



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Location Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

Tuesday, April 13, 2021

10:15 a.m.

*****Virtual*****

Notice is hereby given that due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, the April 13, 2021 Legislative/Human Resources Committee meeting **will be conducted via webinar and teleconference only**. In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: April 8, 2021

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole
Secretary of the District

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**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

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Office of the Secretary: (510) 287-0440

AGENDA
Legislative/Human Resources Committee
Tuesday, April 13, 2021
10:15 a.m.
*****Virtual*****

Location

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*Committee Members John A. Coleman {Chair}, Lesa R. McIntosh,
and William B. Patterson will participate by webinar or teleconference*

***** Please see appendix for public participation instructions*****

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Legislative Update: (Dumaine)
 - Receive Legislative Report No. 04-21 and consider positions on the following bills: AB 622 (Friedman) Washing Machines: Microfiber Filtration; AB 697 (Chau) Forest Resources: National Forest Lands: Good Neighbor Authority Fund: Ecological Restoration and Fire Resiliency Projects; AB 1110 (R. Rivas) Zero-Emission Vehicles: California Clean Fleet Accelerator Program: Climate Catalyst Revolving Loan Fund Program; AB 1200 (Ting) Plant-Based Food Packaging: Cookware: Hazardous Chemicals; AB 1570 (Committee on Natural Resources) Public Resources: Omnibus Bill; SB 1 (Atkins) Coastal Resources: Sea Level Rise; SB 260 (Wiener) Climate Corporate Accountability Act; SB 372 (Leyva) Medium- and Heavy-Duty Fleet Purchasing Assistance Program: Zero-Emission Vehicles; and SB 804 (Glazer) California Conservation Corps: Forestry Training Center; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

W:\Board of Directors - Meeting Related Docs\Agendas\Agendas 2021\2021 LHR Committee\041321_LHR_agenda.doc

Legislative/Human Resources Committee Meeting
Tuesday, April 13, 2021
10:15 a.m.

EBMUD public Board meetings will be conducted via Zoom.
Board committee meetings are recorded, and live-streamed on the District's website.

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Online

<https://ebmud.zoom.us/j/98022213415?pwd=Q0JkaXptbSt3eW5XRElvRUNIZHRpUT09>

Webinar ID: 980 2221 3415

Passcode: 352334

By Phone

Telephone: 1 669 900 6833

Webinar ID: 980 2221 3415

Passcode: 352334

International numbers available: <https://ebmud.zoom.us/u/aAI2mmQjh>

Providing public comment

The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

If you wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded


To observe the Legislative/Human Resources Committee Meeting,
please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>


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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 8, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Marlaigne Dumaine, Manager of Legislative Affairs 

SUBJECT: Legislative Report No. 04-21

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on April 13, 2021.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 622 (Friedman) Washing machines: microfiber filtration; 2) Support AB 697 (Chau) Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects; 3) Support AB 1110 (R. Rivas) Zero-emission vehicles: California Clean Fleet Accelerator Program: Climate Catalyst Revolving Loan Fund Program; 4) Support AB 1200 (Ting) Plant-based food packaging: cookware: hazardous chemicals; 5) Support AB 1570 (Committee on Natural Resources) Public resources: omnibus bill; 6) Support SB 1 (Atkins) Coastal resources: sea level rise; 7) Support in Concept SB 260 (Wiener) Climate Corporate Accountability Act; 8) Support SB 372 (Leyva) Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles; 9) Support SB 804 (Glazer) California Conservation Corps: forestry training center; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

STATE LEGISLATION

RECOMMENDED POSITION

AB 622 (Friedman)	WASHING MACHINES: MICROFIBER FILTRATION	SUPPORT
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Existing law, to protect public health and water quality, regulates a broad range of consumer products and processes, including water softeners, water treatment devices, and backflow prevention devices, among others.

AB 622 (Friedman), as introduced on February 12, 2021, is a pollution prevention measure that would require all new washing machines sold in California as of January 1, 2024, to contain a microfiber filtration system with a mesh size of 100 microns or smaller.

Plastic microfibers are small plastic fibers found in synthetic fabric, including clothing. During regular washing these plastic microfibers are shed from synthetic fabric. Plastic microfibers are extremely small and once washed down a drain make their way to wastewater treatment systems and may ultimately reach waterways and the ocean, contributing to the accumulation of plastic marine debris.

According to the author, washing machines are a primary point of entry by which plastic microfibers get into waterways. However, ultra-fine particle capture devices (filters) already exist to prevent plastic microfibers from being discharged into rivers, lakes, and oceans. These filters are affordable and capture 90 percent of plastic microfibers in lab and field trials.

AB 622's requirement that new washing machines have a microfiber filter is expected to help reduce the amount of plastic microfibers in the wastewater stream. By reducing the amount of plastic microfibers in the wastewater stream, the measure would help prevent pollution of water bodies that receive wastewater discharges, including the San Francisco Bay. Additional costs are not anticipated to accrue to EBMUD as a result of the bill and an indirect benefit is expected in terms of reducing pollution in water bodies.

EBMUD has previously supported plastic microfiber pollution prevention legislation. In 2019, EBMUD supported AB 2379 (Bloom) that would have required labeling of new clothing with synthetic material to inform consumers that the clothing sheds plastic microfibers when washed, which contributes to marine plastic pollution. Consumers choosing to wash clothing less often or have clothing dry cleaned due to the labeling would be expected to release fewer plastic microfibers in the wastewater stream. AB 2379 failed to advance out of the legislature.

An official support/opposition list for AB 622 is not currently available.

AB 697	FOREST RESOURCES: NATIONAL	SUPPORT
(Chau)	FOREST LANDS: GOOD NEIGHBOR	
	AUTHORITY FUND: ECOLOGICAL	
	RESTORATION AND FIRE RESILIENCY	
	PROJECTS	

Federal law permits the U.S. Department of Agriculture's Forest Service (Forest Service) to enter into agreements with state forestry agencies to do critical management work to keep forests healthy and productive under the "Good Neighbor Authority" (GNA). In 2018, Congress expanded the authority to permit the Forest Service to also enter into agreements with counties, groups of counties and federally recognized Indian tribes, and to allow states to retain funds from timber sales allowed by the GNA.

Existing law also authorizes the Forest Service to use stewardship agreements to engage any non-federal partner when there is mutual interest and mutual benefit for a proposed project to be implemented on federal land. Although there are differences between GNA agreements and

stewardship agreements—such as eligible partners, maximum agreement duration, project goals and match requirements—both types of agreements strengthen coordination and collaboration to increase pace and scale of restoration across national forest land.

At the state level, existing law establishes the Good Neighbor Authority Fund (GNA Fund), administered by the California Department of Forestry and Fire Protection (CAL FIRE). These funds are available, upon appropriation by the legislature, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands. The GNA Fund is the depository for revenues derived from the sale of forest products from federal lands, consistent with federal law. The GNA Fund was established by AB 92 (Committee on Budget, Statutes of 2020). AB 697 (Chau), as introduced February 16, 2021, is the next step in formalizing a GNA program in California.

According to the author, the objective of AB 697 is to “help the state plan, manage and implement forest restoration projects on Forest Service lands...that would accelerate the pace and scale of ecologically based forest management.” The author notes that “the federal government owns and manages 57% of California’s 33 million acres of forestland” and that “many major wildfires start on federal forestlands [and] then spread and damage communities throughout our state.”

Specifically, the bill would require CAL FIRE to establish a program to conduct ecological restoration and fire resiliency projects on national forest lands and would make the planning and implementation of these projects eligible for GNA funding. Priority would be given to forest restoration and fuels reduction projects that are landscape scale, are focused on ecological restoration and based on the best available science, emphasize the use of prescribed fire, and include as important goals community fire protection and the protection of water infrastructure and other infrastructure. The bill allows CAL FIRE to contract with Native American tribes, local governments, forest collaboratives, resource conservation districts, and qualified non-governmental organizations for these projects.

AB 697 is expected to encourage better forest and ecosystem management in California, as well as greater attention to the importance of protection of watersheds and water infrastructure. Improved forest management on federal lands may lessen fire risk for both federal lands and proximate non-federal lands. At the local level, the vast majority of undeveloped lands within the Upper Mokelumne River watershed are managed by the Forest Service and the Bureau of Land Management. AB 697 may facilitate future projects on federal lands in the Mokelumne River watershed that are in addition to those undertaken as part of the 2016 master stewardship agreement between the Upper Mokelumne River Watershed Authority (UMRWA) and the Forest Service. Accordingly, AB 697 is expected to benefit EBMUD and UMRWA by providing an additional option for collaborative projects on federal lands. It is not anticipated that this bill will impose new costs or requirements on EBMUD or its UMRWA partners.

EBMUD has previously supported measures to facilitate forest health and fire prevention. In 2020, EBMUD supported SB 1348 (Stern) which would have expanded grants for forest health

and fire prevention efforts and made a number of other beneficial changes to state law and fire management. SB 1348 failed to advance out of the legislature.

The official list of support and opposition to AB 697 is shown below.

Support

Opposition

Association of California Water Agencies
California Association of Resource
Conservation Districts
California Native Plant Society
Defenders of Wildlife
Sierra Business Council
The Nature Conservancy
The Watershed Research and Training
Center

None on file

**AB 1110
(R. Rivas)**

**ZERO-EMISSION VEHICLES:
CALIFORNIA CLEAN FLEET
ACCELERATOR PROGRAM:
CLIMATE CATALYST REVOLVING
LOAN FUND PROGRAM**

SUPPORT

Existing law, the Charge Ahead California Initiative, administered by the State Air Resources Board (CARB), includes goals of, among other things, placing in service at least 1,000,000 zero-emission and near zero-emission vehicles by January 1, 2023. Goals also include establishing a self-sustaining California market for zero-emission and near zero-emission vehicles in which these vehicles are a viable mainstream option for individual vehicle purchasers, businesses, and public fleets. In addition, the Climate Catalyst Revolving Loan Fund Act of 2020 established the Climate Catalyst Revolving Loan Fund Program to provide low-cost, low-interest financing to support eligible low carbon technology and infrastructure projects.

AB 1110 (R. Rivas), as amended on March 23, 2021, is intended to remove barriers public agencies face in transitioning to zero-emission vehicles. To accomplish this, AB 1110 would primarily do three things: 1) establish a Clean Vehicles Ombudsman within the Governor's Office of Business and Economic Development to provide technical assistance to public agencies, upon request, in procuring zero-emission fleet vehicles; 2) make zero-emission fleet vehicles available through a streamlined bulk purchase process by requiring the Department of General Services to develop a nonmandatory master service agreement with standard pricing for bulk purchases of zero-emission fleet vehicles; and 3) provide financial assistance for purchasing zero-emission vehicles by expressly providing that the acquisition of a zero-emission fleet vehicle through the master service agreement is eligible for financial assistance under the Climate Catalyst Revolving Loan Fund Program. Under AB 1110, zero-emission fleet vehicles

would include vehicles and off-road equipment such as forklifts and motorized construction or utility equipment, as well as electric bicycles.

According to the California Zero-Emission Vehicle Market Development Strategy, greenhouse gas emissions “are falling in California as a whole, led by our clean electricity sector, but transportation still accounts for nearly 50 percent of the total. Medium- and heavy-duty trucks are the largest source of vehicle pollution” even though they make up only two million of the 30 million registered vehicles in California. A “robust, competitive, and equitable zero-emission vehicle market is a critical and necessary answer to a series of stubborn problems, including but not limited to: greenhouse gas emissions, toxic air contaminants, and criteria pollutants from California’s more than 30 million vehicles and corresponding fossil-fuel consumption.”

On September 23, 2020, Governor Newsom issued Executive Order N-79-20 establishing the goal that 100 percent of in state sales of new passenger cars and light-duty trucks be zero-emission by 2035; medium- and heavy-duty vehicles in the state be zero-emission by 2045, where feasible; and off-road vehicles and equipment operations be zero-emission by 2035, where feasible.

According to the bill’s author, public agencies and entities face multiple barriers to adopting zero-emission vehicles. These agencies and entities have limited resources to acquire zero-emission vehicles. AB 1110 is intended to help public agencies and entities navigate the process and gain access to technical assistance and financing to replace gas-powered fleets with zero-emission vehicles.

EBMUD’s Policy 7.07 (Energy), includes the goal for EBMUD to eliminate indirect and direct greenhouse gas (ghg) emissions for the water system by 2030, and to eliminate indirect ghg emissions and reduce direct ghg emission by 50 percent compared to 2000 levels by 2040 for the wastewater system. This policy also states that EBMUD will “consider using alternative energy sources for operating vehicles and equipment” and invest in equipment, develop programs, and support industry efforts to increase overall vehicle fuel economy and efficiency. As part of EBMUD’s goals to eliminate ghg emissions for the water system EBMUD is considering using alternative fuels and technology for operating vehicles and equipment. EBMUD has purchased zero-emission passenger vehicles when/where feasible. Currently, nearly 100 percent of the medium- and heavy-duty fleet has transitioned to renewable diesel and EBMUD is continually exploring options for procuring other zero-emission trucks and equipment.

In addition, EBMUD is the first water utility to join CALSTART, a nonprofit organization working with businesses and government agencies to develop clean, efficient transportation solutions. With the help of CALSTART, EBMUD hopes to identify medium- and heavy-duty vehicle technologies to further compliance with current and future regulations and meet EBMUD’s ghg emission reduction goals. EBMUD also signed the Drive to Zero pledge, committing support to accelerate the growth of global zero-emission and near zero-emission commercial vehicles. The Drive to Zero effort envisions that zero- emission and near zero-emission technology will be commercially viable by 2025 and widely available by 2040 in

specific vehicle segments and regions. EBMUD is the first water utility to make this pledge, joining partners such as cities, regional and national governmental agencies, manufacturers, fleets, fuel/energy suppliers, and regulators including CARB and the Bay Area Air Quality Management District.

While it is unclear how the master service agreement provided for in the bill would interact with existing public contracting requirements regarding competitive bidding, the intent of AB 1110 to assist public agencies transition to zero-emission vehicles is consistent with EBMUD policies and its ghg emission reduction goals, including efforts to transition to cleaner vehicles. The bill would provide additional tools to assist public agencies transition to zero-emission vehicles and would not result in additional costs to EBMUD. Though public agencies, including EBMUD, may currently purchase vehicles under competitively awarded state contracts, AB 1110 could provide additional technical and financial assistance for public agencies, such as EBMUD, to acquire zero-emission vehicles.

While the issue of zero-emission vehicles is a relatively new topic of legislation, AB 1110 is consistent with EBMUD's Policy 7.07 (Energy), as mentioned above, and Policy 7.15 (Climate Action) which states that EBMUD will "consider the impacts of climate change and take appropriate action to understand, mitigate and adapt to those impacts through sustainable activities that manage long-term economic, environmental and human resource benefits."

An official support/opposition list for AB 1110 is not currently available.

AB 1200	PLANT-BASED FOOD PACKAGING:	SUPPORT
(Ting)	COOKWARE: HAZARDOUS CHEMICALS	

Existing law generally prohibits the manufacture, sale, or distribution of any toy or child-care article that contains phthalates exceeding a specified percentage, as well as any bottle or cup containing bisphenol A, above a specified detectable level, if the bottle or cup is designed or intended to be used by children 3 years of age or younger. In addition, existing law, beginning January 1, 2025, prohibits the manufacture, sale, or delivery of any cosmetic product containing any of several specified intentionally added ingredients, such as perfluoroalkyl and polyfluoroalkyl substances (PFAS), except under specified circumstances.

AB 1200 (Ting), as amended on March 29, 2021, is intended to reduce exposure to PFAS and other hazardous chemicals. AB 1200 would do two primary things: 1) ban food packaging containing PFAS; and 2) require chemical disclosures for cookware sold in California.

