San Gabriel Valley Council of Governments*

NOTICE AND AGENDA OF THE REGULAR MEETING OF THE ENERGY, ENVIRONMENT AND NATURAL RESOURCES (EENR) COMMITTEE
Wednesday, April 21, 2021 – 1:00 PM

Zoom Link: https://zoom.us/j/93151682000
Livestream Link: https://youtu.be/KuDNLuzGvrQ

Chair
Denis Bertone
City of San Dimas

Vice Chair
Jennifer Stark
City of Claremont

Members
Claremont
Covina
Duarte
El Monte
Pasadena
Pomona
Rosemead
San Dimas
San Gabriel
Sierra Madre
West Covina

Ex-Officio Member
Jeffrey Lee
City of Temple City's Planning Commission

Thank you for participating in today's meeting. The EENR Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: ***Regular Meetings of the EENR Committee are held on the third Wednesday of each month at 1:00 PM at the Monrovia Community Center, 119 W. Palm Avenue, Monrovia, CA 91016.*** The EENR Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvcog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all EENR Committee meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE EENR COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The EENR Committee may not discuss or vote on items not listed on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the EENR Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the EENR Committee can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.

***MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19**: On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the EENR Committee meeting scheduled for April 21, 2021 at 1:00 p.m. will not be allowed. To allow for public participation, the EENR Committee will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: https://zoom.us/j/93151682000. You may also access the meeting via the livestream link on the front of the agenda page.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by Zoom.

- Email: Please submit via email your public comment to SGVCOG Management Analyst, Alexander Fung, at afung@sgvcog.org at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email "FOR PUBLIC COMMENT." Emailed public comments will be read into the record and will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Committee prior to the meeting.
- Zoom: Through Zoom, you may speak by using the web interface "Raise Hand" feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact SGVCOG Management Analyst, Alexander Fung, at least 48 hours prior to the meeting at (626) 457-1800 or at afung@sgvcog.org.

PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment *(If necessary, the Chair may place reasonable time limits on all comments)*
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting *(It is anticipated that the EENR Committee may take action on the following matters)*

CONSENT CALENDAR *(It is anticipated that the EENR Committee may take action on the following matters)*

5. EENR Meeting Minutes – March 17, 2021 **(Page 1)**
Recommended Action: Review and approve.

LIAISON REPORTS

6. Clean Power Alliance
7. San Gabriel Mountains Community Collaborative
8. San Gabriel Valley Mosquito and Vector Control District
9. Trust for Public Land
10. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy **(Page 6)**
11. Sanitation Districts of Los Angeles County **(Page 17)**
12. Southern California Edison
13. Southern California Gas Company
14. South Coast Air Quality Management District **(Page 19)**

UPDATE ITEM *(It is anticipated that the EENR Committee may take action on the following matters)*

15. Legislative Updates: AB 33 (Ting) – Alexander Fung, Management Analyst, SGVCOG **(Page 20)**
Recommended Action: For information only.

ACTION ITEMS *(It is anticipated that the EENR Committee may take action on the following matters)*

16. SB 343 (Allen) – Alexander Fung, Management Analyst, SGVCOG **(Page 32)**
Recommended Action: Recommend the Governing Board to support SB 343 (Allen).
17. SB 619 (Laird) – Alexander Fung, Management Analyst, SGVCOG **(Page 54)**
Recommended Action: Recommend the Governing Board to support SB 619 (Laird).

PRESENTATIONS *(It is anticipated that the EENR Committee may take action on the following matters)*

18. SoCalGas Hydrogen Presentation – Yuri Freedman, Senior Director of Market Development, SoCalGas **(Page 59)**
Recommended Action: For information only.
19. Southern California Regional Energy Network Multifamily Program – Sravanti Bassa, Account Manager, ICF **(Page 60)**
Recommended Action: For information only.

STAFF ANNOUNCEMENTS

20. California Climate Investments Fire Prevention Grant Opportunity **(Page 64)**
Recommended Action: For information only.
21. Next Committee Meeting
Recommended Action: For information only.

ADJOURN

SGVCOG EENR Committee Regular Meeting Minutes
Date: March 17, 2021
Time: 1:00 PM
Location: Zoom Virtual Meeting

PRELIMINARY BUSINESS

1. Call to Order
D. Bertone called the meeting to order at 1:01pm.

2. Roll Call
A quorum was in attendance.

Committee Members Present		**Absent**
Claremont	J. Stark	Covina
Duarte	T. Paras-Caracci	
El Monte	P. Garcia	
Pasadena	J. Guess	
Pomona	J. Carver	
Rosemead	M. Clark	
San Dimas	D. Bertone	
San Gabriel	C. Liao	
Sierra Madre	R. Arizmendi	
West Covina	T. Wu	
Temple City (Ex-Officio)	J. Lee	

Guests		**SGVCOG Staff**
City of South Pasadena	A. Tesfaye	P. Hubler, Staff
Nature for All	A. Hernandez	A. Fung, Staff
Nature for All	B. Fasutinos	
Nature for All	B. Matsumoto	
Office of Cong. Napolitano	B. Pence	
Sierra Club National	C. De La Cruz	
Sierra Club National	Y. Kavezade	
SoCalGas	H. Shaw	
South Coast AQMD	I. MacMillan	
South Coast AQMD	M. Cacciotti	
South Coast AQMD	R. Yeung	
South Coast AQMD	S. Rees	
Tongva/Tataviam Land	R. Mo	

3. Public Comment
Y. Kavezade from the Sierra Club provided a verbal public comment on Item 17, AQMD Warehouse Indirect Source Rule (Proposed Rule 2305), to express appreciation for the South Coast AQMD to develop the Proposed Rule to address emissions from various parts of the warehouse industry.

H. Shaw from SoCalGas provided a verbal public comment on Item 18, AB 33 (Ting), to express opposition to AB 33 on behalf of SoCalGas. Ms. Shaw commented that school districts should be given the opportunity to decide on the forms of energy needed to power their facilities.

C. De La Cruz from the Sierra Club provided a verbal public comment on Item 18, AB 33 (Ting), to encourage individuals to examine AB 33 closely. Mr. De La Cruz commented that the bill further supports the State's climate reduction and transportation electrification goals and does not restrict local controls.

4. Changes to Agenda Order
There were no changes to the agenda.

CONSENT CALENDAR

5. EENR Meeting Minutes – February 17, 2021
Action: Review and approve.

There was a motion to approve consent calendar item 5. (M/S: C. Liao/R. Arizmendi)
[Motion Passed]

AYES:	Claremont, Duarte, El Monte, Pasadena, Pomona, Rosemead, San Dimas, San Gabriel, Sierra Madre, West Covina
NOES:	
ABSTAIN:	
NO VOTE RECORDED:	
ABSENT:	Covina

LIAISON REPORTS

No verbal report was given unless otherwise noted.

6. Clean Power Alliance
7. San Gabriel Mountains Community Collaborative
8. San Gabriel Valley Mosquito and Vector Control District (MVCD)
9. Trust for Public Land
10. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC)
11. Sanitation Districts of Los Angeles County
12. Southern California Edison
13. Southern California Gas Company
14. South Coast Air Quality Management District (AQMD)
R. Yeung provided a verbal report on AQMD's guidebook for residents and stakeholders to identify agencies and organizations responsible for environmental concerns and other issues.

UPDATE ITEM

15. Protecting America's Wilderness and Public Lands Act
SGVCOG Management Analyst, Alexander Fung, provided updates on this item. Last

month, Congresswoman Judy Chu (CA-27) re-introduced the San Gabriel Mountains Foothills and Rivers Protection Act to the U.S. House of Representatives. The bill was packaged under Congresswoman Diana DeGette's (CO-1) Protecting America's Wilderness and Public Lands Act, which is known as HR 803. The bill, if signed into law, would designate approximately 1.5 million acres of public land as wilderness, add 1,200 miles of rivers to the National Wild and Scenic Rivers System, and withdraw over one million acres from new mining claims. Additionally, HR 803 expands national monuments and national recreation areas, creates new historic landscapes, and funds constructions of new hiking trails on public lands. The amount of land protected under HR 803 would be approximately three million acres of land in the States of Arizona, California, Colorado, and Washington. The bill recently passed the U.S. House of Representatives and has been received in the U.S. Senate.

Key Discussions/Questions:

- M. Clark commented that the Cities of Glendora and Monrovia expressed concerns regarding this legislation due to concerns regarding property rights. Given their concerns, Ms. Clark suggested that the SGVCOG remains neutral or opposes this legislation.
- D. Bertone clarified that the SGVCOG has decided to remain neutral on this legislation.
- C. Liao inquired about potential funding that can result from the passage of HR 803. Mr. Fung responded that the designation of a national recreation area in the San Gabriel Mountains through HR 803 can lead to additional funding sources to hire additional rangers and improve facilities in the San Gabriel Mountains.

PRESENTATIONS

16. Nature for All 2020 Impact Report

Nature for All representatives provided a presentation on the organization's 2020 Impact Report. The Impact Report highlights achievements that the organization had accomplished last year and showcases various strategies for carrying out its mission through supporting policies to protect public lands.

Key Discussions/Questions:

- J. Stark inquired about funding from 30 by 30 that can increase open space in public land areas. Ms. Faustinos responded that the California Natural Resources Agency has been collaborating with Nature for All to identify state and federal resources to support acquisition of open space to support 30 by 30. Ms. Faustinos mentioned that a comparative bill analysis for AB 1500 and SB 45 will be shared with committee members.
- J. Stark also inquired about opportunities to address the poor road conditions on Mt. Baldy Road. Ms. Faustinos mentioned that it is possible that several agencies are responsible for maintaining Mt. Baldy Road and offered to contact Ms. Stark separately to address the issue.
- C. Liao commented that it may be possible to utilize Measure M funds to support road maintenance efforts in the mountains. Ms. Faustinos responded that a portion of Measure M funds was allocated towards access programs.

- C. Liao also inquired about using Proposition 68 funds to support parks and clean water efforts. Ms. Faustinos said that Proposition 68 dollars supported Nature for All's Transit to Parks Program, as well as the City of Duarte's efforts to reopen the Fish Canyon Falls Trail.
- J. Lee commented that Nature for All also supports local efforts to expand open space. Ms. Faustinos added that Nature for All hosts a Leadership Development Program and a Leadership Academy to provide opportunities for participants to learn civic engagements. These programs encourage participants to encourage the advocacy of additional access to open space through civic platforms.

17. AQMD Warehouse Indirect Source Rule (Proposed Rule 2305)
South Coast Air Quality Management District (AQMD) representatives provided a presentation on this item. To assess and identify potential actions to further reduce emissions associated with emission sources operating in and out of warehouse distribution centers, the AQMD is currently pursuing a new rule to regulate warehouse operators and owners of existing and new warehouses with floor space greater than or equal to 100,000 square feet. Specifically, the Rule requires warehouse operators of warehouses subject to Proposed Rule 2305 to reduce emissions by completing specific actions or paying mitigation fees. The AQMD Governing Board is scheduled to review this item at its May meeting.

Key Discussions/Questions:

- M. Cacciotti added that the Proposed Rule, if approved, will be phased in over several years and that there are serious consequences if the region fails to meet federal emissions standards.

DISCUSSION ITEM

18. AB 33 (Ting)
SGVCOG Management Analyst, Alexander Fung, provided a legislative update on AB 33. Originally introduced in December 2020 as a bill to limit the use of natural gas in new public schools and state buildings, Assemblymember Phil Ting (D-San Francisco) gut-and-amended AB 33 earlier this week to require the California Energy Commission to provide grants and loans to local governments and public institutions to maximize energy use savings, expand installation of energy storage systems, and expand the availability of transportation electrification infrastructure.

