SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2021 - 2022 Regular

Bill No:	SB 1255		
Author:	Portantino		
Version:	2/17/2022	**Hearing Date:**	3/28/2022
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: Single-use products waste reduction: Dishwasher Grant Program for Waste Reduction in K–12 Schools and Community Colleges

DIGEST: Establishes the Dishwasher Grant Program for Waste Reduction in K–12 Schools and Community Colleges to be administered by the Department of Resources Recycling and Recovery (CalRecycle) to provide grants to school districts, charter schools, and community college districts for the purchase and installation of commercial dishwashers at the schoolsites and campuses.

ANALYSIS:

Existing law:

1) Under the Integrated Waste Management Act of 1989 (IWMA), establishes a state recycling goal of 75% of solid waste generated to be diverted from landfill disposal through source reduction, recycling, and composting. Requires each state agency and each large state facility to divert at least 50% of all solid waste through source reduction, recycling, and composting activities. IWMA also requires a state agency and large stage facility, for each office building of the state agency or large state facility, to provide adequate receptacles, signage, education, and staffing, and arrange for recycling services, as specified. (PRC §§ 41780.01, 42921, 42924.5)

2) Prohibits a state food service facility from dispensing prepared food using a type of food service packaging unless the packaging is on a specified list maintained by CalRecycle and has been determined to be reusable, recyclable, or compostable. (PRC §§ 42370 et seq.)

3) Requires "full service restaurants" to only provide single-use plastic straws upon request. (PRC §42271)

4) Requires CalRecycle to develop and implement a source reduction and recycling program for school districts that includes, among other things, the development of a model waste reduction and recycling program for school

districts and schools. (PRC §42621)

5) Requires the California Energy Commission (CEC), in collaboration with each utility, to develop and administer the School Noncompliant Plumbing Fixture and Appliance Program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards with water-conserving plumbing fixtures and appliances. (Public Utilities Code §1631)

This bill:

1) Establishes the Dishwasher Grant Program for Waste Reduction in K–12 Schools and Community Colleges, to be administered by CalRecycle, to provide incentive grants to school districts, charter schools, and community college districts for the purchase and installation of commercial dishwashers at the schoolsites and campuses, as specified.

2) Defines "commercial dishwasher" to mean a nonresidential dishwasher that meets the Energy Star Product Specification criteria for Commercial Dishwashers, Version 2.0, any revision to those criteria published by the United States Environmental Protection Agency (U.S. EPA) that is adopted by the CalRecycle, or other standards established by the department.

3) Requires CalRecycle to award grants of up to $40,000 per kitchen of a school or campus of an applicant district, as follows:
   a) Twenty-five thousand dollars ($25,000) per kitchen of a school or campus of an applicant district for the purchase of a commercial dishwasher and its installation by the manufacturer.
   b) Fifteen thousand dollars ($15,000) per kitchen of a school or campus of an applicant district for costs directly related to the installation, such as necessary electrical and plumbing upgrades, new outlets or appliance relocation, kitchen counter modification, modification of work areas to accommodate a new layout or function of the space, and venting and heat booster equipment and installation.

4) Prohibits grant funds from being used for the purchase of reusable food service ware or long-term dishwasher maintenance costs.

5) Stipulates, as a condition of receiving grant funding, a district agree to the following:
   a) Grant funds be used within two years of receipt for the purchase and installation of at least one commercial dishwasher;

b) The commercial dishwasher be installed by the manufacturer or the manufacturer's designated installer and be properly maintained and serviced when necessary;
c) Training be provided for staff to operate and properly maintain the machine, as necessary; and
d) CalRecycle may conduct an onsite inspection at any school or campus of the district for which a grant was awarded and the district provide any documents and information requested by the department related to the grant.

6) Requires CalRecycle to develop administrative guidelines for implementation of the program, as specified.

7) Requires CalRecycle to develop and maintain information about the program on the department's internet website, including a list of environmentally preferable commercial dishwashers and information about any organizations that may donate or sell reusable service ware products.