Under AB 1200, beginning January 1, 2023, a person may not distribute, sell, or offer for sale plant-based food packaging that contains intentionally added PFAS and manufacturers must use the least toxic alternative when replacing PFAS in the packaging products. In addition, beginning January 1, 2024, a manufacturer of cookware that contains one or more intentionally added chemicals present on the Department of Toxic Substances and Control's (DTSC) list of candidate chemicals must include a statement on the product label regarding the presence of the

chemicals. A cookware manufacturer would also be prohibited from making a claim, either on the cookware package or on the cookware internet website that the cookware is free of any specific chemical if it is intentionally added and belongs to a chemical group or class identified on DTSC's list of candidate chemicals.

According to the Senate Committee on Environmental Quality, PFAS are a group of nearly 5,000 man-made chemicals including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonate (PFOS). "Produced since the 1950s, PFAS chemicals, used in food packaging, stain- and water-repellent fabrics, nonstick products such as Teflon, and in fire-fighting foams, have been linked to cancers and other health issues."

According to the author's office, PFAS used in food packaging presents a unique risk to humans because it can migrate from the package into the food. With regard to cookware, many cookware label statements mislead buyers into believing the pots or pans that they are buying are made without hazardous chemicals. For instance, some labels make the claim that they are free from one specific PFAS chemical even though the cookware may contain other PFAS chemicals.

PFAS are increasingly a topic of public concern, including for water and wastewater agencies. EBMUD has an extensive water quality program, which includes sampling, testing, and treatment, to ensure that customers receive high-quality drinking water that meets or exceeds all state and federal regulatory requirements. EBMUD voluntarily monitors its drinking water for several PFAS chemicals including, PFOA and PFOS and has not detected significant concentrations of these substances to date.

With regard to wastewater, in July 2020, the State Water Resources Control Board (SWRCB) issued an investigative order that requires publicly owned treatment works (treatment plants) to monitor for a variety of PFAS compounds in influent, effluent, and biosolids. Treatment plants regulated by the San Francisco Bay Regional Water Quality Control Board, including EBMUD's Main Wastewater Treatment Plant, are conducting a separate PFAS monitoring study through the Regional Monitoring Program run by the San Francisco Estuary Institute (SFEI) and are not subject to the SWRCB order. EBMUD is participating in the SFEI study, which will utilize sampling from representative facilities, including EBMUD.

Since PFAS are ubiquitous in consumer and industrial products, and water and wastewater agencies have limited means to control the trace amounts of these chemicals that enter the environment from a variety of sources, a source control or pollution prevention approach may offer the best manner to address PFAS and protect public health.

AB 1200 takes a pollution prevention approach to address the proliferation of PFAS in the environment by taking a step to eliminate their use in plant-based food packaging, as well as requiring consumer notification about the presence of PFAS and other chemicals in cookware.

With regard to anticipated costs and benefits to EBMUD and its ratepayers, benefits are anticipated in terms of improved public health that would accrue from eliminating sources of,

and educating consumers about the presence of, PFAS. Additional costs are not anticipated to accrue as a result of AB 1200.

EBMUD has supported prior legislation to address PFAS pollution at its source. In 2020, EBMUD supported SB 1044 (Allen) to protect drinking water and reduce health risks to firefighters by banning the use of class B firefighting foam containing intentionally added PFAS and requiring notification of the presence of PFAS in the protective equipment of firefighters.

The official list of support and opposition to AB 1200 is shown below.

Support

Breast Cancer Prevention Partners (CO-SPONSOR)
Center for Environmental Health (CO-SPONSOR)
Clean Water Action (CO-SPONSOR)
Environmental Working Group (CO-SPONSOR)
Natural Resources Defense Council (CO-SPONSOR)
Alliance of Nurses for Healthy Environments
American Academy of Pediatrics, California
American College of Obstetricians and Gynecologists District IX
Ban Single Use Plastic (SUP)
Black Women for Wellness Action Project
Breast Cancer Action
Breast Cancer Over Time
California Alliance of Nurses for Healthy Environments
California Association of Sanitation Agencies
California Compost Coalition
California Health Coalition Advocacy
California Healthy Nail Salon Collaborative
California Product Stewardship Council
Californians Against Waste
CALPIRG
Center for Community Action and Environmental Justice
Center for Oceanic Awareness, Research, and Education, the

Support continued

Center for Public Environmental Oversight
Clean Production Action
Compost Manufacturing Alliance
Consumer Attorneys of California
Consumer Federation of California
Courage California
Defend Our Health (formerly Environmental Health Strategy Center)
Educate. Advocate.
Erin Brockovich Foundation
Facts: Families Advocating for Chemical & Toxins Safety
Families Advocating for Chemical and Toxics Safety
Friends Committee on Legislation of California
Friends of The Earth U.S.
Heal the Bay
Integrated Resource Management
Just Transition Alliance
Keep a Breast
Los Angeles County Sanitation Districts
Made Safe
Marin Sanitary Service
Michael J Fox Foundation
National Stewardship Action Council
Northern California Recycling Association
Pacoima Beautiful
Plastic Oceans International
Plastic Pollution Coalition
Recology
Resource Recovery Coalition of California

Support continued

Rethink Disposable
Safer States
San Francisco Bay Physicians for Social
Responsibility
San Francisco Baykeeper
Save Our Shores
Science and Environmental Health Network
Seventh Generation Advisors
Sierra Club California
The 5 Gyres Institute
Upstream
Wishtoyo Chumash Foundation
Womens Voices for The Earth
Woodland Coalition for Green Schools
Worksafe
Zero Waste USA

Opposition

American Chemistry Council
American Forest & Paper Association
California Chamber of Commerce
California Manufacturers & Technology
Association
Chemical Industry Council of California

**AB 1570
(Committee on
Natural Resources)**

PUBLIC RESOURCES: OMNIBUS BILL

SUPPORT

Existing law requires the California Department of Forestry and Fire Protection (CAL FIRE) to assist local governments in preventing future wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within CAL FIRE's budgetary limitations.

AB 1570, an omnibus bill authored by the Assembly Natural Resources Committee, would make minor, non-controversial changes to several unrelated provisions contained in the Public Resources Code, including one of relevance to EBMUD. The bill clarifies, for purposes of the requirement in existing law that CAL FIRE make its wildland fire prevention and vegetation management expertise available, that the definition of "local governments" includes "cities, counties, and special districts." The bill also expands and modernizes the public resource benefits specified in existing law that may accrue from CAL FIRE's expertise in these areas.

AB 1570 acknowledges the role of special districts in this section of law, and may create opportunities for greater collaboration between CAL FIRE and special districts, including EBMUD. There is no anticipated cost to EBMUD or its ratepayers related to the bill's provisions.

EBMUD has previously supported measures to facilitate forest health and fire prevention. In 2020, EBMUD supported SB 1348 (Stern) which would have expanded grants for forest health

and fire prevention efforts and made a number of other beneficial changes to state law and fire management. SB 1348 failed to advance out of the legislature.

An official support/opposition list for AB 1570 is not currently available.

SB 1	COASTAL RESOURCES: SEA LEVEL	SUPPORT
(Atkins)	RISE	

Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission (Coastal Commission) and provides for planning and regulation of development in the coastal zone. Existing law also requires the Natural Resources Agency, in collaboration with the Ocean Protection Council (OPC), to create and post on an internet website a Planning for Sea-Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. In addition, existing law establishes the Environmental Justice Small Grant Program under the jurisdiction of the Environmental Protection Agency, with the purpose to provide grants to eligible community groups that are located in areas adversely affected by environmental pollution and hazards and that are involved in work to address environmental justice issues.

SB 1 (Atkins), as amended on March 23, 2021, is intended to establish a comprehensive state sea level rise program to assess and mitigate sea level rise and to assist local governments and communities respond to the challenge of sea level rise.

SB 1 would do four main things: 1) direct the Coastal Commission to take into account sea level rise in its coastal planning, development, and mitigation efforts; 2) establish the California Sea Level Rise State and Regional Support Collaborative (Collaborative) within the OPC to support local, regional, and state agencies in identifying, assessing, planning for, and mitigation of sea level rise effects within the coastal zone; 3) authorize the Collaborative to spend up to \$100 million, upon appropriation by the legislature, for grants to local governments to update land use plans to take sea level rise into account and for investments to implement those plans; and 4) increase the annual funding available for the Environmental Justice Small Grant Program and authorize up to \$500,000 annually be used for grants to organizations working to address and mitigate the effects of sea level rise in disadvantaged communities impacted by sea level rise.

According to SB 1's findings, "California has 1,264 miles of coastline, and, if small bays and inlets are included, it has up to 3,000 miles of coastline located on the western seaboard of the United States, all of which is prone to the severe and pervasive effects of sea level rise." Sea level rise impacts will be significant and could occur as soon as within the next decade. "As with most impacts from climate change, the impacts of sea level rise are both environmental and economic, including losses to publicly owned infrastructure, such as airports, rail lines, streets and highways, pipelines, wastewater treatment plants, schools, hospitals, and other facilities."

EBMUD has proactively considered the impacts of climate change and has been evaluating actions to understand, mitigate, and adapt to the risks associated with climate change, including

sea level rise. Nearly all of EBMUD's wastewater facilities, including the Main Wastewater Treatment Plant (MWWTP), are within a short distance of the San Francisco Bay, increasing the likelihood of impacts as the climate changes and sea levels rise. While rising sea levels will likely result in increased wastewater effluent pumping and energy use, and inundation of coastal areas and facilities due to increased groundwater and sea level near the shoreline, a 30-year forecast indicates that the MWWTP is expected to avoid major inundation except during extreme (100-year) storm events. EBMUD is incorporating sea level rise adaptation into current construction and rehabilitation projects. In addition, EBMUD is collaborating with other public agencies in the vicinity to ensure that critical wastewater infrastructure remains resilient into the next century.

SB 1 is intended to establish new planning, assessment, funding, and mitigation tools for California to address and respond to sea level rise. This measure will support sea level rise adaptation and mitigation efforts, provide funding to help with planning for, and projects to protect against, sea level rise, and ultimately assist in protecting potentially vulnerable infrastructure, such as EBMUD's MWWTP. SB 1's approach is consistent with EBMUD's 2021 Climate Action Plan and Policy 7.05 (Sustainability and Resilience) and its efforts to consider and plan for the impacts of climate change.

Additional costs are not expected to accrue as a result of SB 1. Benefits are anticipated in terms of furthering sea level rise mitigation and possible funding opportunities for projects that would benefit the San Francisco Bay Area.

EBMUD has previously supported legislation intended to address sea level rise impacts. In 2014, EBMUD supported SB 1184 (Hancock) that would have required the San Francisco Bay Conservation and Development Commission to prepare a regional resilience strategy for adapting to rising sea levels in the San Francisco Bay in collaboration with state, regional, and local government agencies to help protect potentially vulnerable infrastructure and Bay Area residents from possible inundation and flooding due to sea level rise. AB 1184 failed to advance out of the legislature.

The official list of support and opposition to SB 1 is shown below.

Support

California Coastal Protection Network
California Coastkeeper Alliance
Surfrider Foundation
The Nature Conservancy

Opposition

None listed

**SB 260
(Wiener)**

**CLIMATE CORPORATE
ACCOUNTABILITY ACT**

**SUPPORT IN
CONCEPT**

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board (CARB) as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases (ghg). CARB is required to make available, and update at least annually, on its internet website the emissions of ghg, criteria pollutants, and toxic air contaminants for each facility that reports to CARB.

SB 260 (Wiener), as amended on April 5, 2021, is intended to address climate change impacts and assist the state in reducing ghg emissions by expanding ghg emission reporting and reduction target requirements to large companies.

SB 260 requires CARB, on or before January 1, 2023, to develop and adopt regulations requiring United States-based companies with annual revenues in excess of \$1 billion that do business in California to publicly disclose their ghg emissions, categorized as scope 1, 2, and 3 emissions from the prior calendar year. Scope 1 emissions are direct ghg emissions that stem from sources that a company owns or directly controls, including fuel combustion activities. Scope 2 emissions are indirect ghg emissions from electricity purchased and used. Scope 3 emissions are indirect emissions, other than Scope 2 emissions, from activities that stem from sources that a company does not own or directly control and may include, but are not limited to, emissions associated with the company's supply chain, business travel, employee commutes, procurement, waste, and water usage.

Under SB 260, the companies subject to the bill must begin reporting to CARB and publicly disclosing ghg emissions on an annual basis on or before January 1, 2024. In addition, on or before January 1, 2024, CARB must develop and adopt regulations requiring the companies subject to the bill to set and annually report to CARB science-based emissions targets based on emissions the companies have reported to CARB. The companies must then begin publicly disclosing the science-based emissions targets annually on or before January 1, 2025. The public disclosures of ghg emissions and emissions targets must be verified by an independent third-party auditor approved by CARB.

In 2005, then-Governor Schwarzenegger issued an executive order which set targets to reduce ghg emissions in the state to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. AB 32 (Nunez), the California Global Warming Solutions Act of 2006, subsequently placed the 2020 goal into law. In 2015, then-Governor Brown issued an executive order establishing an interim statewide greenhouse gas emissions target to reduce emissions to 40 percent below 1990 levels by 2030 in order to "ensure California meets its targets of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050." In 2016, SB 32 (Pavley) subsequently placed the 2030 goal into law.

According to the author, "California has been at the forefront of climate policy in recent decades, establishing renewable energy requirements for electricity providers...and setting and achieving

ambitious emission reduction targets. These reductions were partially met, and continue to be bolstered by the emission reporting requirements as laid out in the California Global Warming Solutions Act. These requirements, however, only apply to electricity generators, industrial facilities, fuel suppliers, and other major emitters, missing many sources of corporate pollution. Without the same requirements for these corporate entities, California is left without the proper information needed to regulate, and eventually decrease these emissions. The first step in reigning in the corporate carbon emissions is expanding reporting requirements beyond what California currently has in place.”

According to the bill’s findings, the current approach for monitoring climate emissions from private corporate enterprises relies almost exclusively on voluntary reporting of greenhouse gas inventories, goals, commitments, and agreements. Mandating ghg “emissions data disclosure and science-based emissions targets for all United States-based companies with total annual revenues in excess of \$1 billion and that do business in California will also inform policymaking, empower the public and activate the private sector to drive corporate ghg emissions reductions, and is a critical next step the state must take to achieve its climate goals.”

SB 260 attempts to address the complex issue of regulating ghg emissions from large companies, including indirect (Scope 3) emissions that are beyond a company’s direct control. The bill is early in the legislative process and therefore may be subject to further consideration and refinement. Some examples include the areas below:

- While various organizations allow for voluntary reporting of Scope 3 emissions, it is unclear at this time whether there is one standardized way of accounting for Scope 3 emissions. Development of a standardized way of reporting these emissions may be required.
- It is also unclear if the corporations subject to SB 260 would utilize a standard method of accounting for ghg emissions associated with water usage or whether water agencies, such as EBMUD, would have to provide information to the companies regarding water usage and ghg emissions associated with the provision of water to the company.

With regard to benefits and costs, it is expected that SB 260 would indirectly benefit EBMUD ratepayers by increasing ghg emission reductions in the state. Given that the bill would impose new regulatory requirements on large corporations it is unclear at this time if the bill would impose additional cost burdens on EBMUD ratepayers through any increased costs the companies accrue being passed onto consumers.

Overall, the concept of SB 260 to reduce ghg emissions is commendable and consistent with EBMUD’s 2021 Climate Action Plan; EBMUD’s goal to eliminate indirect and direct ghg emissions for the water system by 2030, and to eliminate indirect ghg emissions and reduce direct ghg emission by 50 percent compared to 2000 levels by 2040 for the wastewater system; as well as EBMUD policies including EBMUD’s Policy 7.15 (Climate Action), Policy 7.07 (Energy), and Policy 7.05 (Sustainability and Resilience), though there are areas of the bill that would benefit from further consideration. While this measure seeks to reduce ghg emissions for a

specific sector, namely large companies, the author may wish to consider this measure in a broader context that acknowledges the need for a comprehensive and holistic statewide approach that takes into account the interplay between all sectors to successfully meet ghg emission reduction goals.

