

**CALIFORNIA LEAGUE OF FOOD PROCESSORS
LEGISLATIVE REPORT
as of 9/8/2008**

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

1-Oppose

AB 437 (Jones) Statutes of limitation.

Would provide that the Legislature , in order to clarify the meaning and effect of state laws regarding statutes of limitation, rejects the interpretation given to federal law by a specified United States Supreme Court case. **Status: ASSEMBLY ENROLLMENT CLFP position: 1-Oppose**

AB 514 (Lieber) Workplace safety and health.

Would declare the intent of the Legislature that the board set as its highest priority protection against the effects of those substances that may cause cancer or reproductive or developmental toxicity. This bill would also require the board to adopt standards establishing permissible exposure limits (PEL) for toxic materials in the workplace that meet specified criteria. This bill would further require that any PEL adopted by the board for a given substance, to the extent feasible, correspond to the health-based occupational exposure level determined for that substance by the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency. In addition, this bill would require OEHHA to submit to the board and to the Division of Occupational Safety and Health a list of toxic materials that meet the criteria established by this bill, with a recommended health-based occupational exposure limit (OEL), not later than February 1, 2009. The bill also would specify the composition of any advisory committee established by the division as well as findings required to be made by the division and the board relating to the adoption of PELs. The bill would also require the Occupational Safety and Health Standards Board to submit, no later than April 1, 2009, to the Governor and the Legislature a schedule for the adoption of standards and PELs. **Status: SENATE APPR. CLFP position: 1-Oppose**

AB 1390 (Huffman) Solid waste: diversion: illegal dumping: fees.

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 establish specified waste reduction targets for the state. This bill contains other related provisions and other existing laws. **Status: SENATE SECOND READING CLFP position: 1-Oppose**

AB 1946 (Nava) Hazardous materials: water quality: enforcement.

Would extend the statute of limitations from one-year to five-years for specified violations of hazardous material release response plans and allows district attorneys, upon request of the State Water Resources Control Board or a regional water quality control board, to petition the superior court to recover civil penalties for violations of the Porter-Cologne Water Quality Control Act. **Status: ASSEMBLY ENROLLMENT CLFP position: 1-Oppose**

AB 2175 (Laird) Water conservation.

This bill would require the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. The bill would require the state to reduce per capita use by at least 10% on or before December 31, 2015. NO credit or recognition would be given to commercial, industrial or institutional (CII) customers for their water recycling and water efficiency gains in the past or in the future. **Status: SENATE RLS. CLFP position: 1-Oppose**

SB 974 (Lowenthal) Ports: congestion relief: air pollution mitigation: regulatory fee.

Would require the Ports of Los Angeles, Long Beach, and Oakland to collect a user fee from the owner of container cargo moving through the Port of Los Angeles, the Port of Long Beach, or the Port of Oakland at a rate of \$30 per twenty-foot equivalent unit (TEU). This bill contains other related provisions and other existing laws. **Status: SENATE ENROLLMENT CLFP position: 1-Oppose**

SB 1113 (Migden) Attorney's fee and costs.

This bill would increase liability exposure and litigation costs for defendant companies and employers by allowing a prevailing plaintiff who is awarded attorney's fees under the private attorney statute to also recover expert witness fees and nonstatutory costs. This legislation would benefit prevailing plaintiffs only, not prevailing defendants. **Status: SENATE ENROLLMENT CLFP position: 1-Oppose**

SB 1338 (Migden) Workers' compensation: medical treatment: predesignation of physician.

Would delete the December 31, 2009, repeal date for those provisions pertaining to an employee's predesignation of a personal physician. This bill contains other related provisions and other existing laws. **Status: SENATE ENROLLMENT CLFP position: 1-Oppose**

SB 1536 (Kehoe) Energy: 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: ASSEMBLY THIRD READING CLFP position: 1-Oppose**

SB 1625 (Corbett) Recycling: CRV containers.

The bill would add VEGETABLE JUICE CONTAINERS, 32 ounces or smaller into the program (vegetable juice containers 16 ounces or less are all ready in the program) along with consumer product containers. This bill would also rename the California Beverage Container Recycling and Litter Reduction Act to the California Container Recycling and Litter Reduction Act, among other things. **Status: ASSEMBLY RLS. CLFP position: 1-Oppose**

SB 1713 (Migden) Children's products: bisphenol A.

Would enact the Toxin-Free Toddlers and Babies Act, which would apply the above-described prohibition and least toxic alternative requirements to certain child care articles that contain bisphenol A in detectable levels. The act would prohibit the manufacture, sale, or distribution in commerce of any bottle, cup, or other container that contains bisphenol A at a level above 0.1 parts per billion (ppb), if the container is designed or intended to be filled with any liquid, food, or beverage primarily for consumption from that container by infants or children 3 years of age or younger, subject to certain exceptions. This bill contains other existing laws. **Status: ASSEMBLY THIRD READING CLFP position: 1-Oppose**

SB 1717 (Perata) Workers' compensation: permanent partial disability benefits.

Would eliminate those provisions requiring an employer to pay an injured employee a decreased amount of permanent disability benefits if, within 60 days of a disability becoming permanent and stationary, the employer offers the injured employee regular work, modified work, or alternative work, within those specified time periods, regardless of whether the injured employee accepts or rejects the offer. The bill would also revise the formula for computing those benefits for injuries causing permanent disability, which occur on or after January 1, 2009. **Status: SENATE ENROLLMENT CLFP position: 1-Oppose**

2-Support

AB 2270 (Laird) Recycled water: water quality.