8) Requires CalRecycle to conduct outreach to those local educational agencies about the program, as provided.

9) Authorizes CalRecycle to work with the State Department of Education, the Office of the Chancellor of the California Community Colleges, or other relevant state agencies for purposes of the program.

10) Makes the implementation of these provisions contingent on an appropriation being made for its purposes by the Legislature in the annual Budget Act or another statute.

Background

1) *Solid waste in California.* For over three decades, CalRecycle has been tasked with reducing disposal of municipal solid waste and promoting recycling in California through the IWMA. Under IWMA, the state has established a statewide 75 percent source reduction, recycling, and composting goal by 2020 and over the years the Legislature has enacted various laws relating to increasing the amount of waste that is diverted from landfills. According to CalRecycle's State of Disposal and Recycling in for Calendar Year 2019, published February 12, 2021, 42.2 million tons of material were disposed into landfills in 2019.

According to CalRecycle's report, an estimated 28.9 million tons of waste were recycled or diverted in California in 2019, resulting in a statewide recycling rate of 37%, down from 40% in 2018, and a peak of 50% in 2014. Based on these trends, it is unlikely that the state will meet its diversion goals.

2) *Market challenges for recyclable materials.* The U.S. has not developed significant markets for recyclable content materials, including plastic and mixed paper. Historically, China was the largest importer of recyclable materials. In California, approximately one third of recyclable material is exported; and, until recently, 85 percent of the state's recyclable mixed paper has been exported to China. China used to be where the world sent their recyclable material, but beginning in 2017, the county began significantly restricting the types of materials and levels of contamination that would be accepted. However, China no longer accepts all waste imports. Previously, China accepted 32 types of scraps for recycling and reuse and limited contamination levels of those materials to 0.5 percent. The initial ban left waste-exporting counties such as the U.S. scrambling to find alternative destinations, including Southeast Asian nations like Thailand, Vietnam, and Indonesia, which quickly became overwhelmed by the volume of refuse received. Soon after, those counties began to impose their own bans and restrictions on waste imports. Without a global market to send these "recyclable" materials, the contents of many blue recycling bins are being diverted to landfills.

3) *The Cost of plastic pollution.* Plastic, most of which does not decompose, is a significant driver of climate change. The manufacture of four plastic bottles alone releases the equivalent greenhouse gas emissions of driving one mile in a car, according to the World Economic Forum. The United States burns six times more plastic than it recycles, according to research in April 2019 by Jan Dell, a chemical engineer and former vice chair of the U.S. Federal climate committee.

   Plastic is primarily landfilled, recycled, or incinerated – each of which produces varying amounts of greenhouse gas emissions. Landfilling emits the least greenhouse gas emissions on an absolute level, although it presents significant other risks.

   In addition to environmental impacts, there is increasing concern on the impacts that plastic has on human health. According to the report *Plastic & Health: The Hidden Cost of a Plastic Planet,* plastic poses distinct risks to human health at every stage of its lifecycle. This includes the extraction and transport of fossil feedstocks for plastic; the refining and production of plastic

resins and additives; consumer products and packaging; toxic releases from plastic waste management; fragmenting and microplastics; additional exposure to plastic additives as plastic degrades; and ongoing environmental exposures by contaminating and accumulating in food chain through agricultural soils, terrestrial and aquatic food chains, and water supply.

4) *School Waste Reduction Programs*. Schools are vital hubs to their local communities and are uniquely positioned to teach students waste reduction behaviors. Students can learn waste reduction at schools and bring that messaging home to their families, caregivers, and all those with whom they come in contact.

   Schools and universities generate about 562,442 tons of waste each year in California. Almost half of school waste is comprised of organic materials like paper, cardboard, and uneaten cafeteria food. Much of the waste generated in the California education system is recyclable. Many school districts have been successful in improving their economic and environmental performance through the implementation of waste reduction initiatives.

