

CLFP Legislative Update as of 3/20/2009

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 PRINT CLFP position: Watch**

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 PRINT 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 NAT. RES. 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 create an independent entity to be regulated by the state board to independently verify a greenhouse gas emission offset to ensure the emission reduction claim is real, permanent, and additional. Both providers and users of offsets would be required to pay a fee to this entity, in amounts to be determined by the state board, to pay for the costs of the verification. This bill contains other related provisions. **Status: ASSEMBLY PRINT 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 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 NAT. RES. CLFP position: Support**

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

Would prohibit the state board from implementing those regulations until the unemployment rate in the state is below 5.8% for 3 consecutive months. The bill would also require the state board to evaluate, and make public, the costs of those regulations. This bill contains other related provisions. **Status: SENATE PRINT CLFP position: Support**

SB 333 (Hancock) Voluntary Greenhouse Gas Emission Offset Program Fund.

Would create the Voluntary Greenhouse Gas Emission Offset Program Fund, and would provide that funds received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions be deposited in this fund. The moneys in the fund would be available, upon appropriation, for expenditure by the Resources Agency for specified projects. The bill would require that moneys from the fund be directed to the California Conservation Corps and local conservation corps for specified projects. The Resources Agency would be required, by October 1, 2010, to adopt guidelines for the distribution of moneys from the fund and to develop strategies for the sale of voluntary greenhouse gas emission offsets by the state and other opportunities for contributions by the public to the Voluntary Greenhouse Gas Emission Offset Program Fund. **Status: SENATE PRINT CLFP position: 1-Oppose**

Energy

AB 51 (Blakeslee) Public Utilities Commission: demand-side management programs.

Would express the intent of the Legislature to enact legislation that would require the Public Utilities Commission to integrate the demand-side management programs within its jurisdiction in order to enable offerings of integrated packages that will maximize savings and efficiencies of utility program overhead. **Status: ASSEMBLY PRINT CLFP position: Watch**

AB 234 (Huffman) Energy: efficiency.

Would state the intent of the Legislature to enact legislation to develop an implementation plan for distributing federal economic stimulus dollars for energy efficiency projects and programs to help facilitate the state's economic recovery while making investments in the state's environment and improving the quality of life of the people of the state.

Status: ASSEMBLY PRINT 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 costs as a result of the exercise of that option. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY U. & C. 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 PRINT CLFP position: Watch**

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

Would require any person that imports electricity into the state, or causes 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, 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 PRINT 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, in consultation with affected state agencies, including, but not limited to, the Public Utilities Commission, the State Air Resources Board, the State Lands Commission, the Department of Water Resources, and the California Coastal Commission, to adopt and submit to the Legislature and the Governor, on or before July 1, 2011, the Liquefied Natural Gas Market Assessment Report of 2011 that would be incorporated into the integrated energy policy report of 2009 and would contain specified information. The Energy Commission would be required to prepare a draft report, on or before April 1, 2011, to solicit public comments in the preparation of the report, and to hold 2 public hearings, one in Los Angeles and the other in the San Francisco Bay area, to consider the results of the liquefied natural gas needs assessment study and to provide an opportunity for public comment. The Energy Commission would be required to include a Liquefied Natural Gas Market Assessment Report in every integrated energy policy report adopted after January 1, 2011. This bill contains other related provisions and other existing laws. **Status: SENATE PRINT CLFP position: Watch**

SB 695 (Wright) Electricity: rates.

Would prohibit the commission from requiring or permitting an electrical corporation to employ dynamic pricing for residential customers, but would authorize the commission to authorize an electrical corporation to offer residential customers the option of receiving service pursuant to dynamic pricing. The bill would, beginning January 1, 2016, authorize the commission to authorize an electrical corporation to employ default dynamic pricing for residential customers, if the customer has the option of receiving service pursuant to a rate schedule that is not based upon dynamic pricing and if residential customers that exercise the option to not receive service pursuant to the dynamic pricing 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 PRINT 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**

Environment

AB 1107 (Blakeslee) Environmental protection: California Environmental Protection Agency: rules: scientific peer review.

Existing law requires the California Environmental Protection Agency, or a board, department, or office within the agency, to enter into an agreement with the National Academy of Sciences, the University of California, the California State University, or any similar scientific institution of higher learning, or any combination of those entities, or with a scientist or group of scientists of comparable stature and qualifications that are recommended by the President of the University of California, to conduct an external scientific peer review of the scientific basis for any rule, as defined to include specified regulations and policies, proposed by any board, department, or office within the agency, and prescribes procedures for conducting that scientific peer review. This bill would make technical, nonsubstantive changes to that provision. **Status: ASSEMBLY PRINT 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 HEALTH 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 PRINT 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 PRINT**

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 PRINT 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 PRINT 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**

PRINT 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 (Steinberg) Workers' compensation: permanent partial 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. **Status: SENATE RLS. CLFP position: 5-Pending**

Manufacturing equipment

SB 699 (Alquist) Sales and use tax: manufacturing equipment: energy and water use.

Would declare the intent of the Legislature to enact legislation that would exempt from sales and use taxes, the sale and purchase of manufacturing equipment that reduces energy and water use, and increases energy efficiency and water recycling. **Status: SENATE RLS. CLFP position: Support**

Pesticides

AB 21 (Lowenthal, Bonnie) Pesticides: methyl bromide: study and report.

Would require the Department of Pesticide Regulation to conduct a review of existing and emerging emission control technologies available for reducing industrial methyl bromide emissions and to prepare and submit to the Legislature a report detailing available emission control devices or techniques for reducing industrial methyl bromide emissions, including specified information for each system in the study. **Status: ASSEMBLY AGRI. CLFP position: Oppose**

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 PRINT CLFP position: Oppose**

Producer Responsibility

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

Would create the California Product Stewardship Act of 2010 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 NAT. RES. 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 PRINT 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 PRINT CLFP position: Oppose**

SB 309 (Ducheny) Public resources: beverage container recycling fund: conservation corps.

Would require preference for inclusion in corps membership to be given to emancipated foster youth and at-risk youth. This bill contains other related provisions and other existing laws. **Status: SENATE PRINT 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 NAT. RES. CLFP position: Watch**

SB 35 (Oropeza) Wasted food.

Would state the intent of the Legislature to enact legislation that would reduce the amount of wasted food that is fit for human consumption by creating programs aimed at diverting food away from landfills and to food banks and

nonprofit organizations. **Status: SENATE RLS. CLFP position: Watch**

Water

AB 25 (Gilmore) Surface water storage.

Would state the intent of the Legislature that the department complete, by the earliest possible date, the necessary environmental documentation for the surface water storage projects identified in the Programmatic Record of Decision in order to expedite the construction of vitally needed surface water storage. **Status: ASSEMBLY PRINT CLFP position: Support**

AB 39 (Huffman) Sacramento-San Joaquin Delta: Final Delta Vision Strategic Plan.

Would declare the intent of the Legislature to enact legislation to implement the recommendations in the Final Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force and the Delta Vision Committee established pursuant to Executive Order S-17-06 and Chapter 535 of the Statutes of 2006. **Status: ASSEMBLY PRINT CLFP position: Watch**

AB 49 (Feuer) Water conservation: urban water use.

Would require the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. **Status: ASSEMBLY W.,P. & W. CLFP position: Watch**

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 PRINT 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 PRINT CLFP position: Support**

SB 460 (Wolk) Water conservation: urban water use.

Would state the intention of the Legislature to enact legislation that would achieve a 20% reduction in urban per capita water use by December 31, 2020. **Status: SENATE RLS. 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**