

**CALIFORNIA LEAGUE OF FOOD PROCESSORS
LEGISLATIVE UPDATE
as of 10/16/2009**

This report highlights legislation that is of interest to California food processors. This is the final report for 2009. If you would like more detailed information on these bills, or have questions about the status of other bills please contact the CLFP office at (916) 640-8150 or rob@clfp.com.

Air Pollution

AB 1085 (Mendoza) State Air Resources Board: regulations.

Would require the State Air Resources Board to make available to the public each technical, theoretical, and empirical study, report, or similar document, if any, on which the agency relies, related to, but not limited to, air emissions, public health impacts, and economic impacts, before the comment period for any regulation proposed for adoption by the state board. **Status: ASSEMBLY CHAPTERED. CLFP position: Support.**

Bottle Bill

SB 402 (Wolk) Recycling: California redemption value.

Would add 100% fruit juice and 100% vegetable beverage containers of all sizes to the Bottle Bill Recycling program, among other things. **Status: SENATE VETOED. CLFP position: Oppose.**

Climate Change/Green House Gas

AB 1404 (De Leon) California Global Warming Solutions Act of 2006: offsets.

Would require the State Air Resources Board, if the state board allows the use of market-based compliance mechanisms, to limit the use of compliance offsets, as defined, that meet specific criteria, to no more than 10% of the greenhouse gas emission reductions expected from market mechanisms during the compliance period. The bill would require the state board to apply the limit as a percentage of each regulated party's reported emissions in a compliance period. The bill would require the state board to impose an administrative fee pursuant to the fee authority described above for deposit into the fund to pay for expenses related to state board administration of the compliance offset program, upon appropriation by the Legislature. This bill contains other related provisions. **Status: ASSEMBLY VETOED. CLFP position: Oppose.**

Energy

AB 64 (Krekorian) Energy: renewable energy resources: generation and transmission.

Would make conforming changes to terms used in the Renewable Energy Resources Program statutes that would be made by SB 14 of the 2009-10 Regular Session. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY VETOED. CLFP position: Oppose.**

Energy (cont.)

AB 1110 (Fuentes) Advanced electrical distributed generation technology.

Would authorize the Public Utilities Commission and the State Air Resources Board to treat advanced electrical distributed generation technology, as defined, as cogeneration, and would make certain existing limitations upon gas rates and surcharges charged cogenerators applicable to an advanced electrical distributed generation technology. The bill would make the prohibition upon placing alternative fuel capability requirements upon gas customers that use gas for purposes of cogeneration applicable to a generator using advanced electrical distributed generation technology. These provisions would not apply to an advanced electrical distributed generation technology that is first operational at a site on and after January 1, 2014. **Status: ASSEMBLY CHAPTERED. CLFP position: Watch.**

SB 14 (Simitian) Utilities: renewable energy resources.

Would revise the Renewable Energy Resources Program to state the intent of the Legislature to increase the amount of electricity generated from eligible renewable energy resources per year, so that amount equals at least 33% of total retail sales of electricity in California per year by December 31, 2020. The bill would revise certain terms used in the program and revise certain eligibility criteria for a renewable electrical generation facility, as defined, pursuant to the program. The bill would require the Energy Commission, by May 31, 2010, to report to the Legislature whether out-of-state, run-of-river hydroelectric generating facilities should be considered renewable electric generating facilities, as defined. This bill contains other related provisions and other existing laws. **Status: SENATE VETOED. CLFP position: Oppose.**

SB 62 (Simitian) Renewable energy resources.

Would require the Public Utilities Commission (PUC) to require that a retail seller procure the following percentages of electricity from eligible renewable energy resources by the following dates: (A) Until December 31, 2012, the same percentage as actually achieved by the retail seller during 2009; (B) 20% by December 31, 2013; (C) 25% by December 31, 2016; and (D) 33% by December 31, 2020. The bill would authorize the PUC to permit a retail seller to delay compliance with (B) or (C) procurement levels when specified circumstances are present, but would not authorize the PUC to permit a retail seller to delay compliance with the (D) procurement level. The bill would delete the existing market price referent provisions and instead require the PUC to establish a methodology to determine the market price of electricity for terms corresponding to the length of contracts with eligible renewable energy resources, in consideration of, and reflecting, certain matters. The bill would require the PUC to establish a limitation on the annual expenditures made above the market price, by an electrical corporation, in order to achieve the procurement levels established by the PUC. The bill would require the PUC to permit an electrical corporation to limit its procurement of electricity from eligible renewable energy resources to that quantity that can be procured at or below the market prices established by the PUC, up to the limitation. The bill would delete an existing requirement that the PUC adopt flexible rules for compliance for retail sellers. This bill contains other related provisions and other existing laws. **Status: SENATE VETOED. CLFP position: Oppose.**

Food Safety

SB 173 (Florez) Food safety: testing and recalls.

Would authorize the State Public Health Officer to adopt regulations regarding the voluntary recall of food that, without intervention, could transmit an illness that could kill or seriously affect the health of humans, as specified. **Status: SENATE VETOED. CLFP position: Neutral.**

Labor

AB 793 (Jones) Employment: discrimination.

Would specify when a cause of action for unlawful discrimination or unlawful employment practice with respect to compensation accrues for determining whether a complaint was filed within statutory deadlines. **Status: ASSEMBLY VETOED. CLFP position: Oppose.**

AB 838 (Swanson) Occupational safety and health.

Would require the Occupational Safety and Health Standards Board, by July 1, 2011, to adopt a standard for controlling the risk of occurrence of heat illness where employees work indoors. **Status: ASSEMBLY VETOED. CLFP position: Oppose.**

Wastewater

SB 310 (Ducheny) Water quality: stormwater and other runoff.

Would authorize a county, city, or special district that is a permittee or copermitttee under a national pollutant discharge elimination system (NPDES) permit for a municipal separate storm sewer system to develop a watershed improvement plan that addresses major sources of pollutants in receiving water, stormwater, urban runoff, or other surface runoff pollution within the watershed or subwatershed to which the plan applies. The regional water quality control boards would be authorized to participate in the preparation of the watershed improvement plan. The regional boards would be required to review, and authorized to approve, a watershed improvement plan if they find that the proposed plan will facilitate compliance with water quality requirements. The entities that develop the plan that is submitted to a regional board for approval would be required to reimburse the regional board for its costs in accordance with a fee schedule adopted by the State Water Resources Control Board. The bill would authorize a county, city, or special district, or combination thereof, to impose fees on activities that generate or contribute to runoff, stormwater, or surface runoff pollution to pay the costs of the preparation of a watershed improvement plan or the implementation of a plan that is approved by a regional board if certain requirements are met. The bill would authorize a county, city, or special district, or combination thereof, to plan, design, implement, construct, operate, and maintain controls and facilities to improve water quality. **Status: SENATE CHAPTERED. CLFP position: Oppose.**

Water

AB 1366 (Feuer) Residential self-regenerating water softeners.

Would authorize any local agency that owns or operates a community sewer system or water recycling facility, within specified areas of the state, to take action, by ordinance or resolution, after a public hearing on the matter, to control salinity inputs from residential self-regenerating water softeners to protect the quality of the waters of the state, if the appropriate regional water quality control board makes a finding that the control of residential salinity input will contribute to the achievement of water quality objectives. The bill would state related findings and declarations of the Legislature, including findings and declarations concerning the need for special legislation. **Status: ASSEMBLY CHAPTERED. CLFP position: Support.**