Key Discussions/Questions:

- M. Clark requested staff to review the bill and provide additional updates at the next committee meeting.

STAFF ANNOUNCEMENT

19. Next Committee Meeting
The upcoming committee meeting is scheduled for Wednesday, April 21, 2021 at 1:00pm.

ANNOUNCEMENTS

There were no additional announcements.

ADJOURN

D. Bertone adjourned the Energy, Environment, and Natural Resources (EENR) Committee meeting at 2:37 p.m.

April 2021 RMC Newsletter

April 5, 2021

Welcome to the fifth edition of RMC's newsletter! We are thrilled to share our new electronic communication with you to give you a snapshot of RMC's work. In this monthly newsletter, we will provide project spotlights, news on recently approved projects, updates on active projects and our Joint Powers Authority activities. We will also share any events, funding opportunities, as well as announcements.

A Message from RMC's Executive Officer

It's Spring! We welcome the warmer weather, smells, sights, and sounds of Spring. The month of April brings us Earth Day. This year marks the 51th year of Earth Day, which represents the birth of the modern environmental movement that began in 1970. Earth Day is officially on April 22, but it is celebrated throughout the month with a variety of events including lectures, community action days, clean ups, and many others events to remind us to be good to the land. But, you know, at the RMC we believe you should not only celebrate Earth Day on April 22, but everyday. This can be achieved by making environmentally-friendly lifestyle choices throughout the year in order to make a positive impact in our communities and around the world.

Along the lines of being good stewards to each other. The Rivers and Mountains Conservancy and Watershed Conservation Authority stand with our Asian American community against all acts of hate and violence. Many Asian Americans throughout Los Angeles and Orange County region and around the nation have been unjustly blamed for causing the pandemic and are targeted for discriminatory treatment, hostility, and violence. The horrific Atlanta mass shooting that killed eight

people, including six Asian women was an act of hate and has many within the Asian American community feeling very scare, worried, and angry. It must end! We will remain committed to addressing issues of social and environmental justice and will continue to work with our partners to support investments for the people in our high need communities. We celebrate our very diverse staff, and their dedication to ensuring participation and balance treatment in our effort. We know there is still much to do to create healthier, more equitable and sustainable communities everywhere.

Finally, I want to thank the cities and NGOs that applied to the RMC's Regionwide and Lower LA River Proposition 68 Call for Projects. RMC is in the process of reviewing those grant applications and will be making recommendations for grants in its Spring Board meeting, so please stay tuned. More information can be found on RMC's website: www.rmc.ca.gov. Thank you for your continued support, and we look forward to seeing you outside!
We will see you outside!

Be Safe and Well,
Mark

Project Spotlights

Basset High School Project

California Conservation Corps in Action

California Conservation Corps members install rain boxes to maximize rain water capture and infiltration of each bioswale.

Bassett High School is located in the City of La Puente, in the San Gabriel River sub watershed. La Puente is highly urbanized with predominately impervious grey infrastructure everywhere which impairs groundwater infiltration and recharge, creating flooding, bad water quality, and contributes to urban heat island effects. This project, spearheaded by local non-profit Amigos de los Rios, is a high school campus "green infrastructure" retrofit, and includes: trails and educational kiosks, urban habitat, reduced water use on-site, and improved stormwater management. The project reduced turf grass around edges of the high school's field, replacing it with over 2700 native, drought-tolerant trees and

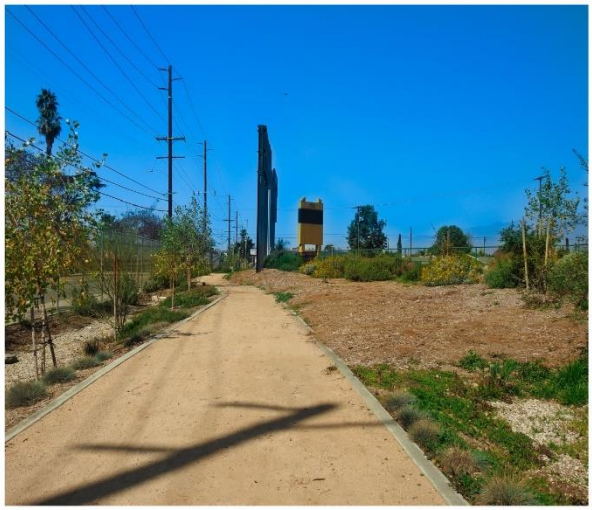
shrubs and creating bioswales and other permeable surface retrofits to collect, capture, and infiltrate stormwater from the campus. Overall the project supports watershed health and serves as a demonstration for sustainable public landscaping to the region.

Before

Post-grass removal process photo of the edge of track field and South West corner of the school.

In Progress

Constructing a decomposed granite nature trail and habitat area along the perimeter of the stadium.



After

The nature trail and habitat area along the permiter of the satadium gives students a chance to explore nature with a mix of native plants and animals.

After: Plants in bloom

Native wildflower blooms draw attention and appreciation to the habitat garden as well as provide for native pollinators.

Staff Spotlight

Marybeth Vergara

Project Development Manager

What was your first/favorite experience of nature?-

Growing up, I didn't really go camping or to the snow. My exposure to nature was going to Playa del Rey, sometimes in my dad's station wagon, sometimes on the bus, all the way down Manchester Blvd. We would spend the day there, eat sandwiches for lunch and watermelon in the summertime. I learned to swim at this beach, and have very fond memories of the beach.

What was your first/favorite experience of waterways?

Growing up in South Los Angeles, and going to high school in Downey, I took the bus to school. So during my high school years, I always passed over the LA River, not knowing that it was a river, and didn't become involved with it until I

came to work for the RMC. My first true experience with a waterway, honestly, was swimming in the Rio Grande during the summers while visiting my cousins in Juarez, Mexico. The water was not the cleanest, I once got a fish hook stuck in my toe, so that was painful and didn't leave the best impression of waterways for me. The other first true river experience was going camping as a young adult to the Kern River in Kern County. Then I knew the potential of a River and what a beautiful and fun river could be.

What are your favorite waterways/open spaces (in WCA/RMC territory)?
The San Gabriel River is my newest favorite bike path and El Encanto is truly a unique place that we have the luxury of having as our office space. The views are amazing and the access to the walking trail is a plus. I credit our weekly walks to keeping us in shape and especially helping me get my walks in during my pregnancies while working at the RMC.

How did you come to enter the environmental field, professionally?
One of my first jobs was working for a consulting firm in Santa Monica that was working against the proposed expansion of LAX International airport. I learned about the term environmental justice and how communities under the LAX flight path, South LA, Inglewood, and Lennox, bear the brunt by being so close to the flight path for the airport. It was also my introduction into politics and working with elected officials from the local level to the federal level.

What is your favorite part of the work you currently do at WCA/RMC?
Now that I am a mom, my favorite thing to do is to take my daughters to explore the new parks that the RMC has had a role in, whether through direct grants or as part of a larger regional effort, like the work we're doing along the Lower LA River and with other project partners. Seeing projects come to fruition is truly a unique satisfaction and makes our work more meaningful.

What are some of the challenges of doing this work?

1. *Making the connections between the work that we do, and how it impacts people on a daily basis, especially when there are more pressing issues for certain communities.*
2. *Multi-tasking and being able to do everything within a certain time frame, which can often be overwhelming.*

3. *Also, from a political perspective, being able to balance the needs of the community vs. elected officials who have knowledge of outside forces impacting project progress.*

What is the thing you are most proud of that you can share with us?
I'm proud of the work that we have been able to accomplish as a team, including our JPAs and Conservancy staff. The impact we have on communities is amazing. I can drive through the Greater LA region, and point to projects that we've funded, or are in the process of funding, and this is so satisfying and makes all of our work worth it.

If there was something you could change about your job, what would it be?
The need in Southern California is so great, especially highlighted during the COVID-19 pandemic. It would be great to have more resources, as well as twice as many staff to do the great work that we do in such a large and diverse region that we cover. The need is so great, but the staff and resources are so limited. But we do what we can, in the best way that we can. In the words of Cesar Chavez, "Si Se Puede!

Project Updates

Anaheim Coves

The eastern boarder of RMC's territory covers a portion of Orange County and the Santa Ana River watershed, including the City of Anaheim. In 2014, the Anaheim Coves/ Burris Pit Park Development project was completed with RMC Prop 40 and Prop 84 funding. The project improved public access along the Santa Ana River via a new trail system and interface with the Burris Basin. The project installed a 1.5mile permeable paved ADA accessible trail connecting to a spur of the Santa Ana River Trail creating a 2.6 mile loop, 2 observation decks, interpretive signage, and staging areas with restrooms among other new public amenities, and restored native vegetation found in the Santa Ana River basin.

The RMC staff greatly enjoyed biking along the route a few years ago, we hope you get out to enjoy the trail as well.

Joint Powers Authority

WATERSHED CONSERVATION AUTHORITY

Spring Brings Swallows to WCA Parks

As the weather warms, migrating cliff swallows are returning to their old haunts. At the River Wilderness Park, tucked into the mouth of San Gabriel Canyon, masses of Swallows can be seen darting along the river, on the hunt for tasty treats. Swallows typically feed ‘on the wing,’ — meaning they feast on insects that are also flying low above the water.

Colonies of swallow nests are easy to spot. They are jug-shaped and made from dried mud, with a small opening for an entrance. At the River Wilderness Park, nests can be found in the overhangs of buildings or under the Highway 39 bridge over the river.

Nests are also a common sight at Parque Dos Rios, another WCA project along the Los Angeles River in South Gate. When construction is complete this Spring, a new overlook area with view scopes will let people observe these birds up close, nesting under the nearby Imperial Highway bridge. Interpretive signs, like the one featured here, help tell the story of these resilient creatures.

LOS CERRITOS WETLANDS AUTHORITY

Los Alamitos Pump Station

The LCWA runs an onsite native plant nursery to grow locally sourced wetland plants for local restoration projects, thanks to Prop A funding from the LA County Regional

Parks and Open Space District. A majority of the plants are grown for restoration at Zedler Marsh and planted with the help of community stewards. Occasionally the nursery is used to grow plants for mitigation projects in the Los Cerritos Wetlands Complex, one such project is the Los Alamitos Pump Station Mitigation Project.

In 2014, the LCWA was contracted by Orange County Public Works to implement a 1.43 acre wetlands and upland transition habitat mitigation and monitoring program to mitigate for the construction of the pump station at the Los Alamitos Retarding Basin. A mix of container plants from the nursery and hand seeding was used to restore the site. Plant communities such as mulefat and salt bush scrub, alkali meadow, and southern coastal salt marsh plants were planted in the upland habitat. Freshwater marsh, mule fat scrub, and coastal sage scrub plant communities were planted in the basin habitat. After five years of monitoring and management, the mitigation site is thriving with up to 87.2% of native plant cover across the site. Additional information can be found at HERE.

Announcement

Job Opportunity with RMC

The San Gabriel & Lower Los Angeles Rivers and Mountains Conservancy is now accepting applications for the position of Conservancy Project Development Analyst II (CPDAII). Eligibility (ie. list, transfer, SROA) is required. Eligibility (ie. list, lateral transfer) is required for this position. The current lists/examination eligible for this position are Conservancy Project Development Analyst II and Associate Governmental Program

Analyst. Additional information can be found in the job posting on the Cal Careers website at https://www.calcareers.ca.gov/.

