

CLFP Legislative Update as of 4/30/2009

This report highlights legislation that is of interest to California fruit and vegetable processors. If you would like more detailed information on these bills, or have questions about the status of other bills please contact Bill Grigg, (916) 208-0108; or billgrigg@cox.net

Air Pollution

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

Would require the state board to make available to the public all methodologies, inputs, assumptions, and any other information used in the development of a proposed regulation, or that is the rationale behind any proposed regulation, before the comment period for any regulation proposed for adoption by the state board. **Status: ASSEMBLY APPR. CLFP position: Support**

Chemicals

SB 797 (Pavley) Product safety: bisphenol A.

Would enact the Toxin-Free Toddlers and Babies Act, which would prohibit the manufacture, sale, or distribution in commerce of any bottle, cup, or liquid, food, or beverage in a can or jar that contains bisphenol A at a level above 0.1 parts per billion (ppb), under specified conditions. The bill would also require manufacturers to use the least toxic alternative when replacing bisphenol A in containers in accordance with this bill. This bill contains other existing laws. **Status: SENATE HEALTH CLFP position: Oppose**

Climate Change/Green House Gas

AB 19 (Ruskin) Greenhouse gas emissions: consumer product labeling.

Would enact the Carbon Labeling Act of 2009. The act would require the state board to develop and implement a program for the voluntary assessment, verification, and standardized labeling of the carbon footprint, as defined, of consumer products sold in this state. **Status: ASSEMBLY NAT. RES. CLFP position: Watch**

AB 231 (Huffman) California Global Warming Solutions Act of 2006: Climate Protection Trust Fund.

Would instead require the state board to, no later than March 30, 2010, adopt a schedule of fees, as provided. The revenues collected would be deposited in the Climate Protection Trust Fund, which the bill would create. All other compliance revenues collected pursuant to the act, including fines and penalties, would be required to be deposited into the fund, and would be available, upon appropriation by the Legislature, for the purposes of carrying out the act. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. CLFP position: Watch**

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

Would require the state 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 facility's reported emissions in a compliance period. The bill would require the state board to impose an offset verification fee on entities buying and selling compliance offsets, for deposit into the fund. Under the bill, fee revenues would be available, upon appropriation, to pay for expenses related to state board administration of the compliance offset program. **Status: ASSEMBLY APPR. CLFP position: Oppose**

ACR 14 (Niello) California Global Warming Solutions Act of 2006.

Would call upon the State Air Resources Board, prior to any regulatory action being taken consistent with the scoping plan for the implementation of the California Global Warming Solutions Act of 2006, to perform an economic analysis that will give the State of California a more complete and accurate picture of the costs and benefits of the act's implementation. The measure would also call upon the Governor to use the authority granted

by the act to adjust any applicable deadlines for regulations. **Status: ASSEMBLY APPR. CLFP position: Support**

SB 295 (Dutton) California Global Warming Solutions Act of 2006.

Would require the state board to complete a study to reevaluate the evaluation of costs discussed above , and provide this study to the Legislature by October 1, 2009 . The state board would be required to report to the Legislature by November 1, 2009, on whether the revised analysis has led, or will lead, to any changes to the scoping plan, and whether any changes should be made to the act's timelines. The bill would require the Legislative Analyst to review the state board's implementation of these requirements, as provided. This bill contains other related provisions. **Status: SENATE E.Q. CLFP position: Support**

Energy

AB 51 (Blakeslee) Electrical corporation energy efficiency programs.

Would require the commission to require that at least 90% of energy efficiency program funds expended are used for direct implementation of energy efficiency programs and would define direct implementation to include incentives and rebates and to exclude administrative, marketing, and outreach costs. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. CLFP position: Watch**

AB 234 (Huffman) Energy: water use and energy efficiency projects: federal stimulus funds.

Would require the State Energy Resources Conservation and Development Commission, as a part of the implementation of funding received under the federal American Recovery and Reinvestment Act of 2009 pursuant the federal State Energy Program and the federal Energy Efficiency and Conservation Block Grant Program , to coordinate with the State Water Resources Control Board and local water suppliers on the planning and implementation of energy efficiency actions that can also result in water use savings. The bill would require that water and energy conservation programs and projects proceed only to the extent they do not impair the commission's ability to meet the federal deadlines for expenditure of federal stimulus funds provided by the act pursuant to the 2 specified federal programs . **Status: ASSEMBLY APPR. CLFP position: Watch**

AB 413 (Fuentes) Energy: rates.

