

**CALIFORNIA LEAGUE OF FOOD PROCESSORS  
LEGISLATIVE UPDATE  
as of 11/09/2010**

*This report highlights legislation that is of interest to California food processors. 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 John Larrea at [john@clfp.com](mailto:john@clfp.com) or Trudi Hughes at [trudi@clfp.com](mailto:trudi@clfp.com).*

**Air Pollution**

**SB 1402 (Dutton R) State Air Resources Board: administrative and civil penalties.**

**Status:** 9/28/2010 . Signed by the Governor, Chapter Number 413, Statutes of 2010.

**Summary:** Requires the Air Resources Board to provide a specified written explanation prior to imposing an administrative or civil penalty for a violation of air pollution law, make these explanations available to the public, and requires an annual report specifying administrative penalties imposed.

<b>Position</b>	<b>Assigned</b>
Support	John

**SB 1433 (Leno D) Air pollution penalties: inflation adjustments.**

**Status:** 9/28/2010 . Vetoed by Governor

**Summary:** Would require the ARB, on March 1, 2011, and annually thereafter, to adjust maximum civil and criminal penalties for inflation, and to publish the inflation-adjusted maximum penalties on its Internet Web site.

<b>Position</b>	<b>Assigned</b>
Oppose	John

**Chemicals**

**SB 797 (Pavley D) Product safety: bisphenol A.**

**Status:** 8/31/2010 . Failed Deadline pursuant to Rule 61 (b) (17). (Last location was UNFINISHED BUSINESS on 8/25/2010)

**Summary:** Prohibits, beginning in 2011, the sale, manufacture or distribution of a bottle or cup or a liquid, food or beverage in a can, jar or plastic bottle that contains bisphenol A (BPA) if the item is primarily intended for children three years of age or younger. Repeals this prohibition if the Department of Toxic Substances Control (DTSC) adopts a regulatory response, pursuant to current "Green Chemistry" law. Impact: significant impact and cost to the food industry. CLFP was successful in getting language in the bill that exempts "food and beverage containers designed or intended primarily to contain liquid, food, or beverages for consumption by the general population".

<b>Position</b>	<b>Assigned</b>
Oppose	Trudi

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**Climate Change/Green House Gas**

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**AB 2329 (Ruskin D) Environmental protection: greenhouse gas emissions: Climate Action Team.**

**Status:** 8/31/2010 . Failed Deadline pursuant to Rule 61 (b) (17). (Last location was THIRD READING on 8/31/2010).

**Summary:** Codifies the Climate Action Team which would be responsible for coordinating the state's climate change policy under the direction of the Cal EPA Secretary.

<b>Position</b>	<b>Assigned</b>
Oppose	John

**SB 1006 (Pavely D) Natural resources: climate change: Strategic Growth Council.**

**Status:** 9/30/2010 . Signed by the Governor, Chapter Number 632, Statutes of 2010.

**Summary:** Requires the Strategic Growth Council to provide guidelines and information to local governments to assist with the development of climate change adaptation strategies and projects. Impact: unknown

<b>Position</b>	<b>Assigned</b>
Neutral	John

**AB 1405 (De Leon D) California Global Warming Solutions Act of 2006: California Climate Change Community Benefits Fund.**

**Status:** 9/30/2010 . Vetoed by the Governor

**Summary:** Would have established the California Climate Change Community Benefits Fund. Funded by a minimum of 10% of revenues from the sale of AB 32 market-based compliance instruments. The moneys in the fund would be used in the most impacted and disadvantaged communities, as defined, to fund programs or projects that reduce greenhouse gas emissions or mitigate direct health, or environmental, impacts of climate change through competitive grants, loans, or other funding mechanisms.

<b>Position</b>	<b>Assigned</b>
Oppose	John

**SB 1351 (Wright D) California Global Warming Solutions Act of 2006: State Air Resources Board regulations.**

**Status:** 8/31/2010 . Failed Deadline pursuant to Rule 61(b)(17). (Last location was E.Q. on 8/17/2010)

**Summary:** Would require the ARB to make public the implementation schedule for any adopted regulation. Impact: potential savings in time and money to comply with regulations.

<b>Position</b>	<b>Assigned</b>
Support	John

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## Energy

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**SB 722 (Simitian D) Utilities: renewable energy resources.**

**Status:** 10/6/2010 . Action From THIRD READING: Died at End of Regular Session.

The bill was revived during the special session on the budget but never taken up by the Legislature. Expect the bill to be reintroduced in the 2011 session

**Summary:** This bill 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. Impact: increased energy costs.

<b>Position</b>	<b>Assigned</b>
Oppose	John

**AB 2441 (T Berryhill R) Natural Gas Surcharge.**

**Status:** 6/4/2010 Failed Deadline pursuant to Rule 61(b)(11). (Last location was APPR. SUSPENSE FILE on 5/19/2010) . Died in Assembly

**Summary:** CLFP sponsored: the intent of this bill is to require the CPUC to reexamine the allocation of the natural gas PPP surcharge on ratepayer classes and report findings to the Legislature. Specifically, our objective is to examine the disproportionate share of the PPP costs paid by the large commercial and industrial class. Impact: potential reduction in the natural gas PPP surcharge for food processors.