Though it's FT telework currently, reporting location is in Azusa but may work in our Long Beach office. More details can be found in the posting HERE

The application final filing date is **April 9, 2021**.

Grant Opportunities for Parks and Open Space

- **RMC Regionwide Prop 68 Grants**
  - Grants to preserve and enhance open space and habitat and provide for low-impact recreation and educational uses.
  - Small (< $300,000) and Very Small (< $50,000) grants available
  - Round 2 awards anticipated to be announced Summer 2021
- **RMC Lower LA River Prop 1 and 68**
  - Over $30 million available for projects along the Lower LA River that support the Lower LA River Revitalization Plan from each Proposition
  - More information on RMC grants at: http://rmc.ca.gov/grants/

LA River Master Plan

Public Comments Extended Through May 13, 2021!

The Los Angeles County River Master Plan draft is LIVE and Los Angeles County Public Works wants your feedback. Check it out at: http://www.larivermasterplan.org/. There have been several LA River Master Plan review events and discussions hosted by members of the LA River Master Plan Advisory Committee.

Save the Date for one more taking place on April 21, 2021 from 12-1 pm. The review session will focus on specific design elements of the Draft Master Plan and will be hosted by Studio MLA, Urban Land

Institute, Architectural Institute of America (AIA) and others. Stay tuned for more information or contact us for more information.

The Los Angeles River flows through a 51-mile connected public open space and serves as an integral part of daily life in Los Angeles County. The LA River Master Plan is an update of the LA County 1996 LA River Master Plan, which serves as a template for future projects throughout the river corridor. Additionally, the LA River Master Plan update incorporates and builds on the 2018 Lower LA River Revitalization Plan's 155 opportunity projects, 7 signature projects, community stabilization toolkit, and other resources, and addresses flood risk, equitable access, healthy ecosystems, arts and culture, impacts to affordable housing, engagement, and local water supply and quality. Submit your comments today!

REPORT

DATE: April 21, 2021

TO: Energy, Environment, and Natural Resources (EENR) Committee

FROM: Sanitation Districts of Los Angeles County

RE: SANITATION DISTRICTS OF LOS ANGELES COUNTY LIAISON REPORT

RECOMMENDED ACTION

For information only.

BACKGROUND

The Sanitation Districts of Los Angeles invite all SGVCOG members to a virtual tour of the San Jose Creek Water Reclamation Plant on Saturday, April 24 at 9 am via Zoom. Follow the process that converts wastewater into recycled water and then learn the many ways recycled water benefits LA County. This tour is free and open to the public, feel free to share flyer (Attachment A).

Businesses in San Gabriel Valley cities that were impacted by COVID-19 may qualify for a rebate on their wastewater service charge. For more details about our rebate programs, email us at rebate@lacsd.org or visit www.lacsd.org/covidrebate.

Additionally, the Sanitation Districts also invite all SGVCOG members to a virtual tour of the Scholl Canyon Landfill on Saturday, May 15 at 9 am via Zoom MTG ID 890 2269 6270. This tour will provide a close-up look at how we safely manage solid waste, including the many engineered systems used to protect the environment. This tour is free and open to the public.

ATTACHMENTS

Attachment A – San Jose Creek Water Reclamation Plant Tour Flyer

SAN JOSE CREEK
WATER RECLAMATION PLANT
VIRTUAL TOUR

The Sanitation Districts are one the nation's largest producers of recycled water. Let us show you how we convert waste into a resource for LA County.

Saturday, April 24 • 9:00AM

Zoom ID 896 0499 4224

LOS ANGELES COUNTY
SANITATION DISTRICTS
Converting Waste Into Resources

SanDistricts SanDistricts SanitationDistrictsLACounty lacsd.org

For more information, contact Sylvya Raygoza at (562) 908-4288, ext. 2301 or sraygoza@lacsd.org

BETTER AIR AND BIGGER SAVINGS - YOUR SPRING CLEAN*air* REBATE AWAITS

Install an Ultra-Low NOx Furnace* or All-Electric Heat Pump System with Ducted Air Handler and Get Rebates up to $1500

Spring is in the air, and there's never been a better time to contribute to cleaner air in your community while earning big savings. Have a qualifying ultra-low NOx furnace* or all-electric heat pump system with ducted air handler installed at home and, for a limited time, you can collect up to a $1,500 rebate – with special rebate funds allocated to low-income and disadvantaged communities!

* emissions of 14 ng/J NOx per South Coast AQMD Rule 1111

TO COLLECT YOUR REBATE, JUST FOLLOW THREE EASY STEPS:

1. PURCHASE AND INSTALL

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REPORT

DATE: April 21, 2021

TO: Energy, Environment, and Natural Resources (EENR) Committee

FROM: Marisa Creter, Executive Director

RE: LEGISLATIVE UPDATES: AB 33 (TING)

RECOMMENDED ACTION

For information only.

BACKGROUND

Originally introduced in December 2020 as a bill to limit the use of natural gas in new public schools and state buildings, AB 33 was gut-and-amended by Assemblymember Phil Ting (D-San Francisco) last month to state the intent of the California Legislature that the California Energy Commission (CEC) administer the State Energy Conservation Assistance Account to provide grants and loans to local governments and public institutions to maximize energy use savings, including technical assistance, demonstrations, and identification and implementation of cost-effective energy efficiency measures and programs in existing and planned buildings or facilities.

Technical assistance, in the context of this bill, refers to assistance to schools, hospitals, local governments, and public care institutions for:

- Conducting specialized studies identifying and specifying energy savings and related cost savings that are likely to be realized as a result of:
    - Modification of maintenance and operating procedures in a building or facility, in addition to those modifications implemented after the preliminary energy audit, or
    - Acquisition and installation of one or more specified energy conservation measures in the building or facility, or as a result of both.
    - New construction activities.
- Planning of specific remodeling, renovation, repair, replacement, or insulation projects related to the installation of energy conservation measures in the building or facility.
- Developing and evaluating alternative project implementation methods and proposals.

The revised AB 33 would also require the CEC, in administering the account, to provide grants and loans to local governments and public institutions to maximize energy use savings, expand installation of energy storage systems, and expand the availability of transportation electrification infrastructure. Additionally, the bill further declares that it is the intent of the California Legislature that the CEC seek the assistance of utility companies in providing energy audits for local governments and public institutions in publicizing the availability of State Energy Conservation Assistance Account funds to qualified entities.

AB 33 has been referred to the Assembly Committee on Utilities and Energy. A copy of the bill language can be found in Attachment A.

SGVCOG Management Analyst, Alexander Fung, will provide updates on this item.

Prepared by: _____
Alexander P. Fung
Management Analyst

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – AB 33 Bill Language

AMENDED IN ASSEMBLY MARCH 16, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL No. 33

Introduced by Assembly Member Ting
(Principal coauthor: Senator Becker)
(Coauthor: Assembly Member Chiu)

December 7, 2020

An act to ~~add Section 17280.2 to the Education Code, to amend Section 15814.30 of the Government Code, and to add Sections 385.5, 455.6, and 2774.7 to the Public Utilities Code, relating to natural gas.~~ *amend Sections 25410.6, 25411, 25412.5, 25413, 25414, and 25415 of the Public Resources Code, relating to energy, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 33, as amended, Ting. ~~Natural gas.~~ *Energy Conservation Assistance Act of 1979: energy storage systems and transportation electrification infrastructure.*

The Warren-Alquist State Energy Resources Conservation and Development Act establishes the State Energy Resources Conservation and Development Commission (Energy Commission). Existing law requires the Energy Commission, working with the State Air Resources Board and the Public Utilities Commission, to prepare and bienially update a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5,000,000 zero-emission vehicles on California roads by 2030 and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030. The Energy Conservation Assistance Act of 1979 states the intent of the

Legislature that the Energy Commission administer the State Energy Conservation Assistance Account to provide grants and loans to local governments and public institutions to maximize energy use savings, including technical assistance, demonstrations, and identification and implementation of cost-effective energy efficiency measures and programs in existing and planned buildings or facilities.

This bill would require the Energy Commission, in administering the account, to provide grants and loans to local governments and public institutions to maximize energy use savings, expand installation of energy storage systems and expand the availability of transportation electrification infrastructure, including technical assistance, demonstrations, and identification and implementation of cost-effective energy efficiency, energy storage, and transportation electrification infrastructure measures and programs in existing and planned buildings or facilities.

Existing law establishes the account as a continuously appropriated account in the General Fund.

By expanding the purposes for which moneys in the account can be expended, this bill would thereby make an appropriation.

~~Existing law vests the Department of General Services with the authority to supervise the design and construction of a school building or the reconstruction or alteration of or addition to a school building to ensure that plans and specifications comply with applicable rules and regulations and building standards, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property.~~

~~This bill would prohibit the department from approving or providing funding from the construction on new school buildings that have natural gas connections.~~

~~Existing law requires all new public buildings, as defined, to be models of energy efficiency and designed, constructed, and equipped with all energy efficiency measures, materials, and devices that are feasible and cost-effective over the life of the building or the life of the energy efficiency measures, whichever is less.~~

~~This bill would prohibit new public buildings for which construction begins on or after January 1, 2022, to have natural gas connections.~~

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to fix the rates and charges for every~~

~~public utility and requires that those rates and charges be just and reasonable.~~

~~This bill would require the commission to require each electrical corporation to file a schedule of rates and charges for the provision of electric service to all-electric homes, as defined. The bill would require local publicly owned electric utilities to file a schedule of rates and charges for the provision of electric service to all-electric homes. By imposing additional duties on local publicly owned electric utilities, this bill would impose a state-mandated local program.~~

~~Under existing law, the commission has the responsibility to enforce the rules governing the extension of service by gas corporations to new residential, commercial, agricultural, and industrial customers.~~

~~This bill would prohibit the commission from authorizing a gas corporation to provide service extension allowances or line installation allowances to its customers. The bill would prohibit a local publicly owned gas utility from providing service extension allowances or line installation allowances to its customers.~~

~~Under existing law, a violation of the Public Utilities Act or an order or direction of the commission is a crime.~~

~~Because the provisions of this bill would be codified in the Public Utilities Act and would require action by the commission to implement its requirements, a violation of these provisions by a load-serving entity would impose a state-mandated local program by creating a new crime.~~

~~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 specified reasons.~~

Vote: ~~majority~~ *2/3*. Appropriation: ~~no~~ *yes*. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

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

SECTION 1. Section 25410.6 of the Public Resources Code is amended to read:

25410.6. (a) ~~It is the intent of the Legislature that the~~ *The* commission shall administer the State Energy Conservation Assistance Account to provide grants and loans to local governments and public institutions to maximize energy use ~~savings,~~ *savings, expand installation of energy storage systems,*

and expand the availability of transportation electrification infrastructure, including, but not limited to, technical assistance, demonstrations, and identification and implementation of cost-effective energy ~~efficiency~~ *efficiency, energy storage, and transportation electrification infrastructure* measures and programs in existing and planned buildings or facilities.

(b) It is further the intent of the Legislature that the commission seek the assistance of utility companies in providing energy audits for local governments and public institutions and in publicizing the availability of State Energy Conservation Assistance Account funds to qualified entities.

SEC. 2. Section 25411 of the Public Resources Code is amended to read:

25411. As used in this chapter:

(a) "Allocation" means a loan of funds by the commission pursuant to the procedures specified in this chapter.