5) *California Solid Waste and Recycling Laws Affecting Schools and Local Education Agencies*. Many individuals monitor school waste, including school district administrators concerned about increases in solid waste disposal costs, recycling-conscious teachers and students, city/county recycling coordinators working with a local school district. In most cases, school recycling is a state requirement. Setting up or improving an existing school waste reduction program can reduce costs and litter, improve the environment, and combat climate change.

   CalRecycle offers resources to help schools and school districts meet recycling requirements. The following is a partial list of solid waste and recycling laws affecting schools and local education agencies:
   a) The Mandatory Commercial Recycling (AB 341, Chesbro, 2011) law went into effect in June 2012 and requires public entities that generate a certain threshold of solid waste per week to reuse, recycle, compost, or otherwise divert solid waste from disposal.
   b) Mandatory Organic Recycling (AB 1826, Chesbro, 2014) requires regulated entities to implement an organic waste recycling program to divert food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.
   c) Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reduction (SB 1383, Lara, 2016) requires schools and local education agencies to prevent, reduce the generation of, and recycle organic waste.

Additionally, effective on January 1, 2024, schools and local education agencies with an on-site food facility will be required to recover edible food.

Other related school recycling and sustainability laws require CalRecycle to provide assistance to school districts in establishing and implementing source reduction and recycling programs. Additionally, California Education Code encourages each school district to establish and maintain a paper recycling program in all classrooms, administrative offices, and other areas owned or leased by the school district.

6) *California Schools Healthy Air, Plumbing, and Efficiency (CalSHAPE) Program*. AB 841 (Ting, Chapter 372, Statutes of 2020) established the School Energy Efficiency Stimulus Program (CalSHAPE), administered by the CEC. The CalSHAPE Program includes two, ratepayer-funded, grant programs for local educational agencies (LEAs), the CalSHAPE Ventilation Program and CalSHAPE Plumbing Program. The CalSHAPE Plumbing Program provides funding to LEAs to replace aging and water-inefficient plumbing fixtures and appliances with water-conserving plumbing fixtures and appliances. The noncompliant appliances eligible for replacement are commercial dishwashers, automatic commercial ice makers, and commercial clothes washers that do not meet ENERGY STAR® Product Specifications.

   The CalSHAPE Plumbing Program guidelines were adopted by the CEC in June 2021 and the online system opened for user registration shortly after. The CEC received 127 applications (including 31 commercial dishwasher requests) in the first round of funding for the Program, totaling $18,573,635 in grant funding, and issued 43 notices of proposed award. Per Program requirements for the first funding round, schools in underserved communities were given priority.

7) *Most Schools Ineligible for CalSHAPE Program Grants*. Although the CalSHAPE Program has received considerable interest from LEAs, the Plumbing Program has not received as many applications as the Ventilation Program. Specifically, only 34 percent of the Plumbing Program funding available in Funding Round One was requested in applications compared to 92 percent of the Ventilation Program funding. CEC staff conducted outreach to LEAs on the Plumbing Program to gather information on reasons that there appears to be less interest in the program.

   AB 841 has specific requirements that a plumbing fixture or appliance must meet to be considered noncompliant and be eligible for replacement in the

CalSHAPE Plumbing Program. Of the feedback provided by applicants, one of the most common was that there is no longer a lot of plumbing fixtures and appliances that meet the requirements to be considered as noncompliant in schools. As such, there are not many fixtures and appliances that qualify for replacement with CalSHAPE Program grant funding.

Comments

1) *Purpose of Bill.* According to the author, "California is meant to be a leader in sustainability, yet we are facing a single-use waste crisis that is being exacerbated by our K-12 school cafeterias and community college campuses. A tremendous amount of waste is generated from single-use foodware such as trays, plates, and utensils. However, we currently have no program dedicated to stemming these waste streams, which are harming our environment and posing substantial costs to our schools and colleges. Both plastic and compostable recycling have proven inadequate and ineffective, and the cost of managing waste is rising.

