

# *2003–2004 Summary of State Legislation*

*2003–2004 Regular Session  
California State Legislature*

*February 2005*



*Zero Waste—You Make It Happen!*

STATE OF CALIFORNIA

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Governor

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Secretary, California Environmental Protection Agency

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# Preface

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This legislative summary identifies solid waste management legislation introduced at the State level during the 2003–2004 Legislative Session. State bills from the California Legislature’s 2003-2004 Regular and Extraordinary Sessions can be located under subject categories (see table of contents) or by bill number, using the index at the end of the summary.

The summary includes State bills that were enacted, as well as those that were vetoed, failed passage in the Legislature, or were held in committee. If the Governor prepared signing or veto messages, they are included in the “Governor’s Messages” section. Urgency measures, which become effective immediately upon chaptering by the Secretary of State, are marked with an asterisk (\*). The effective date for urgency measures is noted at the end of the entry. All other enacted legislation takes effect on January 1 following the year the legislation was chaptered into law. (For example, bills chaptered in 2003 take effect on January 1, 2004.)

Information regarding legislation, both State and federal, is widely available on the Internet. The following sites provide up-to-date information, including status, history, and other valuable information on legislation and the legislative process.

- Official California legislative information is provided by the Legislative Counsel. You may subscribe to bills from this site to keep informed of amendments: [www.leginfo.ca.gov/](http://www.leginfo.ca.gov/).
- Official Internet site of the California State Assembly: [www.assembly.ca.gov/](http://www.assembly.ca.gov/).
- Official Internet site of the California State Senate: [www.senate.ca.gov/](http://www.senate.ca.gov/).
- Federal legislation information sponsored by the Library of Congress: <http://thomas.loc.gov/>.

# Abbreviations

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**AB:** Assembly Bill (State)

**ARB:** Air Resources Board

**BDO:** Boards, Departments, and Offices

**BOE:** Board of Equalization

**Bottle Bill:** California Beverage Container Recycling and Litter Reduction Act

**Cal/EPA:** California Environmental Protection Agency

**CDPR:** California Department of Parks and Recreation

**CEC:** California Energy Commission

**CIWMB:** California Integrated Waste Management Board

**DFA:** California Department of Food and Agriculture

**DHS:** Department of Health Services

**DOC:** Department of Conservation

**DPA:** Department of Personnel Administration

**DTSC:** Department of Toxic Substances Control

**EIR:** Environmental Impact Report

**IWMA:** Integrated Waste Management Act

**LEA:** Local Enforcement Agency

**OEE:** Office of Education on the Environment

**OEHHA:** Office of Environmental Health Hazard Assessment

**RPPC:** Rigid Plastic Packaging Container

**SAB:** State Allocation Board

**SB:** Senate Bill (State)

**SBE:** State Board of Education