(b) "Building" means any existing or planned structure ~~that~~ *that, for an energy conservation project,* includes a heating or cooling system, or both. Additions to an original building shall be considered part of that building rather than a separate building.

(c) "Eligible institution" means a school, hospital, public care institution, or a unit of local government.

(d) "Energy audit" means a determination of the energy consumption characteristics of a building or facility that does all of the following:

(1) Identifies the type, size, and energy use level of the building or facility and the major energy using systems of the building or facility.

(2) Determines appropriate energy conservation maintenance and operating procedures.

(3) Indicates the need, if any, for the acquisition and installation of energy conservation measures.

(e) "Energy conservation maintenance and operating procedure" means a modification or modifications in the maintenance and operations of a building or facility, and any installations therein (based on the use time schedule of the building or facility), which are designed to reduce energy consumption in the building or facility and that require no significant expenditure of funds.

(f) "Energy conservation measure" means an installation or modification of an installation in a building or facility that is

primarily intended to reduce energy consumption or peak electricity demand, or allow the use of a more desirable energy source.

(g) "Energy conservation project" means an undertaking to acquire and to install one or more energy conservation measures in a building or facility, and technical assistance in connection with that undertaking.

(h) "Facility" means any major energy using system of an eligible institution whether or not housed in a building.

(i) "Hospital" means a public or nonprofit institution that is both of the following:

(1) A general hospital, tuberculosis hospital, or any other type of hospital, other than a hospital furnishing primarily domiciliary care.

(2) Duly authorized to provide hospital services under the laws of this state.

(j) "Hospital building" means a building housing a hospital and related operations, including laboratories, laundries, outpatient departments, nurses' home and training activities, and central service operations in connection with a hospital, and also includes a building housing education or training activities for health professions personnel operated as an integral part of a hospital.

(k) "Local government building" means a building that is primarily occupied by offices or agencies of a unit of local government or by a public care institution.

(*l*) "Project" means a purpose for which an allocation may be requested and made under this chapter. Those purposes shall include energy audits, energy conservation and operating procedures, and energy conservation measures in existing and planned buildings and facilities, energy conservation projects, and technical assistance programs.

(m) "Public care institution" means a public or nonprofit institution that owns:

(1) A long-term care institution.

(2) A rehabilitation institution.

(3) An institution for the provision of public health services, including related publicly owned services such as laboratories, clinics, and administrative offices operated in connection with the institution.

(4) A residential child care center.

(n) "Public or nonprofit institution" means an institution owned and operated by:

(1) The state, a political subdivision of the state, or an agency or instrumentality of either.

(2) An organization exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1954.

(3) In the case of public care institutions, an organization also exempt from income tax under Section 501(c)(4) of the Internal Revenue Code of 1954.

(o) "School" means a public or nonprofit institution, including a local educational agency, which:

(1) Provides, and is legally authorized to provide, elementary education or secondary education, or both, on a day or residential basis.

(2) Provides, and is legally authorized to provide, a program of education beyond secondary education, on a day or residential basis and meets all of the following requirements:

(A) Admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of that certificate.

(B) Is accredited by a nationally recognized accrediting agency or association.

(C) Provides an education program for which it awards a bachelor's degree or higher degree or provides not less than a two-year program that is acceptable for full credit toward a degree at any institution that meets the requirements of subparagraphs (A) and (B) and provides that program.

(3) Provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provisions of paragraph (2).

(p) "School building" means a building housing classrooms, laboratories, dormitories, athletic facilities, or related facilities operated in connection with a school.

(q) "Technical assistance costs" means costs incurred for the use of existing personnel or the temporary employment of other qualified personnel, or both, necessary for providing technical assistance.

(r) "Technical assistance program" means assistance to schools, hospitals, local government, and public care institutions and includes, but is not limited to:

(1) Conducting specialized studies identifying and specifying energy savings and related cost savings that are likely to be realized as a result of:

(A) Modification of maintenance and operating procedures in a building or facility, in addition to those modifications implemented after the preliminary energy audit, or

(B) Acquisition and installation of one or more specified energy conservation measures in the building or facility, or as a result of both.

(C) New construction activities.

(2) Planning of specific remodeling, renovation, repair, replacement, or insulation projects related to the installation of energy conservation measures in the building or facility.

(3) Developing and evaluating alternative project implementation methods and proposals.

(s) "Unit of local government" means a unit of general purpose government below the state, a special district, or any combination of that unit and special district formed for the joint exercise of power.

SEC. 3. Section 25412.5 of the Public Resources Code is amended to read:

25412.5. The commission shall take steps to solicit loan applications to do all of the following:

(a) Encourage an equitable distribution of loans statewide.

(b) Award loans *for energy conservation projects or measures* in regions with high summer peak loads, with high heating costs, or that have electrical or natural gas system distribution constraints.

(c) Place an emphasis on offering these loans in disadvantaged communities.

SEC. 4. Section 25413 of the Public Resources Code is amended to read:

25413. Applications *for energy conservation projects or measures* may be approved by the commission only in those instances where the eligible institution has furnished information satisfactory to the commission that the costs of the project, plus interest on state funds loaned, calculated in accordance with Section 25415, will be recovered through savings in the cost of energy to the institution during the repayment period of the allocation.

The savings shall be calculated in a manner prescribed by the commission.

SEC. 5. Section 25414 of the Public Resources Code is amended to read:

25414. Annually at the conclusion of each fiscal year, but not later than October 31, each eligible institution that has received an allocation *for an energy conservation project or measures* pursuant to this chapter shall compute the cost of energy saved as a result of implementing ~~a~~ *an energy conservation* project *or measures* funded by the allocation. The cost shall be calculated in a manner prescribed by the commission.

SEC. 6. Section 25415 of the Public Resources Code is amended to read:

25415. (a) Each eligible institution to which an allocation has been made under this chapter shall repay the principal amount of the allocation, plus interest, in not more than 40 equal semiannual payments, as determined by the commission. Loan repayments shall be made in accordance with a schedule established by the commission. The repayment period ~~may~~ *shall* not exceed the life of the equipment, as determined by the commission or the lease term of the building in which the energy ~~conservation~~ *conservation, energy storage, or transportation electrification infrastructure project or* measures will be installed.

(b) Notwithstanding any other law, the commission shall, unless it determines that the purposes of this chapter would be better served by establishing an alternative interest rate schedule, periodically set interest rates on the loans based on surveys of existing financial markets and may authorize no-interest loans.

(c) The governing body of each eligible institution shall annually budget an amount at least sufficient to make the semiannual payments required in this section. ~~The~~ *For an energy conservation project or measures, the* amount shall not be raised by the levy of additional taxes but shall instead be obtained by a savings in energy costs or other sources.

~~SECTION 1. Section 17280.2 is added to the Education Code, to read:~~

~~17280.2. On or after January 1, 2022, the Department of General Services shall not approve or provide funding for the construction of a new school building that has natural gas connections.~~

~~SEC. 2. Section 15814.30 of the Government Code is amended to read:~~

~~15814.30. (a) (1) All new public buildings for which construction begins after January 1, 1993, shall be models of energy efficiency and shall be designed, constructed, and equipped with all energy efficiency measures, materials, and devices that are feasible and cost-effective over the life of the building or the life of the energy efficiency measure, whichever is less.~~

~~(2) In determining which energy efficiency measures, materials, and devices are feasible and cost-effective over the life of the building, the State Architect and the Department of General Services shall consult with the State Energy Resources Conservation and Development Commission.~~

~~(b) All new public buildings for which construction begins on or after January 1, 2022, shall not have any natural gas connections.~~

~~(c) For purposes of this section, "cost-effective" means that savings generated over the life of the building or the life of the energy efficiency measure, whichever is less, shall exceed the cost of purchasing and installing the energy efficiency measures, materials, or devices by not less than 10 percent.~~

~~SEC. 3. Section 385.5 is added to the Public Utilities Code, to read:~~

~~385.5. (a) For purposes of this section, "all-electric home" means a residential building with electric service only.~~

~~(b) Each local publicly owned electric utility shall establish a schedule of rates and charges for the provision of electric service to all-electric homes.~~

~~SEC. 4. Section 455.6 is added to the Public Utilities Code, to read:~~

~~455.6. (a) For purposes of this section, "all-electric home" means a residential building with electric service only.~~

~~(b) The commission shall require each electrical corporation to file a schedule of rates and charges for the provision of electric service to all-electric homes.~~

~~SEC. 5. Section 2774.7 is added to the Public Utilities Code, to read:~~

~~2774.7. (a) On or after January 1, 2022, the commission shall not authorize a gas corporation to provide a service extension allowance or a line installation allowance to its customers.~~

~~(b) On and after January 1, 2022, local publicly owned gas utility shall not provide a service extension allowance or a line installation allowance to its customers.~~

~~SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because 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 the meaning of Section 6 of Article XIII B of the California Constitution.~~

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DATE: April 21, 2021

TO: Energy, Environment, and Natural Resources (EENR) Committee

FROM: Marisa Creter, Executive Director

RE: SB 343 (ALLEN)

RECOMMENDED ACTION

Recommend the Governing Board to support SB 343 (Allen).

BACKGROUND

Introduced by Senator Ben Allen (D-Santa Monica) in February 2021, SB 343 would further declare that it is the public policy of California that claims related to the recyclability of a plastic product be truthful and that consumers deserve accurate and useful information related to properly handling the end of life of a plastic product. The bill would also require the California Department of Resources Recycling and Recovery (CalRecycle) to update certain regulations to include the types and forms of plastic products and packaging for which a claim of recyclability may be made.

Additionally, SB 343 requires CalRecycle to develop and publish a list of material types and forms determined to be recyclable. If a material type and form is not on the specified list, or removed from the list, SB 343 would prohibit an individual from offering for sale, selling, distributing, or importing into the state any product or packaging manufactured 90 days after the list is published or updated if the product or packaging displays a chasing arrow symbol, a chasing arrow symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or directing the consumer to recycle the product or packaging.

SB 343 would further authorize a producer, or a group of producers, that seeks to have a material type and form that does not meet the specified criteria included on the list to submit a plan to CalRecycle detailing how and by what date the product type and form will meet the criteria. If CalRecycle determines that the petitioned product type and form will meet the criteria if the plan is implemented, SB 343 would require CalRecycle to include that material type and form on the list.

Under existing law, an individual who represents in advertising or on the label or container of a consumer good that the item that is manufactured or distributed is not harmful to, or is beneficial to, the natural environment is required to maintain in its records specified information and documentation supporting the validity of such representation. The existing law states that a violation of this requirement is a misdemeanor. SB 343 would also apply this recordkeeping requirement to an individual who makes those representations through the use of a chasing arrows symbol or other representation that advises consumers to recycle a consumer good. Violations of these provisions would be considered as misdemeanors.

SB 343 was recently heard by the Senate Standing Committee on Judiciary on April 6, 2021 and

the bill has now been referred to the Senate Appropriations Committee. SB 343's bill language and bill analysis can be found in Attachments A and B, respectively.

SGVCOG Management Analyst, Alexander Fung, will provide a presentation on this item.

Prepared by: _____
Alexander P. Fung
Management Analyst

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – SB 343 Bill Language
Attachment B – SB 343 Bill Analysis

AMENDED IN SENATE MARCH 17, 2021

SENATE BILL No. 343

Introduced by Senator Allen

February 9, 2021

An act to amend Section 17580 of the Business and Professions Code, and to amend Sections 18015 and 42355.5 of, and to add Section 42355.51 to, the Public Resources Code, relating to environmental advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 343, as amended, Allen. Environmental advertising: recycling symbol.

