

**CALIFORNIA LEAGUE OF FOOD PROCESSORS
LEGISLATIVE UPDATE
as of 6/4/2009**

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 at (916) 208-0108 or billgrigg@cox.net.

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: ASSEMBLY DESK. Action: 06/02/2009 - In Assembly. Read first time. Held at Desk. 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 (ARB), if the ARB 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 ARB to apply the limit as a percentage of each regulated party's reported emissions in a compliance period. The bill would require the ARB to impose a fee pursuant to the fee authority described above for deposit into the fund to pay for expenses related to ARB administration of the compliance offset program, upon appropriation by the Legislature. **Status: SENATE. Action: 06/03/2009 - Read third time, passed, and to Senate. CLFP position: Oppose.**

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

Would establish the Community Benefits Fund, and would require a minimum of 30% of revenues generated pursuant to the act, including the fee discussed above, to be deposited into that fund. The monies in the fund would be used, upon appropriation by the Legislature, in the most impacted and disadvantaged communities in California to accelerate greenhouse gas emission reductions and mitigate direct health impacts of climate change in those communities. The State Air Resources Board (ARB) would be required to develop a methodology to identify the most impacted and disadvantaged communities. The ARB, the State Energy Resources Conservation and Development Commission, and the State Department of Public Health would be required to jointly develop and recommend biennial plans for the use of funds. **Status: SENATE. Action: 06/03/2009 - Read third time, passed, and to Senate. CLFP position: Oppose.**

SB 31 (Pavley) California Global Warming Solutions Act of 2006: revenue allocations.

Would require that revenues collected pursuant to compliance mechanisms, as defined, adopted by the State Air Resources Board (ARB) also be deposited in the Air Pollution Control Fund. This bill would specify certain uses of the revenues collected pursuant to the fee discussed above and the compliance mechanisms. **Status: SENATE INACTIVE FILE. Action: 06/03/2009 - Read third time. Refused passage. (Ayes 16. Noes 19.) Motion to reconsider made by Senator Pavley. Reconsideration granted. Placed on inactive file on request of Senator Pavley. CLFP position: Oppose.**

Food Safety

AB 1372 (Feuer) Food processing establishments: Hazard Analysis and Critical Control Point plans.

Would require a food processing facility to adopt and implement a Hazard Analysis and Critical Control Point (HACCP) plan, as prescribed, including provisions for the testing of food and ingredients for the presence of specified hazards to public health. The bill would also impose reporting and recordkeeping requirements on food processing facilities, as specified. The bill would impose these requirements commencing January 1, 2012, or January 1, 2013, depending upon the gross annual revenue of the food processing facility. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY 2 YEAR. Action: 06/02/2009 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009.) CLFP position: Pending.**

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: ASSEMBLY. Action: 06/03/2009 - Read third time. Passed. (Ayes 24. Noes 12.) To Assembly. CLFP position: Neutral.**

Labor

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: SENATE RLS. Action: 06/03/2009 - In Senate. Read first time. To Com. on RLS. for assignment. 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 2 YEAR. Action: 06/02/2009 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009.) 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 2 YEAR. Action: 06/02/2009 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009.) 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 2 YEAR. Action: 06/02/2009 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009.) CLFP position: Oppose.**

Pesticides

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

Would require the Department of Pesticide Regulation to conduct a review of the assessment undertaken pursuant to the 8th meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the 20th meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer by the Technology and Economic Assessment Panel regarding methyl bromide, and comment on the findings of the panel. **Status: SENATE RLS. Action: 06/02/2009 - In Senate. Read first time. To Com. on RLS. for assignment. 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 California Integrated Waste Management Board (CIWMB) to administer the program. The bill would require the CIWMB 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 2 YEAR. Action: 06/02/2009 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009.) 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: SENATE RLS. Action: 05/14/2009 - Referred to Com. on EQ. CLFP position: Oppose.**

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

Would delete the provisions that require the Department of Conservation to establish reporting periods for redemption rates and that require the department to determine redemption rates for specified types of beverage containers. The bill also would delete the definition of redemption rate. **Status: ASSEMBLY DESK. Action: 05/28/2009 - In Assembly. Read first time. Held at Desk. CLFP position: Neutral.**

Tax

AB 1523 (Calderon, Charles) Sales and use taxes: exemption: fixed price contract.

Would during the period of the imposition of a 1% sales and use tax increase commencing on April 1, 2009, exclude from that 1% rate of tax, the gross receipts from certain sales and uses of tangible personal property that are subject to a fixed price pursuant to a contract entered into prior to April 1, 2009. This bill contains other related provisions. **Status: ASSEMBLY APPR. Action: 05/28/2009 - In committee: Set, first hearing. Held under submission. CLFP position: Support.**

Water

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 each urban retail water supplier to develop urban water use targets and interim urban water use targets by December 31, 2010, 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 of Water Resources, 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: SENATE. Action: 06/03/2009 - Read third time, passed, and to Senate. CLFP position: Oppose.**

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 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: SENATE RLS. Action: 05/28/2009 - In Senate. Read first time. To Com. on RLS. for assignment. CLFP position: Support.**

SB 460 (Wolk) Water management plans.

Would require urban water suppliers to include additional information in their reports, including for each plan a detailed description and analysis of a long-term plan to reduce water use. The bill would require agricultural water suppliers to prepare and adopt a specified agricultural water management plan. This bill contains other related provisions. **Status: SENATE 2 YEAR. Action: 06/02/2009 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/28/2009.) CLFP position: Support.**