This bill would require an urban water supplier to include in its urban water management plan information on recycled water, including, in acre-feet of water per year, a description of the quantity of treated wastewater that meets recycled water standards, a description and quantification of the potential uses of recycled water, and the projected use of recycled water within the supplier's service area. The bill would authorize any local agency that maintains a community sewer system to take action to control residential salinity inputs, including those from water softeners, to protect the quality of the waters of the state, if the state board or an 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. **Status: ASSEMBLY ENROLLMENT CLFP position: 2-Support**

AB 2824 (Berryhill) Food labeling: olive oil.

Would revise the definition of extra virgin olive oil as it is proposed to be added by SB 634 to be effective only if both bills are chaptered and this bill is chaptered last. **Status: ASSEMBLY ENROLLMENT CLFP position: 2-Support**

SB 634 (Wiggins) Food labeling: olive oil.

This bill would define "extra virgin olive oil" and make other related changes, as specified. **Status: SENATE ENROLLMENT CLFP position: 2-Support**

3-Neutral

AB 1879 (Feuer) Hazardous materials: toxic substances.

Would require the department by January 1, 2011, to adopt regulations to establish a process by which chemicals or chemical ingredients in products may be identified and prioritized for consideration as being chemicals of concern. The bill would specify a procedure for the adoption of those regulations, including requiring that the department, in adopting those regulations, prepare a multimedia life cycle evaluation, as defined, and submit the regulations and the multimedia life cycle evaluation to the California Environmental Policy Council for review. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY ENROLLMENT CLFP position: 3-Neutral**

AB 2079 (Emmerson) Food.

Would deem food to be misbranded if its labeling does not conform with requirements for allergen labeling set forth in the federal Food, Drug, and Cosmetic Act. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY CHAPTERED CLFP position: 3-Neutral**

AB 2505 (Brownley) Hazardous waste: polyvinyl chloride packaging container.

This bill would prohibit a person, on and after January 1, 2010, from manufacturing, importing, selling, or distributing in commerce in this state a polyvinyl chloride packaging container, as defined. As amended, the definition for packaging container has been narrowed to exclude glass container lids which removes CLFP's opposition. **Status: SENATE APPR. SUSPENSE FILE CLFP position: 3-Neutral**

AB 2522 (Arambula) San Joaquin Valley Unified Air Pollution Control District.

Would authorize the San Joaquin Valley Unified Air Pollution Control District to increase this fee to up to, but not exceeding, \$30 for incentive-based programs to achieve surplus emissions reductions, as specified. The bill would require the state board to assess the use of these fees in achieving and maintaining state and federal ambient air quality standards. This bill contains other related provisions. **Status: ASSEMBLY ENROLLMENT CLFP position: 3-Neutral**

AB 2765 (Huffman) Pest eradication: aerial use of pesticide: public hearing: notice.
Would state the intent of the Legislature in regard to the role of county agricultural commissioners in pest suppression. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY ENROLLMENT CLFP position: 3-Neutral**

SB 509 (Simitian) Hazardous materials: toxic substances.
Would require the department to establish a Toxics Information Clearinghouse for the collection, maintenance, and distribution of specific chemical hazard traits and environmental and toxicological end-point data. The Office of Environmental Health Hazard Assessment would be required, by January 1, 2011, to evaluate and specify the hazard traits and environmental and toxicological end-points and any other relevant data that are to be included in the clearinghouse. This bill contains other related provisions. **Status: SENATE ENROLLMENT CLFP position: 3-Neutral**

4-Watch

AB 541 (Huffman) Liability: genetically engineered plants.
Would provide a protocol for obtaining and testing a crop sample to determine whether a contract has been breached or a patent on a genetically engineered plant has been infringed by a farmer who is planting, managing, or harvesting a crop, as specified. The bill would provide for agreed or court-ordered sampling, with provisions relating to notice to the parties of sampling and results, protective orders against intentional destruction or damage to crops, and fees for sampling by or under agreement with the Secretary of Food and Agriculture. The bill would provide that a farmer is not liable based on the presence or possession of a patented genetically engineered plant when the farmer did not knowingly buy or otherwise knowingly acquire the genetically engineered plant, acted in good faith and without knowledge of the genetically engineered nature of the plant, and when the genetically engineered plant is detected at a de minimis level, as specified. This bill would limit the applicability of its liability provision, as specified. This bill would state the intent of the Legislature, as specified, in enacting this act. **Status: ASSEMBLY ENROLLMENT CLFP position: 4-Watch**

AB 2286 (Feuer) Unified hazardous waste and hazardous materials.
Would require that in addition to any other funding that becomes available, the secretary shall increase the oversight surcharge by an amount necessary to establish the data system, but not to exceed \$25 each year for 3 years, to establish the statewide information management system, and would provide that not less than 75% of that funding shall be provided to certified unified program agencies and participating agencies through grant funds for the purposes of the system. The bill would require the secretary to establish milestones to measure the implementation of the information management system and provide periodic status updates to interested parties. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY ENROLLMENT CLFP position: 4-Watch**

AB 2404 (Salas) Energy efficiency: water efficiency programs.
Would require the commission, by March 31, 2010, to report to the Legislature on the results of the pilot programs, provide conclusions drawn from the pilot programs, and make recommendations as to whether the electrical and gas corporations would or could achieve cost-effective energy efficiency improvements through water conservation programs. **Status: ASSEMBLY CHAPTERED CLFP position: 4-Watch**