(1) Existing law declares that it is the public policy of the state that environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic products and that, for consumers to have accurate and useful information about the environmental impact of plastic products, environmental marketing claims should adhere to uniform and recognized standards.

This bill would further declare that it is the public policy of the state that claims related to the recyclability of a plastic product be truthful and that consumers deserve accurate and useful information related to how to properly handle the end of life of a plastic product.

~~The bill would prohibit a person from offering for sale, selling, distributing, or importing into the state any product or packaging using a deceptive or misleading claim about its recyclability. The bill would provide that the display of a chasing arrows symbol, a chasing arrows symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or directing~~

~~the consumer to recycle the product or packaging, is deemed to be a deceptive or misleading claim unless the Department of Resources Recycling and Recovery has determined the product or packaging is recyclable through the methods described below.~~

The bill would require the ~~department~~ *Department of Resources Recycling and Recovery* to update certain regulations to include the types and forms of plastic products and packaging for which a claim of recyclability may be ~~made, including through the use of a chasing arrows symbol.~~ *made.* The bill would require the department director to consider specified criteria to make that determination. The bill would ~~require,~~ *require the department,* based on ~~that~~ *those* specified criteria, ~~the department~~ to develop and publish a list of the material types and forms determined to be recyclable. The bill would require the department to update the list, as ~~specified, and~~ *specified. The bill would,* if a material type and form is *not on the list, or is* removed from the list, ~~would~~ prohibit a person from offering for sale, selling, distributing, or importing into the state any product or packaging manufactured 90 days after the list is *published or* updated if the product or packaging displays ~~any of the same symbols or statements described above.~~ *a chasing arrows symbol, a chasing arrows symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or directing the consumer to recycle the product or packaging.* The bill would authorize a producer, or group of producers, that seeks to have a material type and form that does not meet the specified criteria included on the list to submit a plan to the department detailing how and by what date the product type and form will meet the ~~criteria, and requires~~ *criteria. If the department determines the product type and form will meet the criteria if the plan is implemented, the bill would require* the department to include that material type and form on the list, as specified.

(2) Under existing law, a person who represents in advertising or on the label or container of a consumer good that the consumer good that it manufactures or distributes is not harmful to, or is beneficial to, the natural environment, through the use of environmental terms, is required to maintain in its records specified information and documentation supporting the validity of the representation, including, if applicable, whether the consumer good conforms with the uniform standards contained in the Federal Trade Commission Guidelines for Environmental Marketing Claims for the use of the term “recyclable.” A violation of this requirement is a misdemeanor.

This bill would apply that recordkeeping requirement to a person who makes those representations through the use of a chasing ~~arrow~~ *arrows* symbol, as defined, and would add to the required information and documentation for the use of the term "recyclable," the use of a chasing ~~arrow~~ *arrows* symbol, or other representation that advises consumers to recycle a consumer good, whether the consumer good meets the criteria for statewide recyclability, as specified above. Violation of these provisions would be a misdemeanor. This bill would therefore create a new crime and impose a state-mandated local program.

(3) Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the bottles or containers, with specified numbers and letters placed in relation to a triangle.

This bill, on and after the date the Department of Resources Recycling and Recovery lists the approved material types and forms of products and packaging that are recyclable, would prohibit the resin identification code from being placed inside a chasing arrows symbol, unless the department has determined the rigid plastic bottle or rigid plastic container is recyclable in the state, as specified.

(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 no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 17580 of the Business and Professions Code is amended to read:

17580. (a) A person who represents in advertising or on the label or container of a consumer good that the consumer good that it manufactures or distributes is not harmful to, or is beneficial to, the natural environment, through the use of such terms as "environmental choice," "ecologically friendly," "earth friendly," "environmentally friendly," "ecologically sound," "environmentally sound," "environmentally safe," "ecologically safe," "environmentally lite," "green product," or any other like term, or through the use of a chasing arrows symbol or by otherwise

directing a consumer to recycle a consumer good, shall maintain in written form in its records the following information and documentation supporting the validity of the representation:

(1) The reasons the person believes the representation to be true.

(2) Any significant adverse environmental impacts directly associated with the production, distribution, use, and disposal of the consumer good.

(3) Any measures that are taken by the person to reduce the environmental impacts directly associated with the production, distribution, and disposal of the consumer good.

(4) Violations of any federal, state, or local permits directly associated with the production or distribution of the consumer good.

(5) Whether, if applicable, the consumer good conforms with the uniform standards contained in the Federal Trade Commission Guidelines for Environmental Marketing Claims for the use of the terms "recycled," "recyclable," "biodegradable," "photodegradable," or "ozone friendly."

(6) If the person uses the term "recyclable," uses a chasing arrows symbol, or otherwise directs consumers to recycle the consumer good, whether the consumer good meets all of the criteria for statewide recyclability pursuant to Section 42355.51 of the Public Resources Code.

(b) Information and documentation maintained pursuant to this section shall be furnished to any member of the public upon request.

(c) For the purposes of this section, a wholesaler or retailer who does not initiate a representation by advertising or by placing the representation on a package shall not be deemed to have made the representation.

(d) It is the intent of the Legislature that the information and documentation supporting the validity of the representation maintained under this section shall be fully disclosed to the public, within the limits of all applicable laws.

(e) For the purposes of this section, "chasing arrows symbol" means an equilateral triangle, formed by three arrows curved at their midpoints, depicting a clockwise path, with a short gap separating the apex of each arrow from the base of the adjacent arrow. "Chasing arrows symbol" also includes variants of that symbol that are likely to be interpreted by consumers as an

implication of recyclability, including, but not limited to, one or more arrows arranged in a circular pattern or around a globe.

SEC. 2. Section 18015 of the Public Resources Code is amended to read:

18015. (a) All rigid plastic bottles and rigid plastic containers sold in California shall be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. Rigid plastic bottles or rigid plastic containers with labels and basecups of a different material shall be coded by their basic material. The code shall consist of a number placed inside a triangle, and letters placed below the triangle. The numbers and letters used shall be as follows:

1 = PETE (polyethylene terephthalate)
2 = HDPE (high density polyethylene)
3 = V (vinyl)
4 = LDPE (low density polyethylene)
5 = PP (polypropylene)
6 = PS (polystyrene)
7 = OTHER (includes multilayer)

(b) A "7" shall appear below the resin abbreviation when the bottle or container is composed of more than one layer of that resin.

(c) The Division of Recycling in the Department of Resources Recycling and Recovery shall maintain a list of abbreviations used on labels pursuant to subdivision (a) and shall provide a copy of that list to a person upon request.

(d) The resin identification code required pursuant to subdivision (a) shall not be placed inside a chasing arrows symbol, as defined in subdivision (e) of Section 17580 of the Business and Professions Code, unless the product is recyclable in the ~~state~~ *State* of California pursuant to Section 42355.51.

SEC. 3. Section 42355.5 of the Public Resources Code is amended to read:

42355.5. (a) The Legislature finds and declares that it is the public policy of the state that environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic products. For consumers to have accurate and useful information about the environmental impact of plastic products, environmental marketing claims should

adhere to uniform and recognized standards, including those standard specifications established by the American Society for Testing and Materials.

(b) The Legislature further finds and declares that it is the public policy of the state that claims related to the recyclability of a plastic product be truthful in practice and accurate. Consumers deserve accurate and useful information related to how to properly handle the end of life of a plastic product.

SEC. 4. Section 42355.51 is added to the Public Resources Code, to read:

42355.51. (a) A person shall not offer for sale, sell, distribute, or import into California any product or packaging for which a deceptive or misleading claim about the recyclability of the product or packaging is made.

(b) ~~On and after the date the list of approved material types and forms is published pursuant to subdivision (c),~~ *(1) Subject to paragraph (2),* a product or packaging that displays a chasing arrows symbol, as defined in Section 17580 of the Business and Professions Code, a chasing arrows symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or directing the consumer to recycle the product or packaging, is deemed to be a deceptive or misleading claim unless the department has determined the product or packaging is of a material type and form that ~~can~~ *is determined to* be recyclable pursuant to subdivision (c).

(2) Paragraph (1) applies to any product or packaging that is manufactured 90 days or more after the date the list of approved material types and forms is published pursuant to subdivision (c).

(c) (1) On or before January 1, 2023, the department shall update the regulations developed pursuant Section 42370.2 to include the types and forms of plastic products and packaging for which a claim of recyclability, including through the use of a chasing arrows symbol, may be made.

(2) Concurrently with the regulations described in paragraph (1), the department shall develop a list of material types and forms that are determined to be recyclable based on the criteria listed in subdivision (d) and shall publish the list on its internet website within 90 days of the Office of Administrative Law approving the regulations.

(d) For purposes of determining which material types and forms are recyclable, the director shall consider, at a minimum, all of the following criteria:

(1) Whether the material type and form is eligible to be labeled as "recyclable" in accordance with the uniform standards contained in Article 7 (commencing with Section 17580) of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code.

(2) Whether the material type and form is regularly collected, separated, and cleansed for recycling by recycling service providers.

(3) Whether the material type and form is regularly sorted and aggregated into defined streams for recycling processes.

(4) Whether the material type and form is regularly processed and reclaimed or recycled with commercial recycling processes.

(5) Whether the material type and form regularly becomes feedstock that is used in the production of new products.

(6) Whether the material type and form is recycled in sufficient quantity, and is of sufficient quality, to maintain a market value.

(e) (1) The department shall regularly, but no less than once every five years, evaluate the list described in paragraph (2) of subdivision (c) and may amend the list to remove or add a material type and form based on whether the material meets the criteria in subdivision (d) at the time of evaluation. The department shall post any updates to the list on its internet website.

(2) If a material type or form no longer meets the criteria in subdivision (d) and is removed from the published list, a person shall not offer for sale, sell, distribute, or import into California any product or packaging manufactured 90 days after the date the updated list is published if the product or packaging displays a chasing arrows symbol, as defined in Section 17580 of the Business and Professions Code, a chasing arrows symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or directing the consumer to recycle the product or packaging.

(f) (1) A producer, or group of producers, that seeks to have a material type and form that does not meet the criteria in subdivision (d) included on the list shall submit a plan to the department detailing how and by what date the product type and form will meet the criteria.

(2) The department shall review the plan and determine if the material type and form will meet the criteria in subdivision (d) by the date prescribed in the plan if the plan is implemented. If the department determines it will, the department shall include the material type and form on the list.

(3) The department may offer revisions to the plan if necessary, including requiring that the material type and form meet the criteria in a more timely manner.

(4) The department may require the producer, or group of producers, who submitted a plan pursuant to paragraph (1) to submit annual reports detailing the progress made toward implementing the plan. If the department determines the producer, or group of producers, are not implementing the plan or that progress is not sufficient to ensure the product type and form can meet the criteria by the date included in the plan, the department may do either of the following:

(A) Remove the material type and form from the list within 180 days.

(B) Allow the producer, or group of producers, to update and resubmit the plan.

(g) Development of, publication of, and updates made to the list pursuant to this section are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 5. 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 the meaning of Section 6 of Article XIII B of the California Constitution.

O

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 343 (Allen)
Version: March 17, 2021
Hearing Date: April 6, 2021
Fiscal: Yes
Urgency: No
CK

SUBJECT

Environmental advertising: recycling symbol

DIGEST

This bill tightens the requirements around the permissible use of the "chasing arrows" recycling symbol and when claims regarding recyclability can be made. It provides for the creation of a statewide list of the types and forms of plastic products and packaging that can be represented as recyclable.