<b>Position</b>	<b>Assigned</b>
Support	John

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## Food

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**AB 2720 (John A. Perez D) Public health: food access.**

**Status:** 9/30/2010 . Vetoed by Governor

**Summary:** Would create the California Healthy Food Financing Initiative and fund for the purpose of expanding access to healthy foods in underserved communities by leveraging non-state funding options.

<b>Position</b>	<b>Assigned</b>
Watch	Trudi

**SB 928 (Simitian D) Consumer products: content information.**

**Status:** 8/31/2010 . Failed Deadline pursuant to Rule 61 (b) (17). (Last location was APPR on 8/12/2010).

**Summary:** Requires a manufacturer or wholesaler of a designated consumer product, as defined, on or before March 31, 2011, to provide a notice that lists all substances, identified by a number or other unique identifier, that are contained in that product, by posting that information on the manufacturer's or wholesaler's Internet Web site.

<b>Position</b>	<b>Assigned</b>
Oppose	Trudi

**AB 2612 (Committee on Agriculture) Food and agriculture: omnibus bill.**

**Status:** 9/27/2010 . Signed by the Governor, Chapter Number 393, Statutes of 2010

**Summary:** Assembly Ag committee bill includes provision to extend the sunset for the Department of Public Health Food Safety & Education program surcharge for five years. Impact: continuation of \$100 surcharge.

<b>Position</b>	<b>Assigned</b>
Support	Trudi

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**Human Trafficking**

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**SB 657 (Steinberg D) Human Trafficking**

**Status:** 9/30/2010 . Signed by the Governor, Chapter Number 556, Statutes of 2010.

**Summary:** This bill would enact the California Transparency in Supply Chains Act of 2010, and would, beginning January 1, 2012, require retail sellers and manufacturers doing business in the state to disclose their efforts to eradicate slavery and human trafficking from their direct supply chains for tangible goods offered for sale, as specified. That provision would not apply to a retail seller or manufacturer having less than \$100,000,000 in annual worldwide gross receipts. The bill would also make a specified statement of legislative intent regarding slavery and human trafficking. The bill would also require the Franchise Tax Board to make available to the Attorney General a list of retail sellers and manufacturers required to disclose efforts to eradicate slavery and human trafficking pursuant to that provision, as specified.

<b>Position</b>	<b>Assigned</b>
Opposed	Trudi

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**Labor**

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**AB 2774 (Swanson D) Occupational safety and health.**

**Status:** 9/30/2010 . Signed by the Governor, Chapter Number 692, Statutes of 2010

**Summary:** Would expand the definition of "serious violations". Impact: potential for more workplace citations and regulatory costs.

<b>Position</b>	<b>Assigned</b>
Neutral	Trudi

**SB 477 (Florez D) Employment: heat illness prevention.**

**Status:** 8/31/2010 . Failed Deadline pursuant to Rule 61 (b) (17). (Last location was APPR on 8/12/2010)

**Summary:** Would codify certain outdoor heat illness regulatory provisions into statute. The bill would also specify requirements for employers to provide employees access to shade when the temperature exceeds 75 degrees Fahrenheit and to implement designated high-heat and extreme heat procedures when the temperature equals or exceeds 85 or 95 degrees Fahrenheit, respectively.

<b>Position</b>	<b>Assigned</b>
Oppose	Trudi

**SB 1121 (Florez D) Overtime wages: agricultural workers.**

**Status:** 7/28/2010 . Vetoed by the Governor

**Summary:** Would remove the exemption for agricultural employees.

<b>Position</b>	<b>Assigned</b>
Watch	Trudi

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**Market Enforcement**

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**AB 2240 (Ma D) Agriculture: processors of farm products: dealers: licensing: fees.**

**Status:** 9/27/2010 . Signed by the Governor, Chapter Number 382, Statutes of 2010

**Summary:** This bill would authorize California Department of Food and Agriculture (CDFA) to reevaluate the Market Enforcement Program (MEP) fee structure based on operating costs and increase certain fees. Impact: CLFP is opposed to the MEP for the fruit and vegetable processing industry. We agreed to go "neutral" on this bill as long as the current top tier license fee (\$400) is not increased. All CLFP members are in the top tier.

