

**CALIFORNIA LEAGUE OF FOOD PROCESSORS
LEGISLATIVE UPDATE
as of 8/4/2009**

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 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 board. **Status: SENATE CONSENT. CLFP position: Support.**

Chemicals

SB 797 (Pavley) Product safety: bisphenol A.

Would enact the Toxin-Free Infants and Toddlers Act, which would, except as specified, prohibit, on and after January 1, 2011, the manufacture, sale, or distribution in commerce of any bottle, cup, or liquid, food, or beverage in a can, jar, or plastic bottle that contains bisphenol A, or that is lined with a material that contains bisphenol A, at a level above 0.1 parts per billion (ppb) . It would also, except as specified, prohibit, on and after July 1, 2011, the manufacture, sale, or distribution of liquid infant formula in a can or plastic bottle containing bisphenol A or lined with a material containing it. 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 related provisions and other existing laws. **Status: ASSEMBLY THIRD READING. 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 Air Resources 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: SENATE APPR. CLFP position: Watch.**

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

Would require the State Air Resources Board to, no later than March 30, 2010, adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the California Global Warming Solutions Act. 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. The bill would require federal climate change funds to also be deposited into the fund, as provided. This bill contains other related provisions and other existing laws. **Status: SENATE E.Q. CLFP position: Watch.**

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 a fee pursuant to the fee authority described above for deposit into the Air Pollution Control Fund to pay for expenses related to state board administration of the compliance offset program, upon appropriation by the Legislature. **Status: SENATE APPR. 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 California Global Warming Solutions Act, including the fee discussed above, to be deposited into that fund. The moneys 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 or mitigate direct health impacts of climate change in those communities. The State Air Resources Board would be required to develop a methodology to identify the most impacted and disadvantaged communities. The state board, the State Energy Resources Conservation and Development Commission, and the State Department of Public Health would be required to jointly develop and adopt biennial plans for the use of funds. **Status: SENATE APPR. CLFP position: Oppose.**

SB 104 (Oropeza) California Global Warming Solutions Act of 2006: designation of greenhouse gases.

Would include in the California Global Warming Solutions Act's definition of greenhouse gases nitrogen trifluoride and any other gas designated as a greenhouse gas by the United Nations Framework Convention on Climate Change. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY THIRD READING. CLFP position: Neutral.**

Energy

AB 51 (Blakeslee) Electrical corporation energy efficiency programs.

Would require the Public Utilities Commission to limit the administrative costs, as defined, for each of the energy efficiency programs approved by the commission after January 1, 2012, to not more than 10% of the funds expended. This bill contains other related provisions and other existing laws. **Status: SENATE E. U., & C. CLFP position: Watch.**

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

Would require that any moneys received by the state pursuant to the federal American Recovery and Reinvestment Act of 2009 that are directed for energy-related activities, programs, or projects, be administered by the state's energy and water agencies, and provide that those activities, programs, or projects should adhere to the principle of accountability while also adhering to existing state policies to promote energy efficiency, promote water conservation, promote the development and use of renewable energy resources, protect the environment, and provide green job training. This bill contains other related provisions and other existing laws. **Status: SENATE APPR. CLFP position: Watch.**

AB 413 (Fuentes) Energy: rates.

Would prohibit the Public Utilities Commission, prior to January 1, 2016, from requiring or permitting an electrical corporation to employ mandatory or default 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 and to participate in other demand response programs. The bill, commencing January 1, 2016, would permit the commission to approve an electrical corporation's use of time-variant pricing if residential customers have the option to

(AB 413 – continued) not receive service pursuant to time-variant pricing and incur no additional charge, as specified, 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 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 eligibility criteria for an in-state renewable electricity generation facility pursuant to the program. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. CLFP position: Oppose.**

SB 695 (Kehoe) Energy: rates.

Would prohibit the Public Utilities Commission from requiring or permitting an electrical corporation to employ mandatory or default time-variant pricing, as defined, 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, beginning January 1, 2016, if those residential customers have the option to not receive service pursuant to time-variant pricing and incur no additional charges, as specified, as a result of the exercise of that option. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. CLFP position: Watch.**

Food Safety

SB 173 (Flores) 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 APPR. 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: SENATE THIRD 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: SENATE APPR. CLFP position: Oppose.**

Packaging

AB 1329 (Brownley) Product management: single-use recyclable packaging containers.

On and after July 1, 2014, would prohibit a retail establishment or retailer, as defined, from selling, distributing, or importing in commerce a single-use recyclable packaging container, as defined, that is comprised predominantly of polyvinyl chloride plastic resin. **Status: SENATE THIRD READING. CLFP position: Watch.**

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. 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 tethered to or contiguously affixed to the beverage container. **Status: SENATE THIRD READING. 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 APPR. SUSPENSE FILE. CLFP position: Neutral.**

Solid Waste

AB 479 (Chesbro) Solid waste: diversion.

Would require the California Integrated Waste Management Board, on January 1, 2020, and annually thereafter, to ensure that 75% of all solid waste generated is source reduced, recycled, and composted. The bill would prohibit the board from imposing any enforceable requirements against a local agency or a solid waste enterprise or that includes aspects of solid waste handling that are of local concern to implement this 75% diversion level. This bill contains other related provisions and other existing laws. **Status: SENATE APPR. CLFP position: Watch.**

State Regulations

SB 190 (Wright) Misbranded food: pomegranate juice.

Would require the State Department of Public Health, by July 1, 2011, in consultation with interested parties, to adopt regulations establishing definitions and standards of identity for 100% pomegranate juice consistent with ensuring the public health. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. 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 California 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 approve a watershed improvement plan if they find that the proposed plan will facilitate compliance with one or more water quality requirements. 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: ASSEMBLY APPR. CLFP position: Oppose.**

Water

AB 39 (Huffman) Sacramento-San Joaquin Delta.

Would state the intent of the Legislature to enact legislation to establish a Sacramento-San Joaquin Delta Plan. **Status: ASSEMBLY CONFERENCE COMMITTEE. CLFP position: Watch.**

AB 49 (Feuer) Water conservation.

Would state the intent of the Legislature to enact legislation to establish a 20% water efficiency requirement for the year 2020 for agricultural and urban water users. **Status: ASSEMBLY CONFERENCE COMMITTEE. CLFP position: Oppose.**

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, 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 APPR. CLFP position: Support.**

SB 261 (Dutton) Water use: water management plans.

Would require a retail urban water supplier, as defined, to develop and implement an urban water conservation plan, including prescribed components, or achieve high-efficiency water use, as defined. The bill would impose various requirements for the contents of these plans, and would require a retail urban water supplier to update its water conservation plan on a specified schedule. The retail urban water supplier, or other specified entities acting on behalf of the retail urban water supplier, would be required to submit reports for purposes of determining progress towards achieving a prescribed water conservation goal. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY APPR. CLFP position: Support.**