   "Industrial dish machines present an upstream waste prevention measure by avoiding single-use items and allowing the transition to safe, reusable foodware. Current machines use very little water and complete a cycle in only a few minutes. However, the upfront cost creates a barrier to implementation. Schools operating on very limited budgets and with competing needs may remain with single-use serviceware simply due to the cost of upfront investment. SB 1255 will result in less waste and reduced hauling costs, alleviating these burdens on schools and colleges. Instead of contributing to the waste crisis facing California, providing funding for industrial dishwashers will help reduce waste while instilling the values of environmental stewardship in our students."

2) Transition Back to Dishwashers Makes Sense. According to data provided by the author, only about seven percent of California school cafeterias use dishwashers. This is compared with 70-90 percent of schools in other parts of the country. Most schools in California removed their dishwashers in the 1980s, in part, because of a culture shift to single use plastic (then perceived as a more sanitary option) and to save water. Consequently, most schools are ineligible to apply for the CalSHAPE Program grants.

   Unlike dishwasher in the 1980s, today's commercial dishwashers use very little water, last approximately 15 years, and can complete a cycle in only a few minutes. Additionally, certain models can be installed without venting, significantly decreasing installation and utility costs.

A transition back to the use of new, energy and water efficient dishwashers at schoolsites and campuses would support numerous important state environmental goals articulated above. Further, analyses of schools in other states, as well as California, have demonstrated cost savings by switching to commercial dishwashers, due to reduced waste and hauling costs and the elimination of single-use foodware purchases.

3) *Is CEC a more appropriate Administrator?* As mentioned previously, AB 841 established the CalSHAPE Program, in part, to provide funding to LEAs to *replace* aging and water-inefficient appliances with newer energy-efficient, water-conserving appliances, including commercial dishwashers. The CEC has been successful in administering a swift implementation of the program during the first year of operation, including adopting program guidelines, conducting reach out to LEAs, creating an online application and reporting system, and issuing 127 notices of proposed award for the first funding round. Given this recent success and CEC's critical role in creating the state's clean energy future, the author may wish to consider building off of this experience by designating CEC, rather than CalRecycle to administer the grant program.

DOUBLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Education Committee.

Related/Prior Legislation

SB 54 (Allen, 2021). Prohibits producers of single-use, disposable packaging or single-use, disposal food service ware from offering for sale, selling, distributing, or importing in or into the state those products manufactured after January 1, 2032, unless it is recyclable or compostable. This measure is pending in the Assembly.

AB 841 (Ting, Chapter 372, Statutes of 2020). Establishes the School Energy Efficiency Stimulus Program and consists of two grant programs, the Ventilation Program and Plumbing Program.

SB 1383 (Lara, Chapter 395, Statutes of 2016). Requires the Air Resources Board to approve and implement the comprehensive short-lived climate pollutant strategy to achieve, from 2013 levels, a 40% reduction in methane, a 40% reduction in hydrofluorocarbon gases, and a 50% reduction in anthropogenic black carbon, by 2030.

AB 1826 (Chesbro, Chapter 727, Statutes of 2014). Requires regulated entities to implement an organic waste recycling program to divert food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

AB 341 (Chesbro, Chapter 476, Statutes of 2011). Establishes a state policy goal that 75 percent of solid waste generated be diverted from landfill disposal by 2020.

SOURCE: Glendale Environmental Coalition

SUPPORT:

301 Organics
350 Humboldt: Grass Roots Climate Action
350 Silicon Valley
Burbank Eco Council
California Product Stewardship Council
California School Employees Association
Californians Against Waste
Center for Environmental Health
Climate Reality Project, Los Angeles Chapter
Climate Reality Project, San Fernando Valley
Glendale Environmental Coalition
Green Lunchroom
Habits of Waste
Heal the Bay
Northern California Recycling Association
Plastic Oceans International
Plastic Pollution Coalition
Plasticfreerestaurants.org
Save Our Shores
Sea Hugger
Seventh Generation Advisors
The 5 Gyres Institute
The Center for Oceanic Awareness, Research, and Education
Upstream
Wishtoyo Chumash Foundation
Zero Waste USA
2 individuals

OPPOSITION:

None received

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