Would prohibit the commission from requiring or permitting an electrical corporation to employ time-variant pricing, as defined, for residential customers, but would authorize the commission to authorize an electrical corporation to offer residential customers the option of receiving service pursuant to time-variant pricing. The bill, commencing January 1, 2016, would authorize the commission to authorize an electrical corporation to employ default time-variant pricing for residential customers, if the customer has the option of receiving service pursuant to a rate schedule that is not based upon time-variant pricing and if residential customers that exercise the option to not receive service pursuant to the time-variant pricing incur no additional fee or surcharge to exercise that option. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. CLFP position: Watch**

AB 1016 (Villines) Energy: commission and department.

Would abolish the State Energy Resources and Conservation Commission, the California Consumer Power and Conservation Financing Authority, and the Electricity Oversight board. The bill would create the Department of Energy, headed by a Secretary of Energy, and would create the California Energy Commission and the Office of Energy Market Oversight within the department. The bill would provide for the creation of various divisions and subdivisions as deemed necessary by the secretary. The secretary would be appointed by, and hold office at the pleasure of, the Governor, subject to confirmation by the Senate. The bill would authorize the Governor to appoint an Assistant Secretary of Energy who would serve at the pleasure of the secretary. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY U. & C. CLFP position: Watch**

AB 1305 (V. Manuel Perez) Air pollution: imported electricity: mitigation fee.

Would require any person that imports certain electricity into the state, or causes that electricity to be imported into the state, to pay up to a \$0.001 per kilowatt-hour air contaminant emission electricity generation mitigation fee for that electricity, but not to exceed the cost of mitigation, as determined by the state board. The bill would impose the fee only if the electricity is produced by an electrical generating facility, as defined, that is located within an air basin shared by a district and Mexico and located in Mexico within 100 kilometers of the United States' border, if construction of the electrical generating facility was completed after January 1, 2010, the facility provides incremental generating capacity that was not in operation prior to January 1, 2010, and if the electrical

generating facility was not constructed to meet all existing California air pollution regulations and standards, including, but not limited to, best available control technology (BACT) and any offsets that would be required under California law to mitigate any additional pollution. This bill contains other related provisions. **Status: ASSEMBLY U. & C. CLFP position: Watch**

SB 376 (Simitian) Energy: State Energy Resources Conservation and Development Commission: natural gas.

Would enact the Liquefied Natural Gas Market Assessment Act and would require the Energy Commission, as a component of the integrated energy policy report, to conduct a study of the need for liquefied natural gas imports to meet the state's energy demand, containing specified information. This bill contains other related provisions and other existing laws. **Status: SENATE APPR. CLFP position: Watch**

SB 695 (Kehoe) Electricity: rates.

Would prohibit the commission from requiring or permitting an electrical corporation to employ mandatory or default time-variant pricing for residential customers prior to January 1, 2016, but would authorize the commission to authorize an electrical corporation to offer residential customers the option of receiving service pursuant to time-variant pricing and to participate in other demand response programs. The bill would require the commission to only approve an electrical corporation's use of time-variant pricing for residential customers if those residential customers have the option to not receive service pursuant to time-variant pricing and incur no additional costs as a result of the exercise of that option. This bill contains other related provisions and other existing laws. **Status: SENATE APPR. CLFP position: Watch**

SB 758 (Cogdill) Distributed generation.

Would state the intent of the Legislature to establish incentives for agriculture to install cogeneration and anaerobic digester electrical generation facilities, including requiring electrical utilities to purchase excess electricity not used by the agricultural generator. **Status: SENATE RLS. CLFP position: Support**

Health Care

SB 810 (Leno) Single-payer health care coverage.

Would establish the California Healthcare System to be administered by the newly created California Healthcare Agency under the control of a Healthcare Commissioner appointed by the Governor and subject to confirmation by the Senate. The bill would make all California residents eligible for specified health care benefits under the California Healthcare System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. The bill would provide that a resident of the state with a household income, as specified, at or below 200% of the federal poverty level would be eligible for the type of benefits provided under the Medi-Cal program. The bill would require the commissioner to seek all necessary waivers, exemptions, agreements, or legislation to allow various existing federal, state, and local health care payments to be paid to the California Healthcare System, which would then assume responsibility for all benefits and services previously paid for with those funds. This bill contains other related provisions and other existing laws. **Status: SENATE APPR. CLFP position: Oppose**

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 SECOND READING 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 APPR. CLFP position: Oppose**

AB 842 (Swanson) Employment.

Would increase the layoff notice period from 60 to 90 days. This bill would require employers, when notice is

given, to provide employees with information regarding benefits and services available to them once the notice of layoff is given. This bill would also require employers that give notice of a mass layoff, relocation, or termination to provide sufficient meeting space for the provision of rapid response activity, as defined, and to allow providers of rapid response activity services and affected employees to meet for not less than one hour for such services to be provided. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. CLFP position: Oppose**

AB 849 (Swanson) Family and medical leave.