EBMUD has previously taken positions on measures intended to address the impacts of climate change. In 2016, EBMUD supported SB 1425 (Pavley) to require the development of a voluntary registry for greenhouse gas emissions resulting from the water-energy nexus. SB 1425 was signed into law (Chapter 596 of 2016). In 2015, EBMUD supported SB 32 (Pavley) to place ghg emission reduction targets for 2030 in statute. SB 32 was signed into law (Chapter 249 of 2016).

An official support/opposition list for SB 260 is not currently available.

SB 372	MEDIUM- AND HEAVY-DUTY FLEET	SUPPORT
(Leyva)	PURCHASING ASSISTANCE PROGRAM:	
	ZERO-EMISSION VEHICLES	

Existing law, the California Pollution Control Financing Authority Act, establishes the California Pollution Control Financing Authority (Authority), with specified powers and duties, and authorizes the Authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.

SB 372 (Leyva), as amended on March 4, 2021, is intended to help owners of medium- and heavy-duty vehicles purchase cleaner zero-emission alternatives. To accomplish this, the bill would require the Authority to establish a program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The Authority must consult with various state agencies and stakeholders in the development and implementation of the program.

Under SB 372, among other things, the Authority must do the following: 1) seek input from stakeholders on critical barriers that impede fleet operators from transitioning to zero-emission vehicles, the financing tools and nonfinancial supports that should be used to overcome the barriers operators face in transitioning to zero-emission vehicles, and how to determine whether the program is successful in meeting its goals; 2) provide “financing tools to operators of large fleets to increase access to private capital in ways that make it easier, less expensive, or reduce uncertainties, or any combination of these things, for the operators to transition to zero-emission vehicles”; and 3) create, in coordination with other state agencies that administer similar programs, a one-stop shop to provide information to fleet operators about all of the potential financing and grant options and other technical assistance available to help obtain financing for zero-emission medium- and heavy-duty vehicles.

On September 23, 2020, Governor Newsom issued Executive Order N-79-20 establishing the goal that 100 percent of in state sales of new passenger cars and light-duty trucks be zero-emission by 2035; medium- and heavy-duty vehicles in the state be zero-emission by 2045,

where feasible; and off-road vehicles and equipment operations be zero-emission by 2035, where feasible.

The findings of SB 372 note that “emissions from medium- and heavy-duty vehicles make up a significant proportion of harmful air pollution in California, despite making up just 7 percent of vehicles on the road.” The use of zero-emission vehicles rather than internal combustion engines can save money for fleet operators over the lifetime of the zero-emission vehicles because the zero-emission vehicles have lower operations costs though even with lower operating costs, transitioning to zero-emission vehicles requires near-term, scalable, and replicable financing tools and nonfinancial supports, such as technical and policy supports.

According to the author, “California’s current solution for financing the transition to zero-emission vehicles has been largely limited to rebate programs. Unfortunately, these limited options do not meet the diverse financial needs of current and future fleet owners.” SB 372 is intended to create more options to maximize available funding and ensure that transition to zero-emission vehicles is a viable option for all fleets.

EBMUD’s Policy 7.07 (Energy), includes the goal for EBMUD to eliminate indirect and direct greenhouse gas (ghg) emissions for the water system by 2030, and to eliminate indirect ghg emissions and reduce direct ghg emission by 50 percent compared to 2000 levels by 2040 for the wastewater system. This policy also states that EBMUD will “consider using alternative using alternative energy sources for operating vehicles and equipment” and invest in equipment, develop programs, and support industry efforts to increase overall vehicle fuel economy and efficiency. As part of EBMUD’s goals to eliminate ghg emissions for the water system EBMUD is considering using alternative fuels and technology for operating vehicles and equipment. EBMUD has purchased zero-emission passenger vehicles when/where feasible. Currently, nearly 100 percent of the medium- and heavy-duty fleet has transitioned to renewable diesel and EBMUD is continually exploring options for procuring other zero-emission trucks and equipment.

In addition, EBMUD is the first water utility to join CALSTART, which is a nonprofit organization working with businesses and government agencies to develop clean, efficient transportation solutions. With the help of CALSTART, EBMUD hopes to identify medium- and heavy-duty vehicle technologies to further compliance with current and future regulations and meet EBMUD’s ghg emission reduction goals. EBMUD also signed the Drive to Zero pledge, committing support to accelerate the growth of global zero-emission and near zero-emission commercial vehicles. The Drive to Zero effort envisions that zero- emission and near-zero-emission technology will be commercially viable by 2025 and widely available by 2040 in specific vehicle segments and regions. EBMUD is the first water utility to make this pledge, joining partners such as cities, regional and national governmental agencies, manufacturers, fleets, fuel/energy suppliers, and regulators including the State Air Resources Board and the Bay Area Air Quality Management District.

Though SB 372 is a work in progress, the intent of the bill to assist operators of medium- and heavy-duty vehicles transition to zero-emission medium- and heavy-duty vehicles is consistent with EBMUD policies and its ghg emission reduction goals, including efforts to transition to cleaner vehicles. The bill would not result in additional costs to EBMUD and could potentially benefit EBMUD by providing additional tools to assist in transitioning to zero-emission medium- and heavy-duty vehicles.

While the issue of zero-emission vehicles is a relatively new topic of legislation, SB 372 is consistent with EBMUD's Policy 7.07 (Energy), as mentioned above, and Policy 7.15 (Climate Action) which states that EBMUD will "consider the impacts of climate change and take appropriate action to understand, mitigate and adapt to those impacts through sustainable activities that manage long-term economic, environmental and human resource benefits."

An official support/opposition list for SB 372 is not currently available.

SB 804 CALIFORNIA CONSERVATION CORPS: SUPPORT
(Glazer) FORESTRY TRAINING CENTER

Existing law establishes the California Conservation Corps (Corps) in the Natural Resources Agency and requires the Corps to implement and administer the various Corps programs. The Director of the Corps may establish the Education and Employment Reentry Program to develop, partner with, and create opportunities for certain forestry corps program objectives.

SB 804 (Glazer), as amended April 5, 2021, would require the Director of the Corps, in partnership with the California Department of Forestry and Fire Protection (CAL FIRE) and the Department of Corrections and Rehabilitation (CDCR), to establish a forestry training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry jobs.

According to the measure, the focus of the new facility would be on forestry and would be modeled after an existing firefighting training and certification facility located in Ventura, California. In addition to forestry training, the northern California training center could also provide training modules in fire prevention, fire suppression, emergency incident response, and resource management. Priority for enrollment at the training center would be given to formerly incarcerated individuals who have successfully served on a California Conservation Camp Program crew and were recommended by the Director of CAL FIRE and the Secretary of CDCR. Successful completion of a training program at the training center would constitute qualifying experience for an entry-level forestry position at CAL FIRE.

According to the author, "the state already allows incarcerated individuals to work on firefighting crews...creating a forestry training program for formerly incarcerated individuals will decrease recidivism rates by creating a path to gainful employment while increasing the number of forestry professionals in the state."

Benefits would likely accrue to EBMUD in terms of increasing vegetation management resources in EBMUD's watershed areas as well as increasing the number of diverse, trained candidates eligible to compete for EBMUD positions. There are no anticipated costs to EBMUD.

The bill's focus on forestry management, reducing damage from wildfires through increased vegetation management, and increasing pathways to jobs are consistent with previous EBMUD bill positions. For example, last year EBMUD supported SB 1348 (Stern) to increase statewide forest and vegetation management activities and related funding. SB 1348 did not advance out of the legislature. EBMUD also supports SB 61 (Hurtado) of the current session, a workforce development bill that would help fund supportive services for low-income workforce participants to ensure they can fully participate in training programs.

A list of support and opposition is not currently available.

STATE AND FEDERAL GOVERNMENT ACTIONS RELATED TO THE CORONAVIRUS DISEASE 2019 (COVID-19)

INFORMATION

An overview of key state and federal actions taken in response to the COVID-19 pandemic since the March 4, 2021 Legislative Report No. 03-21 is provided below.

State Government Actions

Subsequent to the writing of Legislative Report No. 03-21, one executive order relative to COVID-19 was issued. The executive order is not of direct interest to EBMUD.

In addition, in March the legislature passed and the governor signed three COVID-19 related budget trailer bills, AB 83 (Committee on Budget), AB 88 (Committee on Budget), and SB 95 (Skinner). AB 83 and AB 88 went into effect on March 17. SB 95 went into effect on March 29.

AB 83 and AB 88 made technical clean-up amendments to SB 94 (Skinner) related to restaurant and bar fee waivers and SB 88 (Committee on Budget) regarding one-time stimulus payments, respectively, that were part of the economic relief package approved by the legislature and governor in February. Information on the relief package was included in Legislative Report No. 03-21.

SB 95 relates to COVID-19 supplemental sick leave, and among other things, the bill does the following:

- Provides for COVID-19 supplemental paid sick leave for employees under state law due to the expiration on December 31, 2020, of the obligation to provide COVID-19 related paid sick leave under the Families First in Coronavirus Response Act, which is federal law;

- Specifies that the COVID-19 supplemental paid sick leave applies retroactively to January 1, 2021, and remains in effect through September 30, 2021;
- Provides that a covered employee is entitled to COVID-19 supplemental paid sick leave if the employee is unable to work or telework under specified conditions including but not limited to experiencing symptoms for COVID-19 and seeking a medical diagnosis, needing to self-quarantine, attending an appointment to receive a COVID-19 vaccine, experiencing symptoms related to a COVID-19 vaccine, and caring for a family member who needs to self-quarantine;
- Provides up to 80 hours of COVID-19 supplemental leave to eligible employees that is in addition to any paid sick leave available under existing law;
- Specifies that an employer shall not require a covered employee to use other paid leave or unpaid leave before the employee uses COVID-19 supplemental paid sick leave or in lieu of such leave; and
- Requires, upon request of an employee, an employer to provide retroactive payment to an employee that took unpaid leave for COVID-19-related reasons between January 1, 2021 and March 29, 2021.

Staff is evaluating these provisions in the context of EBMUD operations.

Federal Government Actions

Staff continues to track implementation of H.R. 1319, the American Rescue Plan Act of 2021, and provisions of importance to EBMUD, including the allocation of water and wastewater rate assistance which remains pending.

Next Steps

Staff is continuing to pursue funding eligibility for EBMUD under federal COVID-19 relief packages, including the state implementation of the funding allocations, and is engaged in discussions regarding future federal stimulus efforts. Staff will continue to monitor state and federal government actions in response to COVID-19 and engage as warranted. Staff will continue to provide updates to the Board, as appropriate.

CCC:MD:DM/JW

Attachments

ASSEMBLY BILL

No. 622

**Introduced by Assembly Member Friedman
(Coauthor: Assembly Member Stone)**

February 12, 2021

An act to add Chapter 10 (commencing with Section 119410) to Part 15 of Division 104 of the Health and Safety Code, relating to environmental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 622, as introduced, Friedman. Washing machines: microfiber filtration.

Existing law, to protect public health and water quality, regulates a broad range of consumer products and processes, including water softeners, water treatment devices, and backflow prevention devices, among others.

This bill would require, on or before January 1, 2024, that all washing machines sold as new in California contain a microfiber filtration system with a mesh size of 100 microns or smaller.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 10 (commencing with Section 119410)
- 2 is added to Part 15 of Division 104 of the Health and Safety Code,
- 3 to read:

1 CHAPTER 10. WASHING MACHINES

2

3 119410. On or before January 1, 2024, all washing machines
4 sold as new in California shall contain a microfiber filtration system
5 with a mesh size of 100 microns or smaller.

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ASSEMBLY BILL

No. 697

**Introduced by Assembly Member Chau
(Principal coauthor: Assembly Member Mullin)**

February 16, 2021

An act to amend the heading of Chapter 6 (commencing with Section 4810) of Part 2.5 of Division 4 of, to amend Section 4810 of, and to add Sections 4811 and 4812 to, the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL’S DIGEST

AB 697, as introduced, Chau. Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects.

Existing law establishes in the State Treasury the Good Neighbor Authority Fund, to be administered by the Department of Forestry and Fire Protection under the direction of the Secretary of the Natural Resources Agency. Existing law makes the moneys in the fund available for expenditure, upon appropriation by the Legislature, as authorized by specified federal law, and to the extent not in conflict with federal law or agreements, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands executed through these agreements, and to fund costs associated with planning, implementing, and maintaining these projects, including administrative and operational costs.

This bill would reorganize the law relating to the fund. The bill would require the department, under an agreement between the state and the federal government, to establish a program for purposes of conducting ecological restoration and fire resiliency projects on national forest

lands, with priority given to forest restoration and fuels reduction projects that are landscape scale, focused on ecological restoration and based on the best available science, emphasize the use of prescribed fire, and include community fire protection and protection of water infrastructure and other infrastructure as important goals, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 6 (commencing with Section 4810) of Part 2.5 of Division 4 of the Public Resources Code is amended to read:

CHAPTER 6. GOOD NEIGHBOR AUTHORITY ~~FUND~~ PROGRAM

SEC. 2. Section 4810 of the Public Resources Code is amended to read:

4810. ~~(a)~~ For purpose of this ~~section~~, *chapter*, the following terms shall apply:

~~(1)~~

(a) "Agreement" means the Good Neighbor Authority Agreement entered into between the state and the federal government pursuant to Section 2113a of Title 16 of the United States Code.

(b) "*Forest collaborative*" means a functioning collaborative group that includes multiple persons or entities representing diverse interests, that is transparent and inclusive, and that has sufficient expertise, capacity, and scientific support to effectively plan, implement, and monitor landscape-level, ecological-based forest restoration activities.

~~(2)~~

(c) "Fund" means the Good Neighbor Authority Fund, established ~~pursuant to subdivision (b): as specified in Section 4811.~~

~~(b) There is hereby established in the State Treasury the Good Neighbor Authority Fund. The fund shall be administered by the department under the direction of the Secretary of the Natural Resources Agency. The moneys in the fund shall be available for expenditure, upon appropriation by the Legislature, and as~~

1 authorized by Section 2113a(b)(2) of Title 16 of the United States
2 Code, and to the extent not in conflict with federal law or
3 agreements, for state departments or agencies to undertake forest
4 health and fuels reduction projects on federal lands executed
5 through these agreements, and to fund costs associated with
6 planning, implementing, and maintaining these projects, including
7 administrative and operational costs.

8 (e) The fund shall be the depository for revenues derived from
9 the sale of forest products, as defined in Section 4638, from federal
10 lands, as authorized by Section 2113a(b)(2) of Title 16 of the
11 United States Code, and to the extent not in conflict with federal
12 law or agreements, to support the activities described in subdivision
13 (b).

14 (d) State departments or agencies engaged in agreements may
15 accept grants and donations, including, but not limited to, donations
16 of equipment, seedlings, labor, materials, or funds from any source
17 for the purpose of supporting or facilitating activities undertaken
18 pursuant to this section. Funds received pursuant to this subdivision
19 shall be transferred to the department and deposited into the fund
20 for use by state departments or agencies engaged in agreements
21 to support the activities described in subdivision (b) at the direction
22 of the Secretary of the Natural Resources Agency.

23 SEC. 3. Section 4811 is added to the Public Resources Code,
24 to read:

25 4811. (a) There is continued in existence in the State Treasury
26 the Good Neighbor Authority Fund, originally established pursuant
27 to Chapter 18 of the Statutes of 2020. The fund shall be
28 administered by the department under the direction of the Secretary
29 of the Natural Resources Agency. The moneys in the fund shall
30 be available for expenditure, upon appropriation by the Legislature,
31 and as authorized by Section 2113a(b)(2) of Title 16 of the United
32 States Code, and to the extent not in conflict with federal law or
33 agreements, for state departments or agencies to undertake forest
34 health and fuels reduction projects on federal lands executed
35 through these agreements, and to fund costs associated with
36 planning, implementing, and maintaining these projects, including
37 administrative and operational costs.

