
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: SB 45
Author: Portantino
Version: 1/3/2022
Urgency: No
Consultant: Eric Walters

Hearing Date: 1/10/22
Fiscal: Yes

SUBJECT: Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.

DIGEST: Directs the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with the California Air Resource Board (ARB), to provide assistance to local jurisdictions for organic waste diversion programs, as specified.

ANALYSIS:

Existing law:

- 1) Requires the California Air Resources Board (ARB) to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in the statewide emissions of methane by 40%. (Health and Safety Code (HSC) §§39730, 39730.5)
- 2) Requires the Department of Resources Recycling and Recovery (CalRecycle), in consultation with ARB, to adopt regulations to achieve those targets for reducing organic waste in landfills (SB 1383 regulations). (Public Resources Code (PRC) §42652.5)
- 3) Requires the regulations to take effect on or after January 1, 2022.
- 4) Prescribes CalRecycle enforcement actions over local jurisdictions (14 C.C.R. §18996.2)

This bill directs CalRecycle to, in consultation with ARB, provide assistance to local jurisdictions, including, but not limited to, any funding appropriated by the Legislature in the annual Budget, to help them comply with SB 1383 regulations.

Background

- 1) *Short Lived Climate Pollutants (SLCPs)*. Greenhouse gas (GHG) emissions such as carbon dioxide work to warm the earth by trapping solar radiation in the earth's atmosphere. Depending on the molecule, these pollutants can vary greatly in their ability to trap heat, which is termed their global warming potential (GWP), and the length of time they remain in the atmosphere. Carbon dioxide remains in the atmosphere for centuries, which makes it the most critical GHG to reduce in order to limit long-term climate change. However, climate pollutants including methane, tropospheric ozone, hydrofluorocarbons (HFCs), and soot (black carbon), are relatively short-lived (anywhere from a few days to a few decades), but when measured in terms of how they heat the atmosphere (GWP), can be tens, hundreds, or even thousands of times greater than that of carbon dioxide. These are SLCPs.
- 2) *Short-Lived Climate Pollutant Regulations (SB 1383 Regulations)*. According to CalRecycle's website, methane emissions resulting from the decomposition of organic waste in landfills are a significant source of GHG emissions contributing to global climate change, with organic waste in landfills emitting 20% of the state's methane, which is a climate super pollutant 84 times more potent than carbon dioxide. As noted above, organic materials – including waste that can be readily prevented, recycled, or composted – account for a significant portion of California's overall waste stream. Food waste alone accounts for approximately 17 – 18% of total landfill disposal. Increasing food waste prevention, encouraging edible food rescue, and expanding the composting and in-vessel digestion of organic waste throughout the state will help reduce methane emissions from organic waste disposed in California's landfills.

In 2016, the Legislature passed and Governor Brown signed SB 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of SLCPs in various sectors of California's economy. SB 1383 required ARB to approve and implement a 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. In order to accomplish these goals, the bill specified that the methane emission reduction goals include targets to reduce the landfill disposal of organic waste 50% by 2020 and 75% by 2025 from the 2014 level; and to rescue for people to eat at least 20% of currently disposed of surplus food by 2025. CalRecycle was given authority to adopt regulations that would achieve these organic waste reduction requirements.

The implementing regulations took effect January 1, 2022, and the regulatory package is comprehensive, placing various responsibilities on local jurisdictions. The six main requirements of the regulations are: providing organic collection services, establishing an edible food recovery program; education and outreach to the community; requiring procurement of organic material; providing access to edible food and composting facilities; and monitoring and enforcement by the local jurisdictions. Pursuant to statutory requirements, local jurisdictions cannot issue enforcement penalties until two years after the operative date of the regulations – January 1, 2024.

- 3) *The Circular Economy Package in the 2021-2022 Budget.* The most recent Budget included \$270 million over the next two years for a “Circular Economy Package.” Contained in this package was \$195 million to CalRecycle for organic waste infrastructure and implementation, notably including \$60 million in fiscal year 2021-2022 explicitly for SB 1383 local jurisdiction implementation grants.

Comments

- 1) *Purpose of Bill.* According to the author, “SB 45, as amended, formally directs the Cal Recycle (The Department of Resources Recovery and Recycling within CAL-EPA) to assist local agencies in implementing SB 1383 (Lara/Chapter 395 Statutes of 2016) which, inter alia, requires cities and counties to reduce and eventually eliminate organic wastes from their disposal facilities to reduce methane emissions.

The bill is complementary to action taken in the 2021-2022 Budget Act which made funding available to Cal Recycle for these purposes but did not include express direction to the department to expend the funds for these express purposes. SB 45 would provide that direction.”

- 2) *Complementary action to budget.* As mentioned in the background and author’s statement, SB 45 in part directs funds appropriated in the 2021-2022 Budget for grants to local jurisdictions to implement SB 1383. Absent this bill, those moneys would be expected to go to those jurisdictions given the direction in the Budget.

SB 45 goes beyond the Budget in that it directs CalRecycle explicitly to 1) consult with ARB, and 2) provide assistance including but not limited to the appropriated amount. While this bill is not strictly essential to enable local jurisdictions to receive assistance with SB 1383 implementation, it does

provide some additional direction.

Related/Prior Legislation

SB 619 (Laird, Chapter 508, Statutes of 2021) requires, until January 1, 2023, CalRecycle to only impose a penalty on a local jurisdiction, and would require a penalty to only accrue, for a violation of the regulations if the local jurisdiction did not make a reasonable effort, as determined by the department, to comply with the regulations.

SB 1191 (Dahle, 2020) created various exemptions, and an alternative compliance pathway, to the SB 1383 regulations and required CalRecycle to consider a jurisdiction’s good faith effort to implement its organic waste reduction program when determining whether to issue a compliance order or impose penalties. SB 1191 was held in the Senate Environmental Quality Committee.

SB 1383 (Lara, Chapter 395, Statutes of 2016) requires the state to reduce emissions of short-lived climate pollutants, including reducing methane emissions 40% by 2030, as specified, reducing hydrofluorocarbon gas emissions 40% by 2030, and reducing anthropogenic black carbon emissions 50% by 2030.

AB 1086 (Aguiar-Curry, 2021) would have requested that the California Council on Science and Technology, in consultation with its academic and research partners and specified state agencies, undertake and complete a report that provides an implementation strategy to achieve the state’s organic waste, and related climate change and air quality mandates, goals, and targets. AB 1086 was held in the Senate Appropriations Committee.

SOURCE: Author

SUPPORT:

None received

OPPOSITION:

None received

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