Would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, (2) expanding the definition of "parent" to include an employee's parent-in-law, and (3) permitting an employee to also take leave to care for a seriously ill grandparent, sibling, grandchild, or domestic partner, as defined. **Status: ASSEMBLY APPR. CLFP position: Oppose**

AB 1000 (Ma) Employment: paid sick days.

Would provide that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days, as defined, which shall be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would also make conforming changes. This bill contains other related provisions. **Status: ASSEMBLY APPR. CLFP position: Oppose**

SB 187 (Benoit) Employment: working hours.

Would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without any obligation to pay overtime compensation. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations. **Status: SENATE L. & I.R. CLFP position: Support**

SB 287 (Calderon) Meal periods.

Would revise the statutory requirements for the provision of meal periods to specify that the requirements apply only to employees subject to the meal period provisions of an order of the IWC. The statutory requirements for providing the meal periods would be revised to specify that a meal period based on working more than 5 hours in a workday is required to be provided before the employee completes 6 hours of work, unless the existing waiver provision is invoked. The waiver provision for the 2nd meal period would be changed to provide an exception for different provisions within IWC wage orders in effect as of January 1, 2009, and to permit the employer and employee to agree to waive either the first or the 2nd meal period if the employee otherwise is entitled to 2 meal periods. The bill also would specify conditions under which on-duty meal periods are permitted rather than meal periods in which the employee is relieved of all duty. The meal period provisions of a valid collective bargaining agreement would be required to be implemented for covered employees rather than the statutory requirements. This bill contains other related provisions. **Status: SENATE L. & I.R. CLFP position: Support**

SB 380 (Dutton) Meal periods.

Would revise the statutory requirements for the provision of meal periods to specify that the requirements apply only to employees subject to the meal period provisions of an order of the IWC. The statutory requirements for providing the meal periods would be revised to specify that a meal period based on working more than 5 hours in a workday is required to be provided before the employee completes 6 hours of work, unless the existing waiver provision is invoked. The waiver provision for the 2nd meal period would be changed to provide an exception for different provisions within IWC wage orders in effect as of January 1, 2009, and to permit the employer and employee to agree to waive either the first or the 2nd meal period if the employee otherwise is entitled to 2 meal periods. The bill also would specify conditions under which on-duty meal periods are permitted rather than meal periods in which the employee is relieved of all duty. This bill contains other related provisions and other existing laws. **Status: SENATE L. & I.R. CLFP position: Support**

SB 773 (Florez) Workers' compensation: disability benefits.

Would state the intent of the Legislature to enact legislation that would adjust the amount of permanent partial disability benefits paid to workers in order to ensure that the benefits are fair, adequate, and more favorably aligned when compared with permanent partial disability benefits paid to workers in other states. This bill contains other related provisions and other existing laws. **Status: SENATE RLS. CLFP position: Pending**

Manufacturing equipment

SB 699 (Alquist) Sales and use tax: personal and corporate income tax: manufacturers' credit and exemption.

Would exempt from a specified portion of those taxes, for calendar years beginning on or after January 1, 2013, the gross receipts from the sale of, and the storage, use, or other consumption of, sustainable development equipment investments of tangible personal property purchased for use by a qualified person to be used in manufacturing or other processes, as specified, and tangible personal property purchased by a qualified person and used primarily during the research and development process for qualified research, as defined. This bill contains other related provisions and other existing laws. **Status: SENATE REV. & TAX CLFP position: Support**

Pesticides

AB 835 (Monning) Pesticides: volatile organic compound emissions.

Would require the state board to update, in a public hearing, the commercial structural and agricultural use pesticide volatile organic compound (VOC) emissions inventory on an annual basis. This bill would require any regulation adopted by the state board, or adopted by the Department of Pesticide Regulation, or pesticide product registered by the Department of Pesticide Regulation, that reduces an environmental hazard associated with a pesticide product to not lead to the registration of, or increased use of, any product that is more toxic than that pesticide product. This bill contains other existing laws. **Status: ASSEMBLY AGRI. CLFP position: Oppose**

Producer Responsibility

AB 283 (Chesbro) Solid waste: extended producer responsibility program.

Would create the California Product Stewardship Act of 2009 and would require the board to administer the program. The bill would require the board to adopt regulations by July 1, 2011, in order to implement the program to provide environmentally sound product stewardship protocols that encourage producers to research alternatives during the product design and packaging phases to foster cradle-to-cradle producer responsibility and reduce the end-of-life environmental impacts of the product. This bill contains other related provisions. **Status: ASSEMBLY APPR. CLFP position: Oppose**

Recycling

AB 925 (Saldana) Recycling: single-use plastic beverage container caps.