38 (b) The fund shall be the depository for revenues derived from
39 the sale of forest products, as defined in Section 4638, from federal
40 lands, as authorized by Section 2113a(b)(2) of Title 16 of the

1 United States Code, and to the extent not in conflict with federal
2 law or agreements, to support the activities described in subdivision
3 (a).

4 (c) State departments or agencies engaged in agreements may
5 accept grants and donations, including, but not limited to, donations
6 of equipment, seedlings, labor, materials, or funds from any source
7 for the purpose of supporting or facilitating activities undertaken
8 pursuant to this section. Funds received pursuant to this subdivision
9 shall be transferred to the department and deposited into the fund
10 for use by state departments or agencies engaged in agreements
11 to support the activities described in subdivision (a) at the direction
12 of the Secretary of the Natural Resources Agency.

13 SEC. 4. Section 4812 is added to the Public Resources Code,
14 to read:

15 4812. (a) Under an agreement between the state and the federal
16 government, the department shall establish a program for purposes
17 of conducting ecological restoration and fire resiliency projects
18 on national forest lands, with priority given to forest restoration
19 and fuels reduction projects that are landscape scale, are focused
20 on ecological restoration and are based on the best available
21 science, emphasize the use of prescribed fire, and include
22 community fire protection and protection of water infrastructure
23 and other infrastructure as important goals. Eligible activities under
24 the program, consistent with Section 2113a(b)(2) of Title 16 of
25 the United States Code, any other federal law, and the agreement,
26 may include any of the following:

27 (1) The development of federal National Environmental Policy
28 Act of 1969 (42 U.S.C. Sec. 4321 et seq.) documents, and
29 documents prepared pursuant to the California Environmental
30 Quality Act (Division 13 (commencing with Section 21000)).

31 (2) Other activities related to project planning, such as
32 preparation of resource surveys, analyses, and reports.

33 (3) Implementation and maintenance of selected projects,
34 including ecological thinning, prescribed fire, replanting, and
35 related activities.

36 (b) The department may contract with Native American tribes,
37 local governments, forest collaboratives, resource conservation
38 districts, and qualified nongovernmental organizations to assist in

- 1 planning, implementing, and maintaining landscape scale
- 2 restoration projects on national forest lands.

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AMENDED IN ASSEMBLY MARCH 23, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1110

Introduced by Assembly Member Robert Rivas
(Coauthors: Assembly Members Chiu, Cristina Garcia, and Stone)

February 18, 2021

An act to amend Sections 63048.92 and 63048.93 of, and to add Chapter 14 (commencing with Section 14990) to Part 5.5 of Division 3 of Title 2 of, the Government Code, ~~and to add and repeal Section 6377.5 of the Revenue and Taxation Code~~, relating to climate catalyst projects.

LEGISLATIVE COUNSEL'S DIGEST

AB 1110, as amended, Robert Rivas. Zero-emission vehicles: California Clean Fleet Accelerator Program: ~~sales and use tax exemption~~; Climate Catalyst Revolving Loan Fund Program.

(1) Existing law, the Charge Ahead California Initiative, administered by the State Air Resources Board, includes goals of, among other things, placing in service at least 1,000,000 zero-emission and near-zero-emission vehicles by January 1, 2023, and establishing a self-sustaining California market for zero-emission and near-zero-emission vehicles in which zero-emission and near-zero-emission vehicles are a viable mainstream option for individual vehicle purchasers, businesses, and public fleets.

This bill would establish the California Clean Fleet Accelerator Program, administered by the Department of General Services (DGS). The bill would require the Governor's Office of Business and Economic Development (GO-Biz), DGS, in consultation with specified state agencies and regional and local entities, to develop a nonmandatory

master service agreement to solicit bids from eligible vendors for standardized, bulk purchase options for the acquisition of zero-emission fleet vehicles, as defined, by a public agency, as defined. The bill would require that the master service agreement, at minimum, establish standard pricing for bulk purchases of zero-emission fleet vehicles, taking into consideration applicable financial incentives and low-cost financing options. The bill would require ~~GO-Biz DGS~~ to provide for the first round of zero-emission fleet vehicle acquisitions under the master service agreement no later than January 31, 2022, to the extent feasible, or otherwise as soon thereafter as is reasonably practicable. The bill would establish the Office of the Clean Vehicles ~~Ombudsman, Ombudsperson,~~ under the control of a director known as the Clean Vehicles ~~Ombudsman, Ombudsperson,~~ within ~~DGS~~ *the Governor's Office of Business and Economic Development (GO-Biz)* and require ~~the ombudsman, ombudsperson,~~ among other things, to provide technical assistance to a public agency in the procurement of zero-emission fleet vehicles upon request.

(2) Existing law, the Bergeson-Peace Infrastructure and Economic Development Bank Act, establishes the California Infrastructure and Economic Development Bank (I-Bank) in GO-Biz and, among other things, authorizes the I-Bank to make loans, issue bonds, and provide financial assistance for various types of projects that qualify as economic development facilities or public development facilities, as those terms are defined. Existing law, the Climate Catalyst Revolving Loan Fund Act of 2020, establishes the Climate Catalyst Revolving Loan Fund Program and authorizes the I-Bank to provide financial assistance to any eligible sponsor or participating party for eligible climate catalyst projects, as provided, and defines various terms for these purposes. Existing law creates the Climate Catalyst Revolving Loan Fund and makes moneys available, upon appropriation, for expenditure for purposes of the Climate Catalyst Revolving Loan Fund Program.

This bill would expressly provide that the acquisition of a zero-emission fleet vehicle pursuant to the master service agreement developed in accordance with the California Clean Fleet Accelerator Program, as described above, is a climate catalyst project eligible for financial assistance under the Climate Catalyst Revolving Loan Fund Program. The bill would require that financial assistance under the program include loan loss reserves, revolving loan funds, and other financial instruments to facilitate climate catalyst projects that consist

of the acquisition of zero-emission fleet vehicles pursuant to that master service agreement.

~~(3) Existing state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes, including an exemption for the sale of, or the storage, use, or consumption of, any zero-emission technology transit bus sold to a city, county, city and county, transportation or transit district, or other public agency that provides transit services to the public that is eligible for the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project.~~

~~This bill, until January 1, 2027, would exempt from these taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, a zero-emission fleet vehicle acquired by a public agency from an eligible vendor pursuant to the master service agreement developed under the California Clean Fleet Accelerator Program, as described above.~~

~~The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing laws authorize districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which generally conforms to the Sales and Use Tax Law. Exemptions from state sales and use taxes are automatically incorporated into the local tax laws.~~

~~This bill would specify that this exemption does not apply to local sales and use taxes or transactions and use taxes.~~

~~Existing law requires that any bill introduced on or after January 1, 2020, that would authorize certain tax expenditures, as defined, or tax exemptions contain, among other things, specific goals, purposes, and objectives that the tax expenditure or exemption will achieve, detailed performance indicators, and data collection requirements.~~

~~This bill would state the intent of the Legislature to apply these requirements with respect to the sales and use exemption allowed by the bill, as described above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 14 (commencing with Section 14990) is added to Part 5.5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 14. CALIFORNIA CLEAN FLEET ACCELERATOR
PROGRAM

14990. For purposes of this chapter:

(a) “Eligible vendor” means a person ~~for which both of the following apply; that is any of the following:~~

~~(1) The person is either of the following:~~

~~(A)~~

~~(1) A dealer, as that term is defined in Section 285 of the Vehicle Code, that sells a medium- or heavy-duty zero-emission fleet vehicle to a public agency.~~

~~(B) A manufacturer of a zero-emission fleet vehicle that sells that zero-emission fleet vehicle directly to a public agency.~~

~~(2) A public agency is authorized, under the laws of this state and the policies of the department, to acquire a zero-emission fleet vehicle from the person.~~

~~(2) Any vendor, eligible under the laws of this state to contract with a public agency, of a zero-emission vehicle that is off-road equipment engaged in the sale of that equipment.~~

~~(3) Any vendor, eligible under the laws of this state to contract with a public agency, of a zero-emission vehicle that is an electric bicycle, as that term is defined in Section 312.5 of the Vehicle Code, or electric cargo bicycle.~~

(b) “Office” means the Governor’s Office of Business and Economic Development.

(c) ~~“Ombudsman”~~ “Ombudsperson” means the Office of the Clean Vehicles ~~Ombudsman~~ Ombudsperson created in Section 14992.

(d) “Public agency” means all of the following:

(1) The state and any state agency, as that term is defined in Section 11000.

(2) The Regents of the University of California.

(3) The Trustees of the California State University.

(4) A county.

(5) A city.

(6) Any district formed as an agency of the state, pursuant to general law or a special act, for the local performance of governmental or proprietary functions within limited geographic boundaries, including, but not limited to, the following:

(A) A school district.

(B) A transit district.

(7) Any other political subdivision of this state.

(e) “Vehicle fleet” means two or more vehicles under common ownership of, or operation by, a public agency.

(f) “Zero-emission fleet vehicle” means a ~~vehicle~~ *vehicle, off-road equipment, including, but not limited to, a forklift, motorized construction or utility equipment, street sweeper, or other special-use municipal vehicle, an electric bicycle, as that term is defined in Section 312.5 of the Vehicle Code, or an electric cargo bicycle* acquired by a public agency for use as part of its vehicle fleet that produces no emissions of criteria pollutants, toxic air contaminants, or greenhouse gases when stationary or operating.

14992. (a) (1) There is hereby established the California Clean Fleet Accelerator Program, which the department shall administer in accordance with this chapter.

(2) The department may adopt, amend, or repeal guidelines and regulations and promulgate forms in order to carry out its duties under this chapter.

(b) There is within the ~~department office~~ the Office of the Clean Vehicles ~~Ombudsman~~, *Ombudsperson*, which shall be under the control of a director known as the Clean Vehicles ~~Ombudsman~~. *Ombudsperson*. The Clean Vehicles ~~Ombudsman~~ *Ombudsperson* shall be appointed by, and serve at the pleasure of, the director and shall report directly to the director.

14994. (a) (1) The ~~office~~, *department*, in consultation with those entities specified in paragraph (2), shall develop a nonmandatory master service agreement to solicit bids from eligible vendors for standardized, bulk purchase options for the acquisition of zero-emission fleet vehicles by a public agency, consistent with the requirements of this chapter.

(2) The ~~office~~ *department, in consultation with the ombudsperson*, shall consult with each of the following entities in developing the master service agreement described in paragraph (1):

- 1 (A) *The office.*
2 ~~(A)~~
3 (B) The Transportation Agency.
4 ~~(B) The department.~~
5 (C) The State Energy Resources Conservation and Development
6 Commission.
7 (D) The State Air Resources Board.
8 (E) The Infrastructure and Economic Development Bank.
9 (F) The Public Utilities Commission.
10 (G) The California Alternative Energy and Advanced
11 Transportation Financing Authority.
12 (H) Five cities with populations less than 150,000.
13 (I) At least two regional organizations, which may include, but
14 are not limited to, councils of governments or metropolitan
15 planning organizations.
16 (J) Two jurisdictions that, in the ~~office's~~ *department's* judgment,
17 have demonstrated experience in acquiring electric vehicles for
18 use in their vehicle fleets.
19 (b) The master service agreement described in subdivision (a)
20 shall, at minimum, establish standard pricing for bulk purchases
21 of zero-emission fleet vehicles, taking into consideration any
22 applicable state or federal tax credits or other financial incentives
23 and low-cost financing options available to public agencies for
24 that purpose.
25 (c) (1) Subject to paragraph (2), a public agency that acquires
26 a zero-emission fleet vehicle pursuant to the master service
27 agreement developed pursuant to this section shall comply with
28 all other applicable laws and policies governing the acquisition of
29 that zero-emission fleet vehicle, including, but not limited to, the
30 Public Contract Code and the regulations of the department.
31 (2) In awarding contracts for the bulk purchase of zero-emission
32 fleet vehicles pursuant to the master agreement developed pursuant
33 to this section, a public agency shall give additional consideration
34 to eligible vendors that meet the following criteria:
35 (A) The eligible vendor utilizes a skilled and trained workforce,
36 as that term is defined in Section 2601 of the Public Contract Code.
37 (B) The eligible vendor demonstrates job creation within this
38 state.
39 (C) The eligible vendor commits to providing training and hiring
40 opportunities to residents in disadvantaged communities.

1 (D) The eligible vendor has a demonstrated commitment to
2 racial equity.

3 (d) In carrying out its duties under this section, the ~~office~~
4 *department* shall, to the extent feasible, provide for the first round
5 of zero-emission fleet vehicle acquisition by public agencies under
6 the master service agreement developed pursuant to this section
7 no later than January 31, 2022, or, if that date is not feasible, as
8 soon thereafter as is reasonably practicable.

9 14996. (a) The ~~ombudsman~~ *ombudsperson* shall do all of the
10 following:

11 (1) Upon the request of a public agency, provide technical
12 assistance to the public agency in the procurement of zero-emission
13 fleet vehicles.

14 (2) In cooperation with the office, assist a public agency in
15 procuring zero-emission fleet vehicles by bulk purchase under the
16 master service agreement developed pursuant to Section 14994.

17 (3) Actively reach out to small and rural communities to offer
18 technical assistance and other state resources.

19 (4) Provide any other assistance to a public agency in procuring
20 zero-emission fleet vehicles that is consistent with the purposes
21 of this chapter, including, but not limited to, identifying available
22 incentives and financing mechanisms.

23 (b) In carrying out its duties under this section, the ~~ombudsman~~
24 *ombudsperson* shall prioritize assisting public agencies that serve
25 disadvantaged communities.

26 SEC. 2. Section 63048.92 of the Government Code is amended
27 to read:

28 63048.92. The definitions contained in this section are in
29 addition to the definitions contained in Section 63010 and together
30 with the definitions contained in that section shall govern the
31 construction of this article, unless the context requires otherwise:

32 (a) “Bank” means the Infrastructure and Economic Development
33 Bank.

34 (b) “Climate catalyst project” means any building, structure,
35 equipment, infrastructure, or other improvement within California,
36 or financing the general needs of any sponsor or participating party
37 for operations or activities within California that are consistent
38 with, and intended to, further California’s climate goals, activities
39 that reduce climate risk, and the implementation of low-carbon
40 technology and infrastructure. “Climate catalyst project” includes,

1 but is not limited to, the acquisition of a zero-emission fleet vehicle
2 pursuant to the master service agreement developed in accordance
3 with the California Clean Fleet Accelerator Program (Chapter 14
4 (commencing with Section 14990) of Part 5.5 of Division 3 of
5 Title 2).

6 (c) “Climate Catalyst Revolving Loan Fund” means revolving
7 funds by that name created under, and administered pursuant to,
8 this article to provide financial assistance for climate catalyst
9 projects.

10 (d) “Climate Catalyst Revolving Loan Fund Program” means
11 the program of that name to administer the Climate Catalyst
12 Revolving Loan Fund and to provide financial assistance for
13 climate catalyst projects, to be administered by the bank pursuant
14 to this article and criteria, priorities, and guidelines to be adopted
15 by the bank board.

16 (e) “Sponsor” and “participating party” shall mean the same as
17 defined in Section 63010, but also include federally recognized
18 Native American tribes and tribal business enterprises located in
19 California.

20 SEC. 3. Section 63048.93 of the Government Code is amended
21 to read:

22 63048.93. (a) (1) The bank is hereby authorized and
23 empowered to provide financial assistance under the Climate
24 Catalyst Revolving Loan Fund Program to any eligible sponsor or
25 participating party either directly or to a lending or financial
26 institution, in connection with the financing or refinancing of a
27 climate catalyst project, in accordance with an agreement or
28 agreements, between the bank and the sponsor or participating
29 party, including, but not limited to, tribes, either as a sole lender
30 or in participation or syndication with other lenders.

31 (2) Financial assistance provided under the Climate Catalyst
32 Revolving Loan Fund Program shall include, but is not limited to,
33 loan loss reserves, revolving loan funds, and other financial
34 instruments to facilitate climate catalyst projects that consist of
35 the acquisition of zero-emission fleet vehicles pursuant to the
36 master service agreement developed pursuant to Section 14994.

