Climate Change and Sustainable Development at Tsinghua University in China and is tasked with informing policy makers, promoting communication and cooperation, and advancing the implementation of climate solutions at all levels of government and society. The Institute will advance joint policy research on major climate issues, including, but not limited to, low-carbon transportation and zero emission vehicles; carbon pricing; climate adaptation and resilience; sustainable land use and climate-smart agriculture; carbon capture and storage, and long-term climate goal setting and policy enforcement. By formalizing the institute in state law, AB 39 will make this important research institute permanent and ensure that California will continue leading the way in advancing climate research through collaboration between the institute and Chinese and American officials.

**2) Messages from the Governor, there is one.** Governor Brown writes in support of AB 39:

As chair of the (CCCI), housed at UC Berkeley, I write to express my strong support for AB 39. This bill recognizes – and codifies – the critical work of the Institute, which seeks to spur further climate action through joint research, training and dialogue between two of the world's top economic powers: California and China.

If the COVID-19 pandemic has taught us anything, it is that we are mutually vulnerable. The serious threats we face don't respect borders and they don't wait for nationalistic rivalries to abate.



To confront the climate threat and start reducing carbon emissions, it is imperative that we build strong partnerships and seek ever more durable solutions. The Institute, which is partnering with the Institute of Climate Change and Sustainable Development at Tsinghua University in Beijing, establishes a platform for doing just that.

The Institute is fortunate to have broad support from the Newsom Administration and the entire (UC) system. And by passing this bill, the California State Legislature can send a forceful message that the Golden State is united in the fundamental work of reversing global warming and making our environment truly sustainable.

Either we turn the tide together and put the world on the path to zero carbon emissions, or it won't be done. Please join me in supporting AB 39.

- 3) **Double referral.** This bill passed the Assembly Higher Education Committee by a vote of 8-4 on March 24, 2021.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Honorable Edmund G. Brown, Jr., 34th and 39th Governor of California  
Elders Climate Action, NorCal and SoCal Chapters  
Environmental Defense Fund, Incorporated  
Natural Resources Defense Council

##### **Opposition**

None on file

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



Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 1570 (Committee on Natural Resources) – As Introduced March 4, 2021

**SUBJECT:** Public resources: omnibus bill

**SUMMARY:** This committee omnibus bill makes various consensus, technical, and clarifying changes to statutes affecting the Department of Forestry and Fire Protection (CAL FIRE), the State Coastal Conservancy (SCC), and the Department of Resources Recycling and Recovery (CalRecycle).

**EXISTING LAW:**

- 1) Requires CAL FIRE to assist local governments in preventing future high intensity wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within budgetary limitations.
- 2) Requires SCC to prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of the SCC every three years.
- 3) Requires the SCC to develop and implement a Lower Cost Coastal Accommodations Program to improve the availability of lower cost accommodations along the coast.
- 4) Prescribes that specified stores may only sell or distribute reusable bags to consumers that meet the following requirements:
  - a) Have a handle and are designed for at least 125 uses;
  - b) Have a capacity of at least 15 liters;
  - c) Are machine washable or can otherwise be cleaned and disinfected;
  - d) Have specified labeling, including recycling instructions and recycled content information;
  - e) Do not contain lead, cadmium or any other toxic material that may pose a threat to public health;
  - f) Comply with specified federal requirements; and,
  - g) Are capable of carrying 22 pounds over a distance of 175 feet and be at least 2.25 mils thick.
- 5) Requires CalRecycle to accept proof of certification for a reusable bag from a third-party certification entity, which must be an independent, accredited (ISO/IEC 17025) laboratory.

**THIS BILL:**

- 1) Updates and clarifies code sections related to the CAL FIRE's authority to provide technical expertise in wildland fire prevention and vegetation management on forest, range, and watershed lands to local governments.
- 2) Updates and clarifies SCC's report to the Governor and to the Legislature describing progress in achieving its objectives. Adds a description of the conservancy's progress in implementing the Lower Coastal Accommodations Program to the report.
- 3) Clarifies that independent, accredited (ISO/IEC 17065) certification bodies can certify reusable plastic bags.

**FISCAL EFFECT:** Unknown

**COMMENTS:** This bill is this committee's natural resources omnibus bill, which makes a number of noncontroversial and minor changes to statutes within the committee's jurisdiction.

Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to public health, property, infrastructure, and ecosystems. In 2020, wildfires burned more than 4.1 million acres. The August Complex Fire in northern California, the largest fire in California's modern history, burned over one million acres. In total, wildfires caused 33 deaths and destroyed over 10,000 structures in 2020. The land area burned in 2020 more than doubled the previous record, roughly 1.8 million acres, which was set in 2018. Furthermore, seven of the state's deadliest fires have occurred since 2017, with over 100 fatalities in 2017 and 2018.

Fire has always been present in California landscapes either occurring by lightning strikes or used by Native American tribes to preserve certain useful plants and prevent larger fires. Low-intensity fires have clear ecological benefits, such as creating habitat and assisting in the regeneration of certain species of plants and trees. Low-intensity fire also reduces surface fuel, which decreases future wildfire intensity.

A century of suppressing low-intensity fires, logging of older growth and more fire-resistant trees, and a significant five-year drought has increased the size and severity of California's fires. Climate change has also contributed to wildfire risk by reducing humidity and precipitation and increasing temperatures.

The use of targeted mechanical vegetation management, prescribed fire, and managed wildfire reduces the accumulated high fuel loads, promoting healthier, more resilient forests, reducing the risk of high-severity wildfires.

This bill updates statutes adopted in 1980 to require CAL FIRE to assist local governments in preventing future wildland fire and vegetation management problems within their budget to reflect more current terminology and provide additional clarity that CAL FIRE is a resource for local government including special districts wishing to engage in fuels management to improve their fire resiliency.

The SCC was established in 1976 to protect and improve natural lands and waterways, to help people get to and enjoy the outdoors, and to sustain local economies along California's coast. SCC implements statewide resource plans through its projects, including the California Water Action Plan, the Wildlife Action Plan, and many others. SCC works along the entire length of California's coast and within the watersheds of rivers and streams that extend inland from the coast, including the San Francisco Bay Area and the Santa Ana River watershed. To address the need for affordable coastal accommodations, AB 250 (Gonzalez Fletcher), Chapter 838, Statutes of 2017 created Explore the Coast Overnight Program and called for the preparation of a Lower-Cost Coastal Accommodations Assessment.

SB 270 (Padilla), Chapter 850, Statutes of 2014, established the state's plastic bag law, which prohibits the distribution of single-use plastic bags to consumers at grocery stores and pharmacies. The bill allows for the distribution of reusable bags that meet certain requirements, which must be certified by an accredited laboratory. This bill clarifies that specified accreditation bodies may also certify reusable bags.

**REGISTERED SUPPORT / OPPOSITION:****Support**

None on file

**Opposition**

None on file

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