Would define terms and would prohibit a retailer, on and after January 1, 2012, from selling or offering for sale a single-use plastic beverage container with a cap that is not affixed to, or part of, the beverage container. The bill would also prohibit a retailer, on and after that date, from selling or offering for sale a single-use beverage container with a cap, unless the cap is made of a recyclable material, as defined. **Status: ASSEMBLY THIRD READING CLFP position: Oppose**

SB 55 (Corbett) Recycling: California redemption value containers.

Would revise the term beverage to include vegetable, nut, grain, or soy drinks that contain any percentage of juice, and would delete the requirement that a vegetable drink subject to the act be sold in a container of 16 ounces or less. The bill would delete the exclusion from the term beverage, for a product that is not sold in the above-specified types of containers. The bill would additionally exclude from the definition a beverage in a flexible foil, plastic pouch, or aseptic container delivering 7 or less fluid ounces. The bill would also make conforming changes to other definitions, for purposes of the act. This bill contains other related provisions and other existing laws. **Status: SENATE APPR. CLFP position: Oppose**

Solid Waste

AB 479 (Chesbro) Solid waste: diversion.

Would require a city or county to divert 60% of all solid waste through source reduction, recycling, and composting activities on and after January 1, 2015, thereby imposing a state-mandated local program by imposing new duties on local agencies regarding solid waste management. The bill would also require the board to establish policies, programs, and incentives to ensure diversion of solid waste in accordance with a specified schedule. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. CLFP position: Watch**

Water

AB 25 (Gilmore) Mandatory minimum civil penalties.

Would prohibit the state board or a regional board from imposing a mandatory minimum penalty for a violation for which an action to impose liability is not requested or imposed by the state board or a regional board within one year of the date the state board or regional board receives notice of the violation. The bill would authorize the state board or a regional board to impose a mandatory minimum penalty for a serious violation involving the failure to file a certain discharge monitoring report for each complete 30 day period following the deadline for submitting the report only if the state board or regional board has provided notification to the violator of the ongoing violation. In the absence of notification, the failure to file that monitoring report would constitute a single violation. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY E.S. & T.M. CLFP position: Support**

AB 39 (Huffman) Sacramento-San Joaquin Delta.

Would require the California Delta and Ecosystem Water Council to prepare a plan to implement the Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force in October 2008, and to submit that plan to the Legislature before January 1, 2011. **Status: ASSEMBLY APPR. SUSPENSE FILE CLFP position: Watch**

AB 49 (Feuer) Water conservation: agricultural water management planning.

Would require the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. The state would be required to make incremental progress towards this goal by reducing per capita water use by at least 10% on or before December 31, 2015. The bill would require the department to develop, by December 31, 2010, and through a public participation process, regional urban water use targets and interim regional urban water use targets in accordance with specified requirements. The bill would require agricultural water suppliers to implement water use efficiency best management practices and would impose related reporting requirements on agricultural water suppliers. The bill would require the department, in consultation with other state agencies, to develop a single standardized water use reporting form. The bill, with certain exceptions, would condition eligibility for certain water management grants or loans to urban water suppliers and agricultural water suppliers on the implementation of water conservation requirements established by the bill. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. SUSPENSE FILE CLFP position: Oppose**

AB 460 (Anderson) Water resources: salinity: water softeners.

Would express the intent of the Legislature to enact legislation that would require new residential water softening equipment sold in California to have a minimum salt efficiency rating of no less than 4,400 grains of hardness removed per pound of salt used in regeneration. This bill would also express the intent of the Legislature to enact legislation that would achieve a 20% reduction in the per capita use of salt in water softening equipment in California on or before December 31, 2012. **Status: ASSEMBLY PRINT CLFP position: Watch**

AB 913 (Logue) Mandatory minimum civil penalties.

Would prohibit the state board or a regional board from imposing a mandatory minimum penalty for a violation for which an action to impose liability is not requested or imposed by the state board or a regional board within 12 months of the state board or regional board receiving notice of the violation. **Status: ASSEMBLY E.S. & T.M. CLFP position: Support**

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

Would authorize any local agency that maintains a community sewer system within specified areas of the state to take action, by ordinance or resolution and after a public meeting, to control salinity inputs from residential self-regenerating water softeners to protect the quality of the waters of the state, if the appropriate regional 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 APPR. CLFP position: Support**

SB 460 (Wolk) Water management plans.

Would require urban water suppliers and agricultural water suppliers to include additional information in their respective reports, including for each plan a detailed description and analysis of a long-term plan to reduce water use. This bill contains other related provisions. **Status: SENATE SECOND READING CLFP position: Support**

SB 514 (Aanestad) Water quality: discharge requirements: mandatory minimum penalties.

Would provide that the mandatory minimum penalty would not apply if that civil liability, either upon the request of a state board to the Attorney General or by the initiation of administration proceedings, is not imposed within 12 months of the board learning of the violations. This bill contains other existing laws. **Status: SENATE PRINT CLFP position: Support**