EXECUTIVE SUMMARY

AB 1583 (Eggman, Ch. 690, Stats. 2019) established the California Recycling Market Development Act, which required the Department of Resources Recycling and Recovery (CalRecycle) to convene a Statewide Commission on Recycling Markets and Curbside Recycling (Commission) consisting of representatives of public agencies, private solid waste enterprises, and environmental organizations with expertise in recycling. It requires the Commission to issue policy recommendations to achieve specified recycling policy goals and identify products that are recyclable or compostable, as specified, and regularly collected in curbside recycling programs. AB 2287 (Eggman, Ch. 281, Stats. 2020) required the Commission to issue preliminary policy recommendations by January 1, 2021.

The Commission issued the report and included a series of policy proposals to advance the recycling goals of the state. Based on the proposals, this bill limits the use of the well-known "chasing arrows" symbol and prescribes when claims regarding recyclability can be made. Unless the product or packaging meets specified criteria, such uses or claims are deemed deceptive or misleading. This bill is co-sponsored by Californians Against Waste and the National Stewardship Action Council and is supported by a wide coalition of organizations. It is opposed by various industry associations, including the Plastics Industry Association. This bill passed out of the Senate Environmental Quality Committee on a 5 to 0 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

1) Requires, pursuant to the Environmental Representations Law, any person who represents in advertising or on the label or container of a consumer good that the consumer good that it manufactures or distributes is not harmful to, or is beneficial to, the natural environment, through the use of such terms as "environmental choice," "ecologically friendly," "earth friendly," "environmentally friendly," "ecologically sound," "environmentally sound," "environmentally safe," "ecologically safe," "environmentally lite," "green product," or any other like term, to maintain in written form in its records the following information and documentation supporting the validity of the representation:
    a) the reasons why the person believes the representation to be true;
    b) any significant adverse environmental impacts directly associated with the production, distribution, use, and disposal of the consumer good;
    c) any measures that are taken by the person to reduce the environmental impacts directly associated with the production, distribution, and disposal of the consumer good;
    d) violations of any federal, state, or local permits directly associated with the production or distribution of the consumer good; and
    e) whether the consumer good conforms with the uniform standards contained in the Federal Trade Commission Guidelines for Environmental Marketing Claims for the use of the terms "recycled," "recyclable," "biodegradable," "photodegradable," or "ozone friendly." (Bus. & Prof. Code § 17580(a).)

2) States it is the intent of the Legislature that the above information and documentation shall be fully disclosed to the public and requires it to be furnished to any member of the public upon request. (Bus. & Prof. Code § 17580(b), (d).)

3) Makes it unlawful for any person to make any untruthful, deceptive, or misleading environmental marketing claim, whether explicit or implied. "Environmental marketing claim" includes any claim contained in the "Guides for the Use of Environmental Marketing Claims" published by the Federal Trade Commission (FTC). (Bus. & Prof. Code § 17580.5(a).)

4) Provides that it shall be a defense to any suit or complaint brought pursuant to the above that the person's environmental marketing claims conform to the standards or are consistent with the examples contained in the FTC guides. (Bus. & Prof. Code § 17580.5(b).)

5) Provides that a violation of the above provisions is a misdemeanor punishable by imprisonment in the county jail not to exceed six months, or by a fine not to exceed $2,500, or by both. (Bus. & Prof. Code § 17581.)

6) Provides that it is the public policy of the state that environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic products. (Pub. Res. Code § 42355.5.)

7) Requires all rigid plastic bottles and rigid plastic containers sold in California to be labeled with a code that indicates the resin used to produce it. The code shall consist of a number placed inside a triangle, and letters placed below the triangle. (Pub. Res. Code § 18015.)

8) Establishes the Unfair Competition Law (UCL), which provides a statutory cause of action for any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising, including over the internet. (Bus. & Prof. Code § 17200 et seq.)

9) Establishes the False Advertising Law (FAL), which proscribes making or disseminating any statement that is known or should be known to be untrue or misleading with intent to directly or indirectly dispose of real or personal property. (Bus. & Prof. Code § 17500 et seq.) Provides that it is unlawful for a person, with bad faith intent, to register, traffic in, or use a domain name that is confusingly similar to the personal name of another person. (Bus. & Prof. Code § 17525.)

10) Establishes the Consumer Legal Remedies Act (CLRA), which prohibits unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer. (Civ. Code § 1770(a).)

This bill:

1) Extends the Environmental Representations Law to cover persons that represent a consumer good as not harmful to, or as beneficial to, the environment, through use of a chasing arrows symbol or by otherwise directing a consumer to recycle it.

2) Defines the "chasing arrows symbol" to mean an equilateral triangle, formed by three arrows curved at their midpoints, depicting a clockwise path, with a short gap separating the apex of each arrow from the base of the adjacent arrow; or variants likely to be interpreted by consumers as an implication of recyclability.

3) Requires such persons who use the term "recyclable," use a chasing arrows symbol, or otherwise direct consumers to recycle a consumer good, to record whether the consumer good meets all of the criteria for statewide recyclability, pursuant to Section 42355.51 of the Public Resources Code (Section 42355.51).

4) Enacts Section 42355.51, which prohibits a person from offering for sale, selling, distributing, or importing into California any product or packaging for which a deceptive or misleading claim about the recyclability of the product or packaging is made.

5) Provides that a product or packaging that displays a chasing arrows symbol, a chasing arrows symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or directing the consumer to recycle the product or packaging, is deemed to be a deceptive or misleading claim unless CalRecycle has determined the product or packaging is of a material type and form that is determined to be recyclable. This applies to a product or packaging manufactured 90 days or more after the date the list of approved material types and forms is published or updated.

6) Directs CalRecycle to promulgate regulations and develop a list to determine the material types and forms that are deemed recyclable, as specified. It further provides producers a process to submit a plan for including a material type or form on the list.

7) States findings and declarations that it is the public policy of the state that claims related to the recyclability of a plastic product be truthful in practice and accurate.

8) Prohibits the required resin identification code from being placed inside a chasing arrows symbol, unless the product is deemed recyclable pursuant to Section 42355.51.

COMMENTS

1. Expanding the law combatting greenwashing

"Greenwashing" refers to a practice of falsely conveying that a company's products are more environmentally friendly than they really are. California's Environmental Representations Law is one example of how the state is attempting to combat such practices. It requires strict supporting documentation and information, to be made publicly available, of any representations made in advertising or on labels or containers of consumer goods that the good is not harmful to, or is beneficial to, the environment through the use of specified terms, including "environmentally safe" or "green product." The statute makes it unlawful for any person to make any untruthful,

deceptive, or misleading environmental marketing claims, whether explicit or implied. (Bus. & Prof. Code § 17580.5(a).) Violations are a misdemeanor punishable by imprisonment in the county jail not to exceed six months, or by a fine not to exceed $2,500, or by both. (Bus. & Prof. Code § 17581.)

Currently the law is tied to the uniform standards contained in the FTC's "Greed Guides." According to the FTC:

> A growing number of American consumers are looking to buy environmentally friendly, "green" products, from recycled paper to biodegradable trash bags. Companies have responded with "green" marketing touting the environmental benefits of what they're selling. But sometimes what companies think their green claims mean and what consumers really understand are two different things. The Federal Trade Commission's Green Guides are designed to help marketers avoid making environmental claims that mislead consumers.
>
> The Green Guides were first issued in 1992 and were revised in 1996, 1998, and 2012. The guidance they provide includes: 1) general principles that apply to all environmental marketing claims; 2) how consumers are likely to interpret particular claims and how marketers can substantiate these claims; and 3) how marketers can qualify their claims to avoid deceiving consumers.[1]

Policy #15 within the Commission's report, discussed above, proposes to expand the Environmental Representations law to include use of "chasing arrows" and to go beyond the FTC guides "to ensure that only products that are truly recyclable can make this environmental claim." It also proposes the state create a standardized list of items that are truly recyclable. The Report states the purpose of this policy "is to ensure that residential and commercial recycling collection programs only collect material that is capable of being recycled through the collection and processing process."

Based on this policy proposal, the bill applies the documentation requirements of the Environmental Representations Law to the use of the chasing arrows symbol and any direction, within advertising or on labels or containers, to recycle the consumer good. It also adds a requirement that when a person uses the term "recyclable," uses the chasing arrows symbol, or otherwise directs consumers to recycle the consumer good, they must state whether the good meets the criteria for statewide recyclability pursuant to Section 42355.51. The bill creates that section within the Public Resources Code, directing CalRecycle to promulgate regulations and develop a list to determine the material types and forms that are deemed recyclable, as specified. The bill also changes

[1] *Green Guides, Environmentally Friendly Products: FTC's Green Guides*, FTC, https://www.ftc.gov/news-events/media-resources/truth-advertising/green-guides.

the law governing labeling on plastic bottles and containers, restricting the placement of the various "resin identification codes" within the chasing arrows symbol to those products that are deemed recyclable in California pursuant to Section 42355.51.

Section 42355.51 also explicitly prohibits a person from offering for sale, selling, distributing, or importing into California any product or packaging for which a deceptive or misleading claim about the recyclability of the product or packaging is made. It further deems a product or packaging that displays a chasing arrows symbol, a chasing arrows symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or directing the consumer to recycle the product or packaging, to be a deceptive or misleading claim unless CalRecycle has determined the product or packaging is of a material type and form that is determined to be recyclable and has placed it on the relevant statewide list.

A major impetus for placing guardrails around and restrictions on the use of the chasing arrows symbol is the confusion and the resulting consequences in recycling programs around what that symbol means. Many consumers assume, and make purchasing decisions based upon that assumption, that any product with the symbol is recyclable and/or made from 100 percent recycled materials. A Consumers Brand Association report describes the problem with regard to plastics:

> Confusion is understandable. There are seven plastic resin codes, representing different types of plastic. In most cases, codes one and two are consistently accepted from curbside recycling programs. But a total of 92 percent of Americans did not understand the labels: 68 percent said they assume that any product with symbols for all seven codes would be recyclable; the other 24 percent said they did not know. Only eight percent said no. Upon learning that only two of the seven codes were typically recyclable curbside, 73 percent were surprised. Even more confusing, those codes are intended for the recycling processing centers, but consumers are interpreting them — and incorrectly at that.[2]

The author makes the case for how this bill addresses the issue:

> In California, less than 15 percent of single-use plastic is recycled. Despite robust curbside recycling programs and decades of public education efforts, the vast majority of single-use items are used once and then landfilled, incinerated, or dumped into the environment. This dismal recycling rate is due to many factors, most notably a severe drop in the market for recycled material and the low cost of virgin petroleum.

[2] *Reduce. Reuse. Confuse.*, Consumer Brands Association, https://consumerbrandsassociation.org/wp-content/uploads/2019/04/ConsumerBrands_ReduceReuseConfuse.pdf.

> Consumers dutifully fill their blue bins with items they believe are recyclable, which contaminate the recycling stream and make it more costly to sort and clean the truly recyclable material. The plastic resin identification coding (RIC) system, which classifies plastic types by numbers one through seven often displayed in the chasing-arrows symbol, further confuses consumers. The RIC system was designed as method for waste facilities to properly sort plastics. Most consumers simply see the chasing arrows and assume a product can be recycled. Manufacturers have used this confusion to their advantage by greenwashing unrecyclable products. Consumers need to know what is truly recyclable.
>
> SB 343 will end consumer confusion about which material is suitable for the blue bin, reduce contamination, lower waste volume, and improve recycling rates. The measure expands the existing "Truth in Environmental Advertising" law that prohibits the use of the word "recyclable" on unrecyclable products to include the use of the chasing-arrows symbol or any other suggestion that a material is recyclable, unless the material is actually recyclable in most California communities.