37 (b) Chapter 3.5 (commencing with Section 11340) of Part 1 of
38 Division 3 of Title 2 does not apply to any criteria, priorities, and
39 guidelines adopted by the bank in connection with the Climate

1 Catalyst Revolving Loan Fund Program or any other program of
2 the bank.

3 (c) Repayments of financing made under the Climate Catalyst
4 Revolving Loan Fund Program shall be deposited in the appropriate
5 account created within the Climate Catalyst Revolving Loan Fund.

6 (d) The Strategic Growth Council, in consultation with the Labor
7 and Workforce Development Agency, shall advise the Legislature
8 prior to the end of each calendar year, commencing with the
9 calendar year of 2020, of potential categories of climate catalyst
10 projects that would focus on the state's key climate mitigation and
11 resilience priorities. The Strategic Growth Council's
12 recommendations may include indicative percentages of investment
13 allocations across identified priority sectors. The Strategic Growth
14 Council shall inform the bank of the advice provided to the
15 Legislature.

16 ~~SEC. 4. Section 6377.5 is added to the Revenue and Taxation~~
17 ~~Code, to read:~~

18 ~~6377.5. (a) There are exempted from the taxes imposed by~~
19 ~~this part, the gross receipts from the sale in this state of, and the~~
20 ~~storage, use, or other consumption in this state of, a zero-emission~~
21 ~~fleet vehicle acquired by a qualified public agency from an eligible~~
22 ~~vendor.~~

23 ~~(b) For purposes of this section:~~

24 ~~(1) "Eligible vendor" has the same meaning as defined in Section~~
25 ~~14990 of the Government Code.~~

26 ~~(2) "Master service agreement" means the master service~~
27 ~~agreement developed for the bulk purchase of zero-emission~~
28 ~~vehicles by a qualified public agency from an eligible vendor~~
29 ~~pursuant to Section 14994 of the Government Code.~~

30 ~~(3) "Qualified public agency" means a public agency, as that~~
31 ~~term is defined in Section 14990 of the Government Code, that~~
32 ~~acquires a zero-emission fleet vehicle from an eligible vendor~~
33 ~~pursuant to the master service agreement.~~

34 ~~(4) "Zero-emission fleet vehicle" has the same meaning as~~
35 ~~defined in Section 14990 of the Government Code.~~

36 ~~(e) An exemption shall not be allowed under this section unless~~
37 ~~the purchaser furnishes the retailer with an exemption certificate,~~
38 ~~completed in accordance with any instructions or regulations as~~
39 ~~the department may prescribe, and the retailer retains the exemption~~

1 certificate in its records and furnishes it to the department upon
2 request.

3 ~~(d) (1) Notwithstanding the Bradley-Burns Uniform Local Sales~~
4 ~~and Use Tax Law (Part 1.5 (commencing with Section 7200)) and~~
5 ~~the Transactions and Use Tax Law (Part 1.6 (commencing with~~
6 ~~Section 7251)), the exemption established by this section shall not~~
7 ~~apply with respect to any tax levied by a county, city, or district~~
8 ~~pursuant to, or in accordance with, either of those laws.~~

9 ~~(2) Notwithstanding subdivision (a), the exemption established~~
10 ~~by this section shall not apply with respect to any tax levied~~
11 ~~pursuant to Section 6051.2 or 6201.2, any tax levied pursuant to~~
12 ~~Section 35 of Article XIII of the California Constitution, or any~~
13 ~~tax levied pursuant to Section 6051 or 6201 that is deposited in~~
14 ~~the State Treasury to the credit of the Local Revenue Fund 2011~~
15 ~~pursuant to Section 6051.15 or 6201.15.~~

16 ~~(e) This section shall remain in effect only until January 1, 2027,~~
17 ~~and as of that date is repealed.~~

18 ~~SEC. 5. It is the intent of the Legislature to comply with the~~
19 ~~requirements of Section 41 of the Revenue and Taxation Code~~
20 ~~with respect to the exemption allowed by Section 6377.5 of the~~
21 ~~Revenue and Taxation Code, as added by this act.~~

AMENDED IN ASSEMBLY MARCH 29, 2021

AMENDED IN ASSEMBLY MARCH 4, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1200

Introduced by Assembly Member Ting
(Principal coauthor: Assembly Member Friedman)

February 18, 2021

An act to add Chapter 15 (commencing with Section 109000) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, as amended, Ting. Plant-based food packaging: cookware: hazardous chemicals.

Existing law prohibits the manufacture, sale, or distribution in commerce of any toy or child care article, as defined, that contains phthalates exceeding a specified percentage. Existing law prohibits the manufacture, sale, or distribution in commerce of any bottle or cup that contains bisphenol A, above a specified detectable level, if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by children 3 years of age or younger. Existing law, beginning January 1, 2025, prohibits the manufacture, sale, delivery, hold, or offer for sale in commerce of any cosmetic product that contains any of several specified intentionally added ingredients, such as perfluoroalkyl and polyfluoroalkyl substances (PFAS), except under specified circumstances.

This bill would prohibit, beginning January 1, ~~2022~~, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined. *The bill would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals.* The bill would define “food packaging,” in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

This bill would require, beginning January 1, ~~2022~~, 2024, a manufacturer, as defined, of cookware sold in the state that contains one or more *intentionally added* chemicals present on a designated list, as defined, to include a statement on the product label, as defined, in both English and Spanish, regarding the presence of those chemicals of concern in the cookware, as provided. The bill would require, beginning January 1, ~~2022~~, 2023, a manufacturer of this cookware to post on the internet website for the cookware a list of chemicals in the cookware that are present on the designated list, among other information. The bill would prohibit, beginning January 1, ~~2022~~, 2024, a manufacturer from making a claim, either on the cookware package or internet website for the cookware, that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the designated list, unless no individual chemical from that chemical group or class is ~~present in~~ *intentionally added to* the cookware. *The bill would prohibit a person from selling, offering for sale, or distributing in California a cookware product that does not comply with these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 15 (commencing with Section 109000)
- 2 is added to Part 3 of Division 104 of the Health and Safety Code,
- 3 to read:

CHAPTER 15. CHEMICALS OF CONCERN IN FOOD PACKAGING
AND COOKWARE

Article 1. Plant-Based Food Packaging Containing PFAS

109000. (a) For purposes of this article, the following terms have the following definitions:

(1) “Food packaging” means a nondurable package, packaging component, or food service ware that is intended to contain, serve, store, handle, protect, or market food, foodstuff, or beverages, and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers. “Food packaging” includes, but is not limited to, food or beverage containers, take-out food containers, unit product boxes, liners, wrappers, serving vessels, eating utensils, food boxes, and disposable plates, bowls, or trays.

(2) “Intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS” means either of the following:

(A) The presence or use of PFAS in a product or product component that has a functional or technical effect in the product or product component.

(B) The presence of PFAS in a product or product component at or above 100 parts per ~~million~~, *million, as measured in total organic fluorine*.

(3) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(b) Commencing on January 1, ~~2022~~, 2023, no person shall distribute, sell, or offer for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS.

(c) *A manufacturer shall use the least toxic alternative when replacing PFAS chemicals in products in accordance with this article.*

Article 2. Chemical Disclosures for Cookware

109010. For purposes of this article, the following terms have the following definitions:

1 (a) “Cookware” means durable houseware items that are used
2 in homes and restaurants to prepare, dispense, store, or serve food,
3 foodstuff, or beverages. “Cookware” includes, but is not limited
4 to, pots, pans, skillets, grills, baking sheets, baking molds, trays,
5 bowls, kitchen tools, spoons, and spatulas.

6 (b) “Designated list” means the list of chemicals identified as
7 candidate chemicals that exhibit a hazard trait or an environmental
8 or toxicological endpoint that meets the criteria specified in
9 regulations adopted by the Department of Toxic Substances Control
10 pursuant to Article 14 (commencing with Section 25251) of
11 Chapter 6.5 of Division 20, and is published on the Department
12 of Toxic Substances Control’s internet website pursuant to those
13 regulations.

14 (c) “Manufacturer” means either of the following:

15 (1) A person or entity who manufactures the cookware and
16 whose name appears on the product label.

17 (2) A person or entity who the cookware is manufactured for
18 or distributed by, identified by the product label pursuant to the
19 federal Fair Packaging and Labeling Act (15 U.S.C. Sec. 1451 et
20 seq.).

21 (d) “Product label” means a display of written, printed, or
22 graphic material that appears on, or is affixed to, the exterior of a
23 product, or its exterior container or wrapper that is visible to a
24 consumer, if the product has an exterior container or wrapper.

25 109011. (a) Commencing on January 1, ~~2022~~, 2024, a
26 manufacturer of cookware sold in the state that contains one or
27 more *intentionally added* chemicals present on the designated list
28 shall include on the product label a statement, in both English and
29 Spanish, that reads: “This product contains one or more chemicals
30 of concern for human health or the environment as identified by
31 the State of California. For more ingredient information, visit”
32 followed by ~~an~~ *both of the following*:

33 (1) An address for an internet website that provides all of the
34 information required by Section ~~109012~~ and a 109012.

35 (2) A toll-free telephone number for the manufacturer that a
36 person can call to obtain all of the information required by Section
37 109012.

38 (b) A manufacturer shall ensure that the statement required on
39 the product label by subdivision (a) is visible and legible to the
40 consumer, including on the product listing for online sales.

1 109012. Commencing on January 1, ~~2022~~, 2023, a manufacturer
2 of cookware sold in the state that contains one or more *intentionally*
3 *added* chemicals present on the designated list shall post on the
4 internet website for the cookware all of the following:

5 (a) A list of all chemicals in the cookware that are also present
6 on the designated list.

7 (b) The names of the authoritative list or lists referenced by the
8 Department of Toxic Substances Control in compiling the
9 designated list on which each chemical in the cookware is present.

10 (c) A link to the internet website for the authoritative list or lists
11 identified pursuant to subdivision (b).

12 109013. Commencing on January 1, ~~2022~~, 2024, a manufacturer
13 shall not make a claim, either on the cookware package or on the
14 internet website for the cookware, that the cookware is free of any
15 specific chemical if the chemical belongs to a chemical group or
16 class identified on the designated list, unless no individual chemical
17 from that chemical group or class is ~~present in~~ *intentionally added*
18 *to the cookware*.

19 109014. *A person shall not sell, offer for sale, or distribute in*
20 *the state a cookware product that does not comply with the*
21 *requirements of this article.*

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ASSEMBLY BILL

No. 1570

Introduced by Committee on Natural Resources (Assembly Members Luz Rivas (Chair), Flora (Vice Chair), Chau, Friedman, Cristina Garcia, Mathis, McCarty, Muratsuchi, Seyarto, Stone, and Wood)

March 4, 2021

An act to amend Sections 4740, 4741, 31108, and 42282 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL’S DIGEST

AB 1570, as introduced, Committee on Natural Resources. Public resources: omnibus bill.

(1) Existing law requires the Department of Forestry and Fire Protection to assist local governments in preventing future wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department’s budgetary limitations.

This bill instead would require the department to assist local governments in preventing future high-intensity wildland fires and instituting appropriate fuels management by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department’s budgetary limitations. The bill would explicitly define, for these purposes, “local governments” to include cities, counties, and special districts. The bill would also make changes to related findings and declarations by the Legislature.

(2) Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing a program of agricultural land preservation, area restoration, and resource enhancement within the coastal zone, as defined. Existing law requires the conservancy to develop and implement a Lower Cost Coastal Accommodations Program to facilitate improvement of existing, and the development of new, lower cost accommodations within 1 ½ miles of the coast.

Existing law requires, commencing on January 2, 1980, and every 3rd year thereafter, the conservancy to prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of the conservancy. Existing law specifies certain items to be included in the report.

This bill would, among other things, additionally require the report to include a discussion of the conservancy's progress in implementing the Lower Cost Coastal Accommodations Program.

(3) Existing law authorizes a store to sell or distribute a reusable grocery bag to a customer at the point of sale only if the reusable bag is made by a certified producer, as provided. Existing law requires the Department of Resources Recycling and Recovery to accept from a reusable grocery bag producer proof of certification conducted by a third-party certification entity, for each type of reusable grocery bag that is manufactured, imported, sold, or distributed in the state and provided to a store for sale or distribution, at the point of sale, as provided. Existing law specifies that a third-party certification entity is an independent, accredited (ISO/IEC 17025) laboratory.

This bill would also specify that a third-party certification entity is a (ISO/IEC 17065) certification body.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4740 of the Public Resources Code is
2 amended to read:

3 4740. The Legislature hereby finds and ~~declares~~ *declares all*
4 *of the following:*

5 (a) The department has extensive technical expertise in wildland
6 fire prevention and vegetation management on forest, range, and
7 watershed lands. When appropriately applied, this expertise can

1 have significant public resource ~~benefits by~~ *benefits, including*
2 ~~decreasing wildland fire hazards, increasing rangeland production,~~
3 ~~improving watershed yields, and increasing wildlife habitat.~~
4 *high-intensity wildland fires, improving watershed management,*
5 *range improvement, improving vegetation management, forest*
6 *improvement, wildlife habitat improvement, restoring ecological*
7 *integrity and resilience, improving community wildfire protection,*
8 *improving carbon resilience, providing enhancement of culturally*
9 *important resources, and maintenance of air quality.*

10 (b) Because of ~~limited fiscal resources,~~ *local government needs*
11 *the scope of the problem of high-intensity wildland fires and*
12 *expertise of the department, local governments, including cities,*
13 *counties, and special districts, need assistance in preventing future*
14 *problems resulting from inadequate fire prevention planning and*
15 *vegetation management.*

16 (c) ~~The state's taxpayers~~ *California* will benefit if existing state
17 expertise is made available to local governments, ~~thereby~~
18 ~~eliminating the need for duplicating such services at the local level.~~
19 *including cities, counties, and special districts, thereby integrating*
20 *those efforts.*

21 SEC. 2. Section 4741 of the Public Resources Code is amended
22 to read:

23 4741. (a) In accordance with policies established by the board,
24 the department shall assist local governments in preventing future
25 ~~high-intensity wildland fire and vegetation management problems~~
26 ~~fires and instituting appropriate fuels management~~ by making its
27 wildland fire prevention and vegetation management expertise
28 available to local governments to the extent possible within the
29 department's budgetary limitations. ~~Department recommendations~~
30 ~~shall be advisory in nature and local governments shall not be~~
31 ~~required to follow such recommendations.~~

32 (b) *Any department recommendations made pursuant to*
33 *subdivision (a) shall be advisory in nature and local governments*
34 *shall not be required to follow those recommendations.*

35 ~~Nothing in this section shall~~

36 (c) *This section does not* alter the existing obligations of ~~any a~~
37 local government or affect the existing liability of any local
38 government.

39 (d) *For purposes of this section, "local governments" include*
40 *cities, counties, and special districts.*

SEC. 3. Section 31108 of the Public Resources Code is amended to read:

31108. ~~Commencing on January 2, 1980, and every third year thereafter, the~~ *On January 2, three years after the most recent report was submitted, the* conservancy shall prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of this ~~division.~~ *division and shall prepare and submit an additional report every three years thereafter.* The report shall include the following:

(a) An evaluation of the effectiveness of the conservancy's programs in preserving agricultural lands, restoring coastal habitat, providing public access to the coastline, and in undertaking other functions prescribed in this division.

(b) Identification of additional funding, legislation, or other resources required to more effectively carry out the objectives of this division.

(c) A discussion of its progress in addressing the goals, priority areas, and concerns referenced in subdivision (a) of Section 31163, including, but not limited to, any funds that are received or disbursed for purposes related to addressing those goals, priority areas, and concerns.

(d) *A discussion of its progress in implementing the Lower Coastal Accommodations Program established pursuant to Section 31412.*

SEC. 4. Section 42282 of the Public Resources Code is amended to read:

42282. (a) Commencing on or before July 1, 2015, the department shall accept from a reusable grocery bag producer proof of certification conducted by a third-party certification entity, submitted under penalty of perjury, for each type of reusable grocery bag that is manufactured, imported, sold, or distributed in the state and provided to a store for sale or distribution, at the point of sale, that meets all the applicable requirements of this article. The proof of certification shall be accompanied by a certification fee, established pursuant to Section 42282.1.