<b>Position</b>	<b>Assigned</b>
Neutral	Trudi

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**Nuisance**

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**SB 1224 (Wright D) Air discharges.**

**Status:** 9/28/2010 . Signed by the Governor, Chapter Number 411, Statutes of 2010

**Summary:** Authorizes the Air Pollution Control District (APCD) or the Air Quality Management District (AQMD) to adopt a rule or regulation that ensures district staff and resources are not used to investigate complaints determined to be repeated and unsubstantiated, alleging a nuisance odor violation concerning the discharge of current prohibited air contaminants. Impact: potential regulatory cost savings.

<b>Position</b>	<b>Assigned</b>
Support	John

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## Penalties, Violations, Fines

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**AB 846**    **(Torrice D) State agencies: civil and administrative penalties.**

**Status:** 8/13/2010 . Failed Deadline pursuant to Rule 61(b)(14). (Last location was G.O. on 6/30/2010)

**Summary:** This bill requires the Department of Toxic Substances Control (DTSC), Air Resources Board (ARB), Department of Industrial Relations (DIR), and State Water Resources Control Board (SWRCB) to update the minimum and maximum amounts of civil and administrative penalties for annual inflation. The bill also requires these entities, if seeking a penalty below the applicable maximum amount, to assess liability that at a minimum recovers any economic benefits derived by the violator. Impact: would increase fines to violators. Since penalty increases would be tied to the Consumer Price Index (CPI), there would be no limit to potential increases.

<b>Position</b>	<b>Assigned</b>
Oppose	John

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## Pesticides

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**AB 2122**    **(Mendoza D) Pesticides: regulations: continuing education.**

**Status:** 9/27/2010 . Signed by the Governor, Chapter Number 375, Statutes of 2010

**Summary:** Modifies the continuing education requirements of the Department of Pesticide Regulations for Pesticide Control Advisors (PCAs).

<b>Position</b>	<b>Assigned</b>
Support	John

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## Recycling

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**AB 737**    **(Chesboro D) Solid Waste: diversion**

**Status:** 9/28/2010 . Vetoed by the Governor

**Summary:** Would require the department, by January 1, 2013, to report to the Legislature on the current diversion rate in the state and provide strategies to increase the diversion rate to 75% by 2020. The bill would repeal this requirement on January 1, 2017. This bill contains other related provisions and other existing laws.

<b>Position</b>	<b>Assigned</b>
Oppose	John

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## Regulatory Reform

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**AB 2130 (Huber D) Professions and vocations: sunset review.**

**Status:** 9/30/2010 . Signed by the Governor, Chapter Number 670, Statutes of 2010

**Summary:** AB 2130 is a companion piece to AB 1659. AB 1659 establishes a Joint Sunset Review Committee to review virtually all departments and offices within state government. Impact: good government bill.

Position	Assigned
Watch	Trudi

**AB 2738 (Niello R) Regulations: agency statement of reasons.**

**Status:** 9/27/2010 . Signed by the Governor, Chapter Number 398, Statutes of 2010

**Summary:** Would require greater justification, transparency, and specificity when an agency promulgates regulations that mandate the use of a specific technology. Impact: potential cost savings.

Position	Assigned
Support	Trudi

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## State Regulations

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**SB 356 (Wright D) Regulations: small businesses.**

**Status:** 6/28/2010-Re-referred to Com. on RULES.

**Summary:** Would clarify the term "any interested person" to include "a small business or organization or trade association whose members are affected by a regulation," as it relates to obtaining a judicial declaration as to the validity of any regulation or order of repeal by bringing action for declaratory relief in Superior Court pursuant to current law. Impact: regulatory cost savings.

Position	Assigned
Support	Trudi

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## Wastewater

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**SB 1284 (Ducheny D) Water quality: mandatory minimum civil penalties.**

**Status:** 9/30/2010 . Signed by the Governor, Chapter Number 645, Statutes of 2010

**Summary:** Exempts certain violations of waste discharge reporting requirements from existing mandatory minimum penalties. Impact: potential savings in penalty fees.

Position	Assigned
Watch	Trudi

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## Water

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**SB 565**    **(Pavley D) Water resources.**

**Status:** 8/31/2010 . Failed Deadline pursuant to Rule 61(b)(17). (Last location was INACTIVE FILE on 8/30/2010)

**Summary:** Would further clarify and expand the State Water Resources Control Board's authority over water diversions.

<b>Position</b>	<b>Assigned</b>
Oppose	John

**SB 918**    **(Pavley D) Water recycling.**

**Status:** 9/30/2010 . Signed by the Governor, Chapter Number 700, Statutes of 2010

**Summary:** Requires the Department of Public Health to adopt criteria for groundwater recharge with recycled water by December 31, 2013.

<b>Position</b>	<b>Assigned</b>
Watch	John

**SB 1173**    **(Wolk D) Recycled water.**

**Status:** 9/29/2010 . Vetoed by the Governor

**Summary:** Defines raw water in statute and prohibits the use of raw water when recycled water is available and appropriate for use.

<b>Position</b>	<b>Assigned</b>
Watch	Trudi