2. Methods of enforcement

California has many consumer-protection laws that combat deceptive or unfair practices by authorizing causes of action and providing attendant remedies to various parties.

The UCL (Bus. & Prof. Code § 17200) provides remedies for "anything that can properly be called a business practice and that at the same time is forbidden by law." (*Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.* (1999) 20 Cal.4th 163, 180 [citations omitted].) The UCL provides that a court "may make such orders or judgments . . . as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of such unfair competition." (Bus. & Prof. Code § 17203; s*ee also Korea Supply Co. v. Lockheed Martin Corp.* (2003) 29 Cal.4th 1134, 1146 ["An order for restitution, then, is authorized by the clear language of the [UCL."]].) The law also permits courts to award injunctive relief and, in certain cases, to assess civil penalties against the violator. (Bus. & Prof. Code §§ 17203, 17206.)

The FAL proscribes making or disseminating any statement that is known or should be known to be untrue or misleading with intent to directly or indirectly dispose of real or personal property. (Bus. & Prof. Code § 17500 et seq.) Violators are subject to a civil penalty not to exceed $2,500 for each violation in an action brought by the Attorney General or by any district attorney, county counsel, or city attorney. (Bus. & Prof. Code § 17536.) Similar to the UCL, the FAL provides that a person may bring an action for an

injunction or restitution if the person has suffered injury in fact and has lost money or property as a result of a violation of the FAL. (Bus. & Prof. Code § 17535.)

The CLRA prohibits "unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer," (Civ. Code § 1770(a)), and prohibits conduct "likely to mislead a reasonable consumer," (*Colgan v. Leatherman Tool Grp., Inc.* (2006) 135 Cal. App. 4th 663, 680; internal quotation marks omitted.) The CLRA enables a consumer who suffers damage as a result of a violation of section 1770 to bring an action for actual damages, an order enjoining the behavior resulting in the violation, restitution of property, punitive damages, and any other relief the court deems proper. (Civ. Code § 1780.)

These laws have been used to address untruthful, deceptive, or misleading environmental marketing claims. One example is a class action in which the plaintiff has certified a class action asserting six causes of action against Keurig for falsely representing their pods as "recyclable," including CLRA and UCL claims. (*Smith v. Keurig Green Mt., Inc.* (N.D.Cal. 2019) 393 F. Supp. 3d 837, 842.) In 2013, then Attorney General Kamala Harris' office secured a consent judgment against defendants based on allegations of false, misleading, and deceptive marketing and advertising statements regarding the biodegradability and recyclability of their plastic bottles in violation of the Environmental Representations Law, the UCL, and the FAL. (*People ex rel. Barris v. Enso Plastics* (Super. Ct. Orange County, 2013, No.518091) (2013 Cal. Super. LEXIS 21809).)

As discussed above, the Environmental Representations law specifically makes it unlawful for any person to make any untruthful, deceptive, or misleading environmental marketing claim. (Bus. & Prof. Code § 17580.5(a).) However, that same section of law, Section 17580.5(b), also states: "It shall be a defense to any suit or complaint brought under this section that the person's environmental marketing claims conform to the standards or are consistent with the examples contained in the 'Guides for the Use of Environmental Marketing Claims' published by the Federal Trade Commission."

The intent of this bill is to go further than the standards laid out in the FTC guides and therefore calls into question how this defense would operate. For instance, while the FTC guides acknowledge the placement of an RIC inside the chasing arrows symbol in a conspicuous place on a product constitutes a recyclable claim, it appears to allow such symbols even though the product is likely not recyclable in most jurisdictions where clearly qualified or placed in an inconspicuous location.[3] This bill clearly goes beyond such a standard.

[3] 16 CFR 260.12, 260.13.

While violations of this bill likely already serve as predicate offenses for the other laws discussed above, including the UCL and FAL, despite the defense in Section 17580.5(b), in order to make clear that the defense is not intended to foreclose enforcement of the new requirements imposed by this bill, the author has agreed to the following amendment:

> Amendment
>
> Add the following provision as Section 17580.5(b)(2): "This subdivision does not apply to claims for violations of Sections 18015(d) and 42355.51(a), (b), and (e)(2) of the Public Resources Code."

Consumers and public entities can thus enforce the provisions of this bill where persons deceptively deploy the chasing arrows symbol or otherwise convey a product is recyclable when it fails to meet the criteria for statewide recyclability pursuant to Section 42355.51.

3. Stakeholder positions

A coalition of over two dozen organizations, including Californians Against Waste and the National Stewardship Action Council, the co-sponsors of the bill, write in support:

> Most consumers lack a clear understanding of what is recyclable or acceptable to put in the curbside "blue bin" and dutifully fill their bins with materials they believe are recyclable, especially when the material displays the "chasing arrows" recycling symbol. However, due to misinformation by labeling tactics, most materials have been falsely considered "recyclable" by consumers. This confusion contaminates and overwhelms the recycling stream, which places an incredible strain on local recycling and waste collection systems, and leads to a less efficient, more expensive system that falls to local jurisdictions and their ratepayers. This is further exacerbated by the confusion caused by the plastic resin identification coding system (RIC), which was introduced in 1988. The RIC is the number code (1-7), that is displayed on plastic packaging, intended to be used by waste facilities to properly sort the different types of plastic. However, the chasing arrows symbol that typically surrounds the RIC falsely conveys recyclability and leads to widespread confusion for consumers when they are sorting their waste into different bins.
> . . .
> SB 343 will reduce contamination in the recycling system, lower the costs for local governments and ratepayers, and empower consumers to make informed purchasing choices based on a product's recyclability. This will encourage producers to make sustainable packaging choices, and support

> companies looking for a steady supply of material to invest in recycling and reprocessing facilities in California.

The Plastics Industry Association writes in opposition to the bill:

> While we support efforts to reduce contamination in the recycling stream, we oppose SB 343, because we do not believe a California-only labeling system is feasible or realistic. Getting rid of the current system and making it harder to recycle is going in the wrong direction. The criteria outlined in SB 343 to determine recyclability is severely restrictive. Using this same criteria, the Statewide Commission on Recycling Markets and Curbside Recycling determined only PET and HDPE bottles would be accepted as recyclable in the state. This designation would increase the material going to landfill and significantly decrease recycling. Not only would highly recyclable materials be labeled as non-recyclable, but there are no substitutes with the performance capabilities provided by these recyclable plastic materials.

The National Aerosol Association and the Western Aerosol Information Bureau write jointly in opposition:

> SB 343, as currently drafted, would restrict the use of a chasing arrows symbol or a chasing arrows symbol surrounded by a resin identification code or other symbol or statement indicating a product is recyclable if the product does not meet certain requirements. We believe uniform labeling standards are essential to the free flow of interstate and international commerce and support the adoption of FTC Guides by states in conjunction with existing state truth- in advertising statutes.
>
> We are concerned that it will be very difficult, if not impossible, for manufacturers to comply with the labeling standards in the bill as currently drafted to make their products available in California.

SUPPORT

Californians Against Waste (co-sponsor)
National Stewardship Action Council (co-sponsor)
California League of Conservation Voters
California Product Stewardship Council
California Resource Recovery Association
Californians Against Waste
California Public Interest Research Group
Center for Oceanic Awareness, Research, and Education
City of Thousand Oaks

Colorado Medical Waste, INC.
Ecology Center
Edco
Facts: Families Advocating for Chemical & Toxins Safety
Friends Committee on Legislation of California
Full Circle Environmental
Full Spectrum Strategy
Heal the Bay
Linkco INC.
Los Angeles County Solid Waste Management Committee/integrated Waste Management Task Force
Marin Sanitary Service
Mendo Recycle
Merced County Regional Waste Management Authority
Ming's Recycling
National Stewardship Action Council
Natural Resources Defense Council
Northern California Recycling Association
Ocean Conservancy
Plastic Pollution Coalition
Prezero Us, INC.
Recology
Recyclesmart
Republic Services INC.
Rethinkwaste
Robin's Restaurant
Save Our Shores
Save the Albatross Coalition
Sea Hugger
Seventh Generation Advisors
Sierra Club California
Surfrider Foundation
The 5 Gyres Institute
The Last Beach Cleanup
The Last Plastic Straw
The Nectary
Tri-ced Community Recycling
Upstream
Waste Management
Zanker Recycling
Zero Waste Sonoma

OPPOSITION

California Manufacturers & Technology Association
Consumer Brands Association
Consumer Technology Association
EPS Industry Alliance
National Aerosol Association
Plastics Industry Association
Western Aerosol Information Bureau

RELATED LEGISLATION

Pending Legislation: AB 1201 (Ting, 2021) prohibits a person from selling a plastic product that is labeled with the term "compostable," "home compostable," or "soil biodegradable" unless the product meets specified standards and satisfies specified criteria. It authorizes CalRecycle to promulgate regulations for plastic product labeling. This bill is currently in the Assembly Appropriations Committee.

Prior Legislation:

AB 1583 (Eggman, Ch. 690, Stats. 2019) *See* Executive Summary.

AB 2287 (Eggman, Ch. 281, Stats. 2020) *See* Executive Summary.

PRIOR VOTES:

Senate Environmental Quality Committee (Ayes 5, Noes 0)

****

REPORT

DATE: April 21, 2021

TO: Energy, Environment, and Natural Resources (EENR) Committee

FROM: Marisa Creter, Executive Director

RE: SB 619 (LAIRD)

RECOMMENDED ACTION

Recommend the Governing Board to support SB 619 (Laird).

BACKGROUND

Introduced by Senator John Laird (D-Monterey) in February 2021, SB 619 would provide additional flexibility and time for local jurisdictions to comply with existing SB 1383 (Lara, 2016) mandates. SB 1383 requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with the California Air Resources Board, to adopt regulations to reduce the emissions of short-lived climate pollutants and achieve targets for reducing organic waste in landfills. SB 1383 further directs CalRecycle to require local jurisdictions to impose requirements on waste generators and authorize local jurisdictions to impose penalties on waste generators for noncompliance. Such regulations are scheduled to take effect on or after January 1, 2022, except that the imposition of penalties by local jurisdictions pursuant to the regulations shall not take effect until two years after the effective date of the regulations.

SB 619 would delay the effective date of the SB 1383 regulations from January 1, 2022 to January 1 of an unspecified year. Additionally, SB 619 would provide that the operative date of each of the requirements in the regulations in effect as of December 31, 2021 shall be an unspecified number of years after the operative date identified in the regulations. The bill would further delay the imposition of penalties by local jurisdictions and CalRecycle pursuant to the regulations to January 1st of an unspecified year and authorize CalRecycle to develop tools and incentives that encourage and reward early action by local jurisdictions.

SB 619 has been referred to the Senate Committee on Environmental Quality. A copy of SB 619's bill language can be found in Attachment A.

SGVCOG Management Analyst, Alexander Fung, will provide a presentation on this item.