(b) A reusable grocery bag producer shall resubmit to the department proof of certification as described in subdivision (a) on a biennial basis. A reusable grocery bag producer shall provide the department with an updated proof of certification conducted by a third-party certification entity if any modification that is not

1 solely aesthetic is made to a previously certified reusable bag.
2 Failure to comply with this subdivision shall result in removal of
3 the relevant information posted on the department's ~~Internet Web~~
4 ~~site~~ *internet website* pursuant to paragraphs (1) and (2) of
5 subdivision (e) for each reusable bag that lacks an updated proof
6 of certification conducted by a third-party certification entity.

7 (c) A third-party certification entity shall be an independent,
8 accredited (ISO/IEC 17025) ~~laboratory~~ *laboratory or a (ISO/IEC*
9 *17065) certification body*. A third-party certification entity shall
10 certify that the producer's reusable grocery bags meet the
11 requirements of Section 44281.

12 (d) The department shall provide a system to receive proofs of
13 certification online.

14 (e) On and after July 1, 2015, the department shall publish a list
15 on its ~~Internet Web site~~ *internet website* that includes all of the
16 following:

17 (1) The name, location, and appropriate contact information of
18 certified reusable grocery bag producers.

19 (2) The reusable grocery bags of producers that have provided
20 the required certification.

21 (f) A reusable grocery bag producer shall submit applicable
22 certified test results to the department confirming that the reusable
23 grocery bag meets the requirements of this article for each type of
24 reusable grocery bag that is manufactured, imported, sold, or
25 distributed in the state and provided to a store for sale or
26 distribution.

27 (1) A person may object to the certification of a reusable grocery
28 bag producer pursuant to this section by filing an action for review
29 of that certification in the superior court of a county that has
30 jurisdiction over the reusable grocery bag producer. The court shall
31 determine if the reusable grocery bag producer is in compliance
32 with the requirements of this article.

33 (2) A reusable grocery bag producer whose certification is being
34 objected to pursuant to paragraph (1) shall be deemed in
35 compliance with this article pending a determination by the court.

36 (3) Based on its determination, the court shall direct the
37 department to remove the reusable grocery bag producer from, or
38 retain the reusable grocery bag producer on, its list published
39 pursuant to subdivision (e).

- 1 (4) If the court directs the department to remove a reusable
- 2 grocery bag producer from its published list, the reusable grocery
- 3 bag producer shall remain off of the published list for a period of
- 4 one year from the date of the court's determination.

O

Introduced by Senator Atkins

(Principal coauthor: Senator Stern)

(Principal coauthor: Assembly Member Petrie-Norris)

(Coauthors: Senators Hertzberg, Hueso, Laird, Limón, and Portantino)

December 7, 2020

An act to amend Sections 30001.5, 30501, and 71116 of, to add Section 30421 to, to add Article 8 (commencing with Section 30270) to Chapter 3 of Division 20 of, and to add Division 20.6.5 (commencing with Section 30970) to, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Atkins. Coastal resources: sea level rise.

(1) Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as provided.

This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is

required to adopt these procedures. The bill would require the commission to take into account the effects of sea level rise in coastal resource planning and management policies and activities, as provided. In addition, the bill would require state and regional agencies to identify, assess, and, to the extent feasible and consistent with their statutory authorities, minimize and mitigate the impacts of sea level rise. To the extent that a regional agency is a local public agency, this bill would impose a state-mandated local program.

The act makes legislative findings and declarations relating to the basic goals of the state for the coastal zone.

This bill would add, as part of those goals, the goal of anticipating, assessing, planning for, and, to the extent feasible, minimizing and mitigating the adverse environmental and economic effects of sea level rise within the coastal zone.

(2) Existing law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create and post on an internet website a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise.

This bill would create within ~~state government~~ *the council* the California Sea Level Rise State and Regional Support Collaborative. ~~The bill would require the collaborative to consist of 5 members, as provided, including the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency.~~ The bill would require the ~~collaborative~~ *collaborative, among other things*, to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, *planning*, and, where feasible, the mitigation ~~of the adverse environmental, social, and economic effects of sea level rise; rise, as provided.~~ The bill would require, upon appropriation in the annual Budget Act, the collaborative to expend no more than \$100,000,000 annually from appropriate bond funds and other sources for the purpose of making grants to local governments to update local and regional land use plans to take into account sea level rise and for directly related investments to implement those plans, as provided. The bill would require the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency, as part of the adoption of the annual Budget Act, to annually appear before the budget committees of both houses of the Legislature regarding the implementation of the above provisions.

(3) Existing law establishes the Environmental Justice Small Grant Program under the jurisdiction of the California Environmental Protection Agency, with the purpose to provide grants to eligible community groups that are located in areas adversely affected by environmental pollution and hazards and that are involved in work to address environmental justice issues. Existing law authorizes the Secretary for Environmental Protection to expend up to \$1,500,000 per year for purposes of this grant program.

This bill would instead authorize the secretary to expend up to \$2,000,000 per year for purposes of the grant program and would require up to \$500,000 of that money to be expended by the secretary for grants to organizations working to address and mitigate the effects of sea level rise in disadvantaged communities, as defined, impacted by sea level rise.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30001.5 of the Public Resources Code
2 is amended to read:
3 30001.5. The Legislature further finds and declares that the
4 basic goals of the state for the coastal zone are to:
5 (a) Protect, maintain, and, where feasible, enhance and restore
6 the overall quality of the coastal zone environment and its natural
7 and artificial resources.
8 (b) ~~Assure~~ Ensure orderly, balanced utilization and conservation
9 of coastal zone resources taking into account the social and
10 economic needs of the people of the state.
11 (c) Maximize public access to and along the coast and maximize
12 public recreational opportunities in the coastal zone consistent
13 with sound resources conservation principles and constitutionally
14 protected rights of private property owners.

1 (d) ~~Assure~~—*Ensure* priority for coastal-dependent and
2 coastal-related development over other development on the coast.

3 (e) Encourage state and local initiatives and cooperation in
4 preparing procedures to implement coordinated planning and
5 development for mutually beneficial uses, including educational
6 uses, in the coastal zone.

7 (f) Anticipate, assess, plan for, and, to the extent feasible,
8 minimize and mitigate the adverse environmental and economic
9 effects of sea level rise within the coastal zone.

10 SEC. 2. Article 8 (commencing with Section 30270) is added
11 to Chapter 3 of Division 20 of the Public Resources Code, to read:

12
13 Article 8. Sea Level Rise
14

15 30270. The commission shall take into account the effects of
16 sea level rise in coastal resources planning and management
17 policies and activities in order to identify, assess, and, to the extent
18 feasible, mitigate the adverse effects of sea level rise.

19 SEC. 3. Section 30421 is added to the Public Resources Code,
20 to read:

21 30421. State and regional agencies shall identify, assess, and,
22 to the extent feasible and consistent with their statutory authorities,
23 minimize and mitigate the impacts of sea level rise.

24 SEC. 4. Section 30501 of the Public Resources Code is
25 amended to read:

26 30501. The commission shall adopt, after public hearing,
27 procedures for the preparation, submission, approval, appeal,
28 certification, and amendment of a local coastal program, including,
29 but not limited to, all of the following:

30 (a) A common methodology for the preparation of, and the
31 determination of the scope of, the local coastal programs, taking
32 into account the fact that local governments have differing needs
33 and characteristics.

34 (b) Recommended uses that are of more than local importance
35 that should be considered in the preparation of local coastal
36 programs. Those uses may be listed generally or the commission
37 may, from time to time, recommend specific uses for consideration
38 by a local government.

39 (c) Recommendations and guidelines, which shall be periodically
40 updated by the commission to incorporate new information as it

1 becomes available, for the identification, assessment, minimization,
2 and mitigation of sea level rise within each local coastal program,
3 taking into account local and regional conditions and the differing
4 capacities and funding available to local governments.

5 SEC. 5. Division 20.6.5 (commencing with Section 30970) is
6 added to the Public Resources Code, to read:

7
8 DIVISION 20.6.5. CALIFORNIA SEA LEVEL RISE
9 MITIGATION AND ADAPTATION ACT OF 2021
10

11 30970. This division shall be known, and may be cited, as the
12 California Sea Level Rise Mitigation and Adaptation Act of 2021.

13 30971. The Legislature finds and declares all of the following:

14 (a) California has 1,264 miles of coastline, and, if small bays
15 and inlets are included, it has up to 3,000 miles of coastline located
16 on the western seaboard of the United States, all of which is prone
17 to the severe and pervasive effects of sea level rise.

18 (b) According to the “State of California Sea-Level Rise
19 Guidance Document” issued by the Natural Resources Agency
20 and the Ocean Protection Council, the impacts of sea level rise on
21 the state will be significant and pervasive, and could occur as soon
22 as within the next decade.

23 (c) (1) As with most impacts from climate change, the impacts
24 of sea level rise are both environmental and economic, including
25 losses to publicly owned infrastructure, such as airports, rail lines,
26 streets and highways, pipelines, waste water treatment plants,
27 schools, hospitals, and other facilities.

28 (2) For example, the catastrophic inundation, flooding, and
29 property damage from a small rise in sea level, combined with a
30 1-in-10 likelihood of a Pacific storm, could amount to tens of
31 billions of dollars in uninsured losses of structures and properties.

32 (3) A 2015 assessment by the Risky Business Project, led by
33 former United States *Secretary of the Treasury* ~~Secretary~~ Henry
34 Paulson and other business leaders, found that between eight billion
35 dollars (\$8,000,000,000) and ten billion dollars (\$10,000,000,000)
36 of existing property in the state is likely to be underwater by the
37 year 2050 if current trends continue.

38 (4) According to the 2015 National Oceanic and Atmospheric
39 Administration report, The National Significance of California’s
40 Coastal Economy, “California’s 19 coastal counties generated

1 \$662 billion in wages and \$1.7 trillion in GDP in 2012” and
2 “California’s ocean-related activities represent a substantial portion
3 of the U.S. ocean economy as a whole—13 percent of the
4 establishments, 14 percent of the employment and wages, and 12
5 percent of the GDP in 2012,” all of which would be adversely
6 affected by sea level rise.

7 (5) Recent reports in periodicals, such as the Los Angeles Times,
8 state succinctly that “Destruction from sea level rise in California
9 could exceed worst wildfires and earthquakes.”

10 (d) For the economy, the natural environment, and the people
11 of California, it is urgent that the state enact new statutes to plan
12 for, anticipate, and respond to sea level rise.

13 (e) The purpose of this division is to establish new planning,
14 assessment, funding, and mitigation tools for California to address
15 and respond to sea level rise.

16 30972. (a) (1) There is hereby created within state government
17 *the Ocean Protection Council* the California Sea Level Rise State
18 and Regional Support Collaborative.

19 ~~(2) For purposes of this division, “collaborative” means the~~
20 ~~California Sea Level Rise State and Regional Support~~
21 ~~Collaborative.~~

22 ~~(b) (1) The collaborative shall consist of five members.~~

23 ~~(2) The membership of the collaborative shall be composed of~~
24 ~~all of the following voting members:~~

25 ~~(A) The Secretary for Environmental Protection, who shall be~~
26 ~~the cochair.~~

27 ~~(B) The Secretary of the Natural Resources Agency, who shall~~
28 ~~be the cochair.~~

29 ~~(C) A public member, appointed by the Governor.~~

30 ~~(3) The membership of the collaborative shall be composed of~~
31 ~~the following nonvoting members, who shall serve a term of four~~
32 ~~years each.~~

33 ~~(A) A person appointed by the Speaker of the Assembly.~~

34 ~~(B) A person appointed by the Senate Committee on Rules.~~

35 (2) *In its role as the collaborative, the Ocean Protection Council*
36 *shall coordinate with the other state planning and coastal*
37 *management agencies, including, but not limited to, the Office of*
38 *Planning and Research, the Strategic Growth Council, the State*
39 *Lands Commission, the California Coastal Commission, the State*
40 *Coastal Conservancy, and the San Francisco Bay Conservation*

1 *and Development Commission, to administer the grants consistent*
2 *with their statutory authority.*

3 (e)

4 (b) The collaborative shall provide state and regional information
5 to the public and support to local, regional, and other state agencies
6 for the identification, assessment, *planning*, and, where feasible,
7 the mitigation of *the adverse environmental, social, and economic*
8 *effects of sea level rise; rise within the coastal zone and the area*
9 *under the jurisdiction of the San Francisco Bay Conservation and*
10 *Development Commission, pursuant to Section 66610 of the*
11 *Government Code.*

12 30973. (a) Upon appropriation by the Legislature in the annual
13 Budget Act, the collaborative shall expend not more than one
14 hundred million dollars (\$100,000,000) annually from appropriate
15 bond funds and other sources for the purposes of making grants
16 to local governments to update local and regional land use plans
17 to take into account sea level rise, and for directly related
18 investments to implement those plans. Priority shall be given to
19 those local governments that have agreed most effectively and
20 urgently to plan for and implement actions to address sea level
21 rise.

22 (b) As part of the adoption of the annual Budget Act, the
23 Secretary of Environmental Protection and the Secretary of the
24 Natural Resources Agency shall annually appear before the budget
25 committees of both houses of the Legislature regarding the
26 implementation of this division.

27 SEC. 6. Section 71116 of the Public Resources Code is
28 amended to read:

29 71116. (a) The Environmental Justice Small Grant Program
30 is hereby established under the jurisdiction of the California
31 Environmental Protection Agency. The California Environmental
32 Protection Agency shall adopt regulations for the implementation
33 of this section. These regulations shall include, but need not be
34 limited to, all of the following:

35 (1) Specific criteria and procedures for the implementation of
36 the program.

37 (2) A requirement that each grant recipient submit a written
38 report to the agency documenting its expenditures of the grant
39 funds and the results of the funded project.

1 (3) Provisions promoting the equitable distribution of grant
2 funds in a variety of areas throughout the state, with the goal of
3 making grants available to organizations that will attempt to
4 address environmental justice issues.

5 (b) The purpose of the program is to provide grants to eligible
6 community groups, including, but not limited to, community-based,
7 grassroots nonprofit organizations, that are located in areas
8 adversely affected by environmental pollution and hazards and
9 that are involved in work to address environmental justice issues.

10 (c) (1) Both of the following are eligible to receive moneys
11 from the fund:

12 (A) A nonprofit entity.

13 (B) A federally recognized tribal government.

14 (2) For purposes of this section, “nonprofit entity” means any
15 corporation, trust, association, cooperative, or other organization
16 that meets all of the following criteria:

17 (A) Is operated primarily for scientific, educational, service,
18 charitable, or other similar purposes in the public interest.

19 (B) Is not organized primarily for profit.

20 (C) Uses its net proceeds to maintain, improve, or expand, or
21 any combination thereof, its operations.

22 (D) Is a tax-exempt organization under Section 501(c)(3) of the
23 federal Internal Revenue Code, or is able to provide evidence to
24 the agency that the state recognizes the organization as a nonprofit
25 entity.

26 (3) For purposes of this section, “nonprofit entity” specifically
27 excludes an organization that is a tax-exempt organization under
28 Section 501(c)(4) of the federal Internal Revenue Code.

29 (d) Individuals may not receive grant moneys from the fund.

30 (e) Grant recipients shall use the grant award to fund only the
31 project described in the recipient’s application. Recipients shall
32 not use the grant funding to shift moneys from existing or proposed
33 projects to activities for which grant funding is prohibited under
34 subdivision (g).

35 (f) Grants shall be awarded on a competitive basis for projects
36 that are based in communities with the most significant exposure
37 to pollution. Grants shall be limited to any of the following
38 purposes and no other:

39 (1) Resolve environmental problems through distribution of
40 information.

1 (2) Identify improvements in communication and coordination
2 among agencies and stakeholders in order to address the most
3 significant exposure to pollution.

4 (3) Expand the understanding of a community about the
5 environmental issues that affect their community.

6 (4) Develop guidance on the relative significance of various
7 environmental risks.

8 (5) Promote community involvement in the decisionmaking
9 process that affects the environment of the community.

10 (6) Present environmental data for the purposes of enhancing
11 community understanding of environmental information systems
12 and environmental information.

13 (g) (1) The agency shall not award grants for, and grant funding
14 shall not be used for, any of the following:

15 (A) Other state grant programs.

16 (B) Lobbying or advocacy activities relating to any federal,
17 state, regional, or local legislative, quasi-legislative, adjudicatory,
18 or quasi-judicial proceeding involving development or adoption
19 of statutes, guidelines, rules, regulations, plans or any other
20 governmental proposal, or involving decisions concerning siting,
21 permitting, licensing, or any other governmental action.

22 (C) Litigation, administrative challenges, enforcement action,
23 or any type of adjudicatory proceeding.

24 (D) Funding of a lawsuit against any governmental entity.

25 (E) Funding of a lawsuit against a business or a project owned
26 by a business.

27 (F) Matching state or federal funding.

28 (G) Performance of any technical assessment for purposes of
29 opposing or contradicting a technical assessment prepared by a
30 public agency.

31 (2) An organization's use of funds from a grant awarded under
32 this section to educate a community regarding an environmental
33 justice issue or a governmental process does not preclude that
34 organization from subsequent lobbying or advocacy concerning
35 that same issue or governmental process, as long as the lobbying
36 or advocacy is not funded by a grant awarded under this section.

37 (h) The agency shall review, evaluate, and select grant recipients,
38 and screen grant applications to ensure that they meet the
39 requirements of this section.

1 (i) The maximum amount of a grant provided pursuant to this
2 section may not exceed fifty thousand dollars (\$50,000).

3 (j) For purposes of this section, “environmental justice” has the
4 same meaning as defined in Section 65040.12 of the Government
5 Code.

6 (k) (1) The Secretary for Environmental Protection may expend
7 up to two million dollars (\$2,000,000) per year for the purposes
8 of this section.

9 (2) (A) Of the amount described in paragraph (1), up to five
10 hundred thousand dollars (\$500,000) shall be expended by the
11 Secretary for Environmental Protection for grants to organizations
12 working to address and mitigate the effects of sea level rise in
13 disadvantaged communities impacted by sea level rise.

14 (B) For purposes of this section, “disadvantaged community”
15 shall have the same meaning as defined in Section 71118.

16 (l) Board, departments, and offices within the California
17 Environmental Protection Agency may allocate funds from various
18 special funds, settlements, and penalties to implement this program.

19 SEC. 7. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.

AMENDED IN SENATE APRIL 5, 2021

SENATE BILL

No. 260

Introduced by ~~Senator~~ *Senators Wiener and Stern*

(Principal coauthors: Assembly Members Cristina Garcia and Kalra)

(Coauthor: Senator Min)

(Coauthors: Assembly Members Carrillo, Chiu, *Friedman, Lee,*
Robert Rivas, Stone, and Ting)

January 26, 2021

An act to add Section 38532 to the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

SB 260, as amended, Wiener. Climate Corporate Accountability Act.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with the act. The act requires the state board to make available, and update at least annually, on its internet website the emissions of greenhouse gases, criteria pollutants, and toxic air contaminants for each facility that reports to the state board, as provided. *The act provides that any person who violates specified provisions of the act, as provided, is guilty of a misdemeanor and is punishable by a monetary fine, imprisonment in a county jail, or by both a fine and imprisonment.*

This bill would require the state board, on or before January 1, 2023, to develop and adopt regulations requiring ~~publicly traded domestic and foreign corporations~~ *United States-based partnerships, corporations, limited liability companies, and other business entities with total annual revenues in excess of \$1,000,000,000 and that do business in California,*

defined as—~~covered~~ “reporting entities,” to publicly disclose their greenhouse gas emissions, categorized as scope 1, 2, and 3 emissions, as defined, from the prior calendar year. The bill would require the state board, on or before January 1, 2024, to develop and adopt regulations requiring ~~covered~~ reporting entities to set science-based emissions targets, as defined, based on the ~~covered~~ reporting entity’s emissions that have been reported to the state board. The bill would require ~~covered~~ reporting entities to disclose their greenhouse gas emissions and science-based emissions targets in a manner that is easily understandable and accessible to residents of the state, ~~including, but not limited to, by making that information available on a widely available digital platform.~~ *state.* The bill would ~~also~~ require ~~covered~~ reporting entities to ensure that their public disclosures have been independently verified by a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions accounting. *The bill would require the state board to create a digital platform, as provided, to house all reports submitted by reporting entities.* The bill would require the state board to consult with a panel of experts to determine standards and protocols *to ensure that public disclosures are made in a manner that is easily understandable and accessible to state residents,* for the state board to utilize to collect data for all scope 1 emissions, scope 2 emissions, and scope 3 emissions ~~from covered entities by reporting entities,~~ and to set science-based emissions targets for ~~covered~~ reporting entities. *By expanding the scope of a crime under the act, the bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California has demonstrated its leadership in the battle
- 4 against climate change and the climate actions of the state have

1 inspired and contributed to bold actions in other states and across
2 the globe.

3 (b) Yet, even in California, carbon emissions are not being
4 reduced at the scale and pace required to avoid the worst impacts
5 of climate change, and Californians are already facing devastating
6 wildfires, sea level rise, drought, and other impacts associated with
7 climate change.

8 (c) California has achieved record economic growth, is the fifth
9 largest economy in the world, and is a highly desired consumer
10 market for the globe's most profitable ~~corporations~~ *companies*.

11 ~~(d) Facing an imperative to act decisively and quickly to combat~~
12 ~~the growing climate threat and given the outsized role consumer~~
13 ~~purchasing plays in contributing to the climate crisis, publicly~~
14 ~~traded domestic and foreign corporations—United States-based~~
15 ~~companies~~ that have access to California's tremendously valuable
16 consumer market by virtue of exercising their corporate franchise
17 in the state also share a responsibility for addressing the climate
18 crisis in the Golden State.

19 ~~(e) Corporations~~ *Companies* play a major role in the worsening
20 climate crisis through emissions activities that include, but are not
21 limited to, ~~corporate company~~ operations, employee and consumer
22 transportation, goods production and movement, construction, land
23 use, and natural resource extraction.

24 (f) Accurate, verified, and comprehensive data is required to
25 determine a company's greenhouse gas (GHG) emissions, also
26 known as its carbon footprint, and to effectively identify the
27 sources of the pollution and develop means to reduce the same.

28 (g) To ensure reductions of GHG emissions are sufficient to
29 address the climate crisis, it is necessary that a company set an
30 emissions reduction target in line with the scale of reductions
31 required to keep global warming at or below 1.5°C above
32 preindustrial levels, as defined by the leading climate science.

33 *(h) The current approach for monitoring climate emissions from*
34 *private corporate enterprises relies almost exclusively on voluntary*
35 *reporting of greenhouse gas inventories, goals, commitments, and*
36 *agreements, and lacks the full transparency needed for the state*
37 *to make meaningful, strategic, and rapid carbon reductions. By*
38 *their nature, these voluntary campaigns neither record nor disclose*
39 *the full list of emitters or the full scope of carbon pollution by those*

1 *reporting the information. The result is a continuing lack of*
2 *transparency from polluters.*

3 ~~(h)~~

4 (i) The people and communities of California, facing the
5 existential threat of climate change, have a right to know about
6 the sources of carbon pollution, as measured by the GHG emissions
7 data of those ~~publicly traded domestic and foreign corporations~~
8 *companies* benefiting from doing business in the state, and the
9 emissions reduction goals of these ~~corporations~~, *companies*, as
10 measured by science-based emissions targets, in order to make
11 informed decisions about the impact of the consumers' choices
12 when purchasing, patronizing, and making investments in these
13 ~~corporations~~, *companies*.

14 ~~(i)~~

15 (j) To ensure that corporate carbon emissions data disclosure
16 and science-based emissions targets are actionable by the people
17 of California, it is imperative that the information is conveyed in
18 a manner that is understandable and accessible to the general
19 public.

20 ~~(j) The current approach for monitoring climate emissions from~~
21 ~~private corporate enterprises relies almost exclusively on voluntary~~
22 ~~reporting of greenhouse gas inventories, goals, commitments, and~~
23 ~~agreements, and lacks the full transparency needed for the state to~~
24 ~~make meaningful, strategic, and rapid carbon reductions. By their~~
25 ~~nature, these voluntary campaigns neither record nor disclose the~~
26 ~~full list of emitters or the full scope of carbon pollution by those~~
27 ~~reporting the information. The result is a continuing lack of~~
28 ~~transparency from polluters.~~

29 (k) Mandating GHG emissions data disclosure and science-based
30 emissions targets for all ~~publicly traded domestic and foreign~~
31 ~~corporations~~ *United States-based companies* with total annual
32 revenues in excess of \$1,000,000,000 *and* that do business in
33 California will ~~also help inform policymaking, empower the public~~
34 ~~and activate the private sector to drive corporate GHG emissions~~
35 ~~reductions, and is a critical next step the state must take to achieve~~
36 ~~its climate goals through the creation of additional market-based~~
37 ~~incentives that encourage innovative approaches to carbon~~
38 ~~reduction. and protect the state and its residents.~~

39 ~~(l) Given the corporate sector's major role in the worsening~~
40 ~~climate crisis and given the state's overall leadership in addressing~~

1 ~~and reducing climate emissions, it is in the interest of the state to~~
2 ~~require corporate disclosure of carbon emissions data and~~
3 ~~science-based emissions targets.~~

4 SEC. 2. Section 38532 is added to the Health and Safety Code,
5 to read:

6 38532. (a) This section shall be known, and may be cited, as
7 the Climate Corporate Accountability Act.

8 (b) For purposes of this section, the following terms have the
9 following definitions:

10 (1) ~~“Covered—~~*“Reporting entity”*~~” means a publicly traded~~
11 ~~domestic corporation or a publicly traded foreign corporation~~
12 ~~partnership, corporation, limited liability company, or other~~
13 ~~business entity formed under the laws of this state, the laws of any~~
14 ~~other state of the United States or the District of Columbia, or~~
15 ~~under an act of the Congress of the United States with total annual~~
16 ~~revenues in excess of one billion dollars (\$1,000,000,000) and that~~
17 ~~does business in California.~~

18 (2) “Science-based emissions target” means a greenhouse gas
19 (GHG) emissions reduction target that is in line with the scale of
20 reductions required to keep global warming at or below 1.5°C
21 above preindustrial levels, and includes scope 1 emissions, scope
22 2 emissions, and scope 3 emissions.

23 (3) “Scope 1 emissions” means all direct greenhouse gas
24 emissions that stem from sources that ~~a-covered~~ *reporting entity*
25 owns or directly controls, *regardless of location*, including, but
26 not limited to, fuel combustion activities.

27 (4) “Scope 2 emissions” means indirect greenhouse gas
28 emissions from electricity purchased and used by ~~a-covered entity.~~
29 *reporting entity, regardless of location.*

30 (5) “Scope 3 emissions” means indirect greenhouse gas
31 emissions, other than scope 2 emissions, from activities of a
32 ~~covered reporting entity~~ that stem from sources that the ~~covered~~
33 *reporting entity* does not own or directly control and may include,
34 but are not limited to, emissions associated with the ~~covered~~
35 *reporting entity’s* supply chain, business travel, employee
36 commutes, procurement, waste, and water ~~usage.~~ *usage, regardless*
37 *of location.*

38 (c) On or before January 1, 2023, the state board shall develop
39 and adopt regulations to require ~~a-covered reporting entity~~ to verify
40 and annually report to the state board all of the ~~covered reporting~~

entity's scope 1 emissions, scope 2 emissions, and scope 3 emissions. The state board shall ensure that the regulations adopted pursuant to this subdivision require, at a minimum, both of the following:

(1) That a ~~covered reporting~~ entity, on or before January 1, 2024, and annually thereafter, publicly disclose all of the ~~covered reporting~~ entity's scope 1 emissions, scope 2 emissions, and scope 3 emissions for the prior calendar year in a manner that is easily understandable and accessible to residents of the state, ~~including, but not limited to, by making that information available on a widely available digital platform.~~ *state*. The public disclosure shall include the name of the ~~covered reporting~~ entity and any fictitious names, trade names, assumed names, and logos used by the ~~covered reporting~~ entity.

(2) That a ~~covered reporting~~ entity's public disclosure pursuant to this subdivision is independently verified by a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions accounting. The ~~covered reporting~~ entity shall ensure that a copy of the complete, audited greenhouse gas emissions inventory for the prior calendar year, including the name of the approved third-party auditor, is provided to the state board as part of or in connection with the ~~covered reporting~~ entity's public disclosure pursuant to this subdivision.

(d) On or before January 1, 2024, the state board shall develop and adopt regulations to require a ~~covered reporting~~ entity to set *and annually report to the state board* a science-based emissions target, based on the *reporting* entity's emissions that have been reported to the state board pursuant to subdivision (c). The state board shall ensure that the regulations adopted pursuant to this subdivision require, at a minimum, both of the following:

(1) That a ~~covered reporting~~ entity, on or before January 1, 2025, and annually thereafter, publicly disclose the science-based emissions target the ~~covered reporting~~ entity has set for its emissions in a manner that is easily understandable and accessible to residents of the state, ~~including, but not limited to, by making that information available on a widely available digital platform.~~ *state*.

(2) That a ~~covered reporting~~ entity's science-based emissions target is independently verified by a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions

accounting. The ~~covered reporting~~ entity shall ensure that a copy of the complete, audited science-based emissions target, including the name of the approved third-party auditor, is provided to the state board as part of or in connection with the ~~covered reporting~~ entity's public disclosure pursuant to this subdivision.

(e) *The state board shall create a digital platform that will house all reports submitted by reporting entities pursuant to this section. The digital platform shall be capable of featuring individual reporting entity reports, as well as aggregated data, in a manner that is easily understandable and accessible to residents of the state.*

(f) In developing regulations pursuant to this section, the state board shall consult with a panel of experts, which shall include, but not necessarily be limited to, experts in climate science and corporate carbon emissions accounting, implementing state agency representatives, stakeholders representing consumer and environmental justice interests, and ~~covered reporting~~ entities that are leaders in collecting, reporting, and setting targets for the reduction of their own carbon footprint, to develop standards and protocols for ~~the state board to utilize to do both~~ all of the following:

(1) *Ensuring that public disclosures required under this section are made in a manner that is easily understandable and accessible to state residents.*

~~(1) Collect~~

(2) *Collecting data for all scope 1 emissions, scope 2 emissions, and scope 3 emissions from a by covered entity. entities.*

~~(2) Set a~~

(3) *Setting science-based emissions target targets for a covered entity. reporting entities.*

(g) *The state board may adopt or update any other regulations that are necessary and appropriate to implement this section.*

SEC. 3. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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Introduced by Senator Leyva

February 10, 2021

An act to add Division 27.5 (commencing with Section 44800) to the Health and Safety Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Leyva. Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.

~~Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. Existing law requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. law, the California Pollution Control Financing Authority Act, establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.~~

This bill would require ~~an unspecified agency~~ *the California Pollution Control Financing Authority* to establish a program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition

their fleets to zero-emission vehicles. The bill would require the ~~agency~~ *authority* to consult with various state agencies and stakeholders in the development and implementation of the program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The transition to zero-emission medium- and heavy-duty
4 vehicles is the goal of the state, as outlined in the Governor's
5 Executive Order N-79-20 and the State Air Resources Board's
6 Advanced Clean Trucks and Advanced Clean Fleets regulations.