Prepared by: _____

Alexander P. Fung
Management Analyst

Approved by: Marisa Creter

Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – SB 619 Bill Language

AMENDED IN SENATE MARCH 10, 2021

SENATE BILL No. 619

Introduced by Senator Laird

February 18, 2021

~~An act to amend Section 40506 of the Public Resources Code, relating to solid waste.~~ *An act to amend Section 42652.5 of the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

SB 619, as amended, Laird. ~~Waste management.~~ *Organic waste: reduction regulations.*

Existing law requires the State Air Resources Board 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%. Existing law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. Existing law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance. Existing law provides that those regulations shall take effect on or after January 1, 2022, except that the imposition of penalties by local jurisdictions pursuant to the regulations shall not take effect until 2 years after the effective date of the regulations.

This bill would delay the effective date of the regulations from January 1, 2022, to January 1 of an unspecified year, and would provide that the operative date of each of the requirements in the regulations in effect as of December 31, 2021, shall be an unspecified amount of years after the operative date identified in the regulations. The bill would delay the imposition of penalties by local jurisdictions and the department pursuant to the regulations to January 1 of an unspecified year and would authorize the department to develop tools and incentives that encourage and reward early action by local jurisdictions.

~~Existing law, the California Integrated Waste Management Act of 1989, authorizes the Department of Resources Recycling and Recovery to accept grants, gifts, and donations for the purposes of the act.~~

~~This bill would make nonsubstantive changes to that provision.~~

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

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

SECTION 1. Section 42652.5 of the Public Resources Code is amended to read:

42652.5. (a) The department, in consultation with the State Air Resources Board, shall adopt regulations to achieve the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The regulations shall comply with all of the following:

(1) May require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.

(2) Shall include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.

(3) Shall not establish a numeric organic waste disposal limit for individual landfills.

(4) May include different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted pursuant

to Section 41825, the amount of organic waste disposed compared to the 2014 level, per capita disposal rates, the review required by Section 42653, and other relevant information provided by a jurisdiction.

(5) May include penalties to be imposed by the department for noncompliance. If penalties are included, they shall not exceed the amount authorized pursuant to Section 41850.

(6) Shall take effect on or after January 1, ~~2022, except the~~ ____. *The operative date of each of the requirements in the regulations in effect as of December 31, 2021, shall be ____ years after the operative date identified in the regulations. The* imposition of penalties ~~pursuant to paragraph (1)~~ shall not take effect until ~~two years after the effective date of the regulations.~~ *January 1, ____. The department may develop tools and incentives that encourage and reward early action by local jurisdictions.*

(b) A local jurisdiction may charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations adopted pursuant to this section.

~~SECTION 1. Section 40506 of the Public Resources Code is amended to read:~~

~~40506. The department may accept grants, gifts, and donations for the purposes specified in this division.~~

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REPORT

DATE: April 21, 2021

TO: Energy, Environment, and Natural Resources (EENR) Committee

FROM: Marisa Creter, Executive Director

RE: SOCALGAS HYDROGEN PRESENTATION

RECOMMENDED ACTION

For information only.

ABOUT SOCALGAS

As one of California's largest utility providers, the Southern California Gas Company (SoCalGas) distributes natural gas to 21.8 million consumers in more than 500 communities. SoCalGas' service territory encompasses approximately 24,000 square miles in diverse terrain throughout Central and Southern California. The company also partners with the SGVCOG to manage the San Gabriel Valley Energy Wise Partnership, which provides resources for San Gabriel Valley cities and agencies to plan and implement energy efficiency projects in municipal facilities.

BACKGROUND

A global shift to clean molecules and hydrogen plays a key role in meeting the future energy demand as communities move towards net zero emissions. According to SoCalGas, hydrogen is an energy carrier that can be used to store, move, and deliver energy. The element serves as a high efficiency and low polluting fuel that can be used for transportation, heating, and power generation given that it can be transported over long distances and can be suitable for long-term storage.

SoCalGas Senior Director of Market Development, Yuri Freedman, will provide a presentation on hydrogen's role in electric and gas systems and the hydrogen formation processes.

Prepared by: _____
Alexander P. Fung
Management Analyst

Approved by: Marisa Creter
Marisa Creter
Executive Director

REPORT

DATE: April 21, 2021

TO: Energy, Environment, and Natural Resources (EENR) Committee

FROM: Marisa Creter, Executive Director

RE: SOUTHERN CALIFORNIA REGIONAL ENERGY NETWORK MULTIFAMILY PROGRAM

RECOMMENDED ACTION

For information only.

BACKGROUND

Earlier this year, the SGVCOG launched a partnership with ICF to promote the Southern California Regional Energy Network (SoCalREN) Residential Program. This program offers multifamily communities throughout the San Gabriel Valley an opportunity to reduce energy use and provide a more comfortable and safer living environment for tenants through property improvements and upgrades. The partnership provides two participation paths for multifamily properties:

1. Whole Building: Large-scale projects with improvements to common areas and tenant units.
2. Comprehensive Common Area: Quick projects with set measures in common areas only.

Whole Building Program
To participate in the Whole Building Program, the following eligibility criteria must be met:

- Property must receive service from Southern California Edison (SCE) and/or SoCalGas;
- Building selected for improvements must contain a minimum of five connected tenant dwelling units;
- Project must include at least three energy efficiency measures and achieve a minimum of 10% improvement in energy efficiency; and
- Capital must be available to cover the non-incentive portion of the project cost (can be obtained through financing options).

A list of eligible energy efficiency measures under the Whole Building Program can be found in Attachment A.

Comprehensive Common Area Program
To participate in the Comprehensive Common Area Program, the following eligibility criteria must be met:

- Property must receive electric service from SCE;
- Building selected for improvements must contain a minimum of five connected tenant dwelling units;

- Project must include at least two eligible energy efficiency measures, at least one electric savings measure, and achieve 4% to 10% improvement in energy efficiency;
- Capital must be available to cover the non-incentive portion of the project cost.

A list of eligible energy efficiency measures under the Comprehensive Common Area Program can be found in Attachment B.

Participation in either of these programs can help eligible multifamily properties to receive professional engineering and technical support to implement energy efficiency projects, obtain financing incentives, reduce ongoing energy and water costs, increase tenant retention, and contribute to local environmental goals. Tenants can also benefit from improved indoor air quality and reduced utility bills.

To receive these incentives, property owners must work with a participating trade ally. In order for a contractor to enroll as a trade ally in the SoCalREN Multifamily Program, the contractor must complete the following:

- Sign the SoCalREN Contractor Participation Agreement;
- Possess a valid CSLB License;
- Possess general liability and workers' compensation insurance; and
- Register on the Trade Ally Portal and use the Portal to submit all contractor, property, and project information and documentation.

These contractors will also receive free program training and workforce development support from the SoCalREN Account Managers. Additional information on the SoCalREN Multifamily Program can be found on https://www.sgvcog.org/socalren-multifamily. ICF Account Manager, Sravanti Bassa, will provide a detailed presentation at this meeting.

Prepared by: _____
Alexander P. Fung
Management Analyst

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS
Attachment A – Whole Building Program Eligible Energy Efficiency Measures
Attachment B – Comprehensive Common Area Program Eligible Energy Efficiency Measures

SoCalREN Multifamily Program
Whole Building Eligible Measures

Duct Sealing/Insulation	Interior and Exterior Lighting
Variable Speed Circulation Pump for DHW High-Efficiency Boilers	High Efficiency Showheads and Bathroom/Kitchen Faucets
Package Terminal Heat Pump (HP)	On-Demand Recirculation Pump
Room AC or HP	High-Efficiency Natural Gas Storage Water Heater
Central Natural Gas Furnace	Package Terminal AC
Central AC and HP	Insulation
HVAC Duct Replacement/Retrofit	

Other measures may be considered, please consult with the SoCalREN Multifamily Program staff at multifamily@socalren.org.

SoCalREN Multifamily Program
Comprehensive Common Area Eligible Measures

Category	**Eligible Measures**
Lighting	Common area lighting
Central DHW	Insulated exposed domestic hot water piping
Central DHW	Domestic hot water recirculation controls
Pool and Spa	Programmable pool and spa pump controls
Pool and Spa	High efficiency pool and spa heater
Pool and Spa	Timer on pool and spa heater
Pool and Spa	Pool covers
Laundry	ENERGY STAR® Clothes Washer

REPORT

DATE: April 21, 2021

TO: Energy, Environment, and Natural Resources (EENR) Committee

FROM: Marisa Creter, Executive Director

RE: CALIFORNIA CLIMATE INVESTMENTS FIRE PREVENTION GRANT OPPORTUNITY

RECOMMENDED ACTION

For information only.

BACKGROUND

The California Department of Forestry and Fire Protection (CAL FIRE) recently released the call-for-projects for the California Climate Investments Fore Prevention Grant Program. This program aims to reduce the risk of wildland fires to habitable structures and communities, while maximizing carbon sequestration in healthy wildland habitats and minimizing the uncontrolled release of emissions emitted by wildfires.

The three types of qualifying projects and activities include those related to hazardous fuel reduction and removal of dead, dying, or diseased trees, fire prevention planning, and fire prevention education. A detailed list of examples of qualifying projects and activities can be found in Attachment A. Instructions to apply can also be found on the CAL FIRE website at https://fire.ca.gov/grants/fire-prevention-grants/. All application materials must be submitted no later than Wednesday, May 19, 2021 at 3:00pm.

SGVCOG Management Analyst, Alexander Fung, will provide a brief presentation on this item.

Prepared by: _____
Alexander P. Fung
Management Analyst

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Examples of Qualifying Projects and Activities

California Climate Investments Fire Prevention Grant
Examples of Qualifying Projects and Activities

Hazardous Fuel Reduction

- Vegetation clearance in critical locations to reduce wildfire intensity and rate of spread.
- Creation or maintenance of fuel breaks in strategic locations, as identified in CAL FIRE Unit Fire Plans, a Community Wildfire Protection Plan, or similar strategic planning document.
- Removal of ladder fuels to reduce the risk of crown fires.
- Creation of community-level fire prevention programs, such as community chipping days, roadside chipping, and green waste bin programs.
- Selective tree removal (thinning) to improve forest health to withstand wildfire.
- Modification of vegetation adjacent to roads to provide for safer ingress and egress of evacuating residents and responding emergency personnel.
- Reduction of fuel loading around critical infrastructure to maintain continuity of government and other critical services, including, but not limited to fire, police, power, water, sewer, roads, etc.
- Purchase of fuel modification equipment not to exceed $250,000. Equipment is an item exceeding $5,000 or more per unit cost and has a tangible useful life of more than one year. Vehicle purchases are ineligible costs.
- Supplies include items under $5,000 per unit cost. Chainsaws are an example of a supply item and are ***not*** considered equipment.
- Projects to improve compliance with defensible space requirements as required by Public Resources Code Section 4291 through increased inspections and assistance for low-income residents.
- Removal of dead and dying trees that pose a threat to public health and safety.

Fire Prevention Education

- Workshops, meetings, materials creation, and other educational activities with the purpose of increasing knowledge and awareness of information that could be used to reduce the total number of wildland fire and acres burned.
- To educate the public on wildfire mitigation and risk reduction strategies.
- Activities are subject to CAL FIRE approval.

Fire Prevention Planning

- Wildfire risk or related mapping.
- Creation or update of strategic wildfire planning documents, such as:
    - Evacuation plans
    - Community Wildfire Protection Plans (CWPP)
    - Local Hazard Mitigation Plans
    - Safety Elements
    - Wildfire prevention plans
- Research to determine standards for structural codes and regulations.

- Development of evacuation plans.
- Creation or updates to wildfire mitigation plans.