7 (b) Statewide, about 12,000,000 Californians live in
8 communities that exceed the federal ozone and PM 2.5 standards.
9 According to the American Lung Association, more than 90 percent
10 of Californians live in counties affected with unhealthy air during
11 certain parts of the year. The south coast and San Joaquin Valley
12 are the only two areas in the nation designated as "extreme"
13 nonattainment. Researchers found that southern California has
14 seen a 10 percent increase in deaths attributable to ozone pollution
15 from 2010 to 2017, inclusive.

16 (c) Emissions from medium- and heavy-duty vehicles make up
17 a significant proportion of harmful air pollution in California,
18 despite making up just 7 percent of vehicles on the road.
19 Heavy-duty trucks are responsible for about 35 percent of total
20 statewide NOx emissions and over 70 percent of NOx emissions
21 from on-road mobile sources. Heavy-duty trucks are also
22 responsible for approximately 26 percent of total statewide diesel
23 PM emissions.

24 (d) The risks of near-road air pollution are particularly high for
25 minority and low-income communities, because these communities

1 constitute a higher percentage of the population near major
2 roadways.

3 (e) These emissions near roadways add to the health burdens
4 in ~~vulnerable, low-income,~~ *underserved, priority,* and
5 disadvantaged communities and cleaning up transportation
6 emissions in these communities is long overdue and should be the
7 focus of state clean air programs.

8 (f) Using zero-emission vehicles instead of internal combustion
9 engine vehicles saves the operators of medium- and heavy-duty
10 vehicle fleets money over the lifetime of the zero-emission vehicles
11 because zero-emission vehicles have lower operation costs.
12 Additionally, using zero-emission medium- and heavy-duty
13 vehicles has broader societal benefits, including improved health
14 outcomes, resulting in reduced costs related to health care.

15 (g) Even with this lower operating cost, getting to this transition
16 requires near-term, scalable, and replicable financing tools and
17 nonfinancial supports, such as technical and policy supports, with
18 an understanding that small and microfleets of medium- and
19 heavy-duty vehicles will require development of ~~their own set of~~
20 *specific* financing solutions relative to larger fleets of medium-
21 and heavy-duty vehicles, and the state's commitment to developing
22 those financing solutions.

23 (h) Small and microfleets, those with 20 trucks or less and 5
24 trucks or less, respectively, are more likely to operate in
25 disadvantaged communities, have less access to market capital,
26 and face other financial burdens, and, for those reasons, could
27 benefit from the cost savings of zero-emission vehicles if financing
28 tools and nonfinancial supports are designed for, and directed to,
29 those fleets.

30 (i) Large fleets will likely need public moneys and nonfinancial
31 supports to help transition those fleets to zero-emission ~~vehicles~~
32 ~~and incentives directed towards large fleets vehicles.~~ *These tools*
33 can be leveraged with infusions of private capital.

34 (j) Public moneys, other financing tools, and nonfinancial policy
35 supports can be designed to go where they are needed the most
36 and will have the most impact, bringing in as much private capital
37 as possible to complement and leverage limited existing funding,
38 while ensuring that small and microfleets are made economically
39 better off through this process, rather than adding to their financial
40 burden of purchasing a new or used vehicle.

(k) Bus fleets are often on the cutting edge of zero-emission vehicle transportation, help to support the transition to zero-emission vehicles, and would benefit from financial and nonfinancial support designed to suit their fleets.

SEC. 2. Division 27.5 (commencing with Section 44800) is added to the Health and Safety Code, to read:

DIVISION 27.5. MEDIUM- AND HEAVY-DUTY
ZERO-EMISSION VEHICLE FLEET PURCHASING
ASSISTANCE PROGRAM

44800. For purposes of this division, the following definitions apply:

(a) “Administering agency” means ~~_____~~ *the California Pollution Control Financing Authority*.

(b) “Financing tools” includes, but is not limited to, any of the following:

(1) Capital instruments, which are financing instruments that increase access to capital or other resources or reduce the cost of capital, or both.

(2) Risk reduction instruments, which are financing instruments that reduce exposure to risk or uncertainty.

(3) Cost smoothing instruments, which are financing instruments that reduce and smooth up-front or recurrent costs, or both.

(c) “Large fleet” means a fleet of medium- or heavy-duty vehicles, or both, under the control or ownership of one operator that has more than 500 vehicles.

(d) “Microfleet” means a fleet of medium- or heavy-duty vehicles, or both, under the control or ownership of one operator that has up to five vehicles.

(e) “Nonfinancial supports” means technical support, such as supports for technical management of electric medium- and heavy-duty vehicles and technical assistance for financing approaches, or policy action, such as policy measures to enable financing ~~and~~ *or* encourage fleet transitions.

(f) “Priority population” means a community identified as disadvantaged pursuant to Section 39711, or a low-income household or a low-income community, as defined in Section 39713.

1 (g) “Small fleet” means a fleet of medium- or heavy-duty
2 vehicles, or both, under the control or ownership of one operator
3 that has less than 20 vehicles but more than 5 vehicles.

4 (h) “Underserved community” means a community that meets
5 one of the following criteria:

6 (1) Is a “disadvantaged community” as defined by subdivision
7 (g) of Section 75005 of the Public Resources Code.

8 (2) Is included within the definition of “low-income
9 communities” as defined by paragraph (2) of subdivision (d) of
10 Section 39713.

11 (3) Is within an area identified as among the most disadvantaged
12 25 percent in the state according to the California Environmental
13 Protection Agency and based on the most recent California
14 Communities Environmental Health Screening Tool, also known
15 as CalEnviroScreen.

16 (4) Is a community in which at least 75 percent of public school
17 students in the project area are eligible to receive free or
18 reduced-price meals under the National School Lunch Program.

19 (5) Is a community located on lands belonging to a federally
20 recognized California Native American tribe.

21 44802. The administering agency shall establish a program to
22 make financing tools and nonfinancial supports available to the
23 operators of medium- and heavy-duty vehicle fleets to enable those
24 operators to transition their fleets to zero-emission vehicles.

25 44804. In developing and implementing the program
26 established pursuant to Section 44802, the administering agency
27 shall do all of the following:

28 (a) Seek input from environmental justice organizations, the
29 operators of medium- and heavy-duty vehicle fleets of diverse
30 sizes and types, financiers, original truck equipment manufacturers,
31 transportation, logistics, and fleet management companies,
32 nongovernmental organizations, and other relevant stakeholders
33 on all of the following topics:

34 (1) Which medium- and heavy-duty fleets should be designated
35 as high-priority fleets pursuant to subdivision (d), taking into
36 consideration the implications for climate change, pollution and
37 environmental justice, state policy regarding clean air and
38 transportation, and post-COVID economic recovery.

(2) The critical barriers that impede operators of medium- and heavy-duty fleets in different sectors and of different fleet sizes from transitioning to zero-emission vehicles.

(3) The financing tools and nonfinancial supports that should be used to help overcome the critical barriers identified pursuant to paragraph (2).

(4) How to determine whether the program is successful in meeting its goals.

(b) Develop and design, in consultation with other relevant state agencies and building on the input received pursuant to subdivision (a), financing tools and nonfinancial supports that are most appropriate for different sizes and sectors of medium- and heavy-duty vehicle fleets.

(c) Ensure that a minimum of 75 percent of financing products offered under the program are directed towards operators of medium- and heavy-duty fleets whose fleets directly impact, or operate ____ percent of the time in, an underserved community or priority population, or both.

(d) Designate which medium- and heavy-duty fleets are the high-priority fleets that will have access to the program first based on a consideration of state transportation policy and the input received pursuant to subdivision (a). The administering agency shall designate port and drayage truck fleets as one of the high-priority fleets.

(e) Provide financing tools to operators of small and microfleets that include, but are not limited to, direct assistance, such as incentives, grants, and vouchers, that increase access to capital and reduce exposure to market risks or uncertainties.

(f) Provide financing tools to operators of large fleets ~~that are designed to increase access to private capital~~ *capital in ways that make it easier, less expensive, or reduce uncertainties, or any combination of these things, for the operators to transition to zero-emission vehicles.*

(g) Facilitate the decommissioning of high-polluting medium- and heavy-duty vehicles in accordance with the state's clean air targets and goals.

(h) *Enable the development of replicable business models that allow private capital to fully engage, while meeting the goals of this division.*

1 (i) Include optimal financing tools and appropriate nonfinancial
2 supports that are designed and targeted to catalyze electrification
3 at scale.

4 (j) Encourage emerging flexible business, operational, and
5 ownership models that accomplish the goals of this division, such
6 as lease-backs or electric vehicle managers and lessors.

7 ~~(h)~~

8 (k) (1) Establish deadlines for the program that align with
9 milestones established in Executive Order N-79-20 and the
10 proposed revisions to *Division 3 (commencing with Section 1900)*
11 ~~of Title 13 (commencing with Section 1900)~~ of the California Code
12 of Regulations known as the Proposed Advanced Clean Trucks
13 Regulation, which were approved by the State Air Resources Board
14 on June 25, 2020.

15 (2) The administering agency shall do both of the following:

16 (A) Establish penetration targets for deployment of financing
17 tools and nonfinancial supports to operators *including, but not*
18 *limited to, those* whose fleets directly impact, or operate ____
19 percent of the time in, underserved communities and priority
20 populations for each milestone specified in paragraph (1).

21 (B) Compile data and information about the deployment of
22 financing tools and nonfinancial supports provided pursuant to the
23 program to operators *including, but not limited to, those* whose
24 fleets directly impact, or operate ____ percent of the time in,
25 underserved communities and priority populations.

26 ~~(i)~~

27 (l) Create, in coordination with other state agencies that
28 administer similar programs, a “one-stop shop” that provides
29 information to operators of medium- and heavy-duty fleets about
30 all of the potential financing and grant options and other technical
31 assistance available to help obtain financing for zero-emission
32 medium- and heavy-duty vehicles.

33 ~~(j)~~

34 (m) Coordinate with the State Air Resources Board, the Public
35 Utilities Commission, and the State Energy Resources Conservation
36 and Development Commission to provide marketing, education,
37 and outreach to underserved communities and priority populations
38 regarding the program.

39 ~~(k)~~

1 (n) Ensure the financing tools and nonfinancial supports
2 designed and developed pursuant to this section are available to
3 operators of medium- and heavy-duty fleet operators by January
4 1, 2023.

5 44806. (a) The administering agency shall develop a data
6 collection and dissemination strategy for the program to facilitate
7 informed decisionmaking by other state agencies and private sector
8 financiers.

9 (b) The strategy developed pursuant to subdivision (a) shall
10 include data that is necessary to facilitate the financing of
11 zero-emission vehicles in order to increase the scalability of
12 financial tools and nonfinancial supports. These data include, but
13 are not limited to, vehicle and battery performance, upfront and
14 operational costs, residual values, operational revenues, and
15 zero-emissions vehicle miles traveled.

16 (c) This section shall not be construed as a requirement to
17 disclose any proprietary business information collected pursuant
18 to the program to the public as part of the data dissemination
19 strategy.

20 44808. The administering agency shall consult with the State
21 Energy Resources Conservation and Development Commission
22 and the Public Utilities Commission on the use of on-bill tariff
23 products for charging and fueling infrastructure that would allow
24 operators of medium- and heavy-duty fleets to see fuel cost savings
25 of zero-emission vehicles relative to diesel fuel.

26 SEC. 3. The Legislature finds and declares that Section 2 of
27 this act, which adds Section 44806 of the Health and Safety Code,
28 imposes a limitation on the public's right of access to the meetings
29 of public bodies or the writings of public officials and agencies
30 within the meaning of Section 3 of Article I of the California
31 Constitution. Pursuant to that constitutional provision, the
32 Legislature makes the following findings to demonstrate the interest
33 protected by this limitation and the need for protecting that interest:

34 In order to protect the privacy of the operators of medium- and
35 heavy-duty vehicle fleets and encourage their participation in the
36 program established pursuant to Section 2, it is necessary to limit
37 the public's right of access to their proprietary business
38 information.

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AMENDED IN SENATE APRIL 5, 2021

SENATE BILL

No. 804

Introduced by Senator Glazer

(Coauthors: Senators Becker, Caballero, McGuire, Skinner, and Wiener)

(Coauthors: Assembly Members Levine, Mullin, Quirk, and Wicks)

February 19, 2021

An act to add Section ~~14413.5~~ *14415.7* to the Public Resources Code, relating to resource conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 804, as amended, Glazer. California Conservation Corps: ~~forestry corps program: formerly incarcerated individuals. forestry training center.~~

Existing law establishes the California Conservation Corps in the Natural Resources Agency and requires the corps to implement and administer the conservation corps program. Existing law ~~establish a forestry corps program to accomplish certain objectives including developing and implementing forest health projects, as provided.~~ *authorizes the Director of the California Conservation Corps to establish the Education and Employment Reentry Program within the corps to develop, partner with, and create opportunities for certain forestry corps program objectives, collaborate with the Employment Development Department to provide access to workforce services, collaborate with nongovernmental organizations dedicated to providing access to counseling, mentorship, supportive housing, health care, and educational opportunities, and employ collaborations and partnerships available to the corps, as specified.*

~~This bill would require the Director of the California Conservation Corps, in consultation with the Department of Forestry and Fire Protection and the Department of Corrections and Rehabilitation, to establish a program in the forestry corps program to enroll formerly incarcerated individuals, as provided: training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry jobs. The bill would require the director to prioritize for enrollment at the training center formerly incarcerated individuals who have successfully served on a California Conservation Camp program crew and were recommended by the Director of Forestry and Fire Protection and the Secretary of the Department of Corrections and Rehabilitation. The bill would provide that a person who successfully completes the successful completion of a training program is eligible at the training center constitutes qualifying experience for an entry-level forestry position at the Department of Forestry and Fire Protection.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for northern California.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14415.7 is added to the Public Resources
2 Code, to read:
3 14415.7. (a) (1) Upon appropriation, on or before December
4 31, 2023, the director, in partnership with the Department of
5 Forestry and Fire Protection and Department of Corrections and
6 Rehabilitation, shall establish a forestry training center in northern
7 California to provide enhanced training, education, work
8 experience, and job readiness for entry-level forestry jobs.
9 (2) In establishing the training center, the director shall model
10 the training center after the Ventura training center described in
11 Schedule (3) of Item 3540-301-0001 of the Budget Act of 2018
12 (Chapter 29 of the Statutes of 2018), but the training center shall
13 focus on forestry.
14 (3) The training center may include fire prevention, fire
15 suppression, emergency incident response, and resource
16 management training modules.

1 ***(b) The director shall prioritize for enrollment at the training***
2 ***center formerly incarcerated individuals who have successfully***
3 ***served on a California Conservation Camp program crew and***
4 ***were recommended by the Director of Forestry and Fire Protection***
5 ***and the Secretary of the Department of Corrections and***
6 ***Rehabilitation.***

7 ***(c) The director may enroll corpsmembers and local community***
8 ***conservation corpsmembers at the training center if funding and***
9 ***resources allow.***

10 ***(d) Successful completion of a training program at the training***
11 ***center shall constitute qualifying experience for an entry-level***
12 ***forestry position at the Department of Forestry and Fire Protection.***

13 ***SEC. 2. The Legislature finds and declares that a special statute***
14 ***is necessary and that a general statute cannot be made applicable***
15 ***within the meaning of Section 16 of Article IV of the California***
16 ***Constitution because of the unique ecological needs of northern***
17 ***California in reducing the impact of wildfires in the region.***

18 ***SECTION 1. Section 14413.5 is added to the Public Resources***
19 ***Code, to read:***

20 ***14413.5. (a) The director, in consultation with the Department***
21 ***of Forestry and Fire Protection and the Department of Corrections***
22 ***and Rehabilitation, shall establish a program in the forestry corps***
23 ***program to enroll formerly incarcerated individuals who have***
24 ***successfully served on a California Conservation Camp program***
25 ***crew and were recommended for participation as a program***
26 ***member by the Director of Forestry and Fire Protection and the***
27 ***Secretary of the Department of Corrections and Rehabilitation.***

28 ***(b) A person who successfully completes the program described***
29 ***in subdivision (a) shall be eligible for an entry-level forestry***
30 ***position at the Department of Forestry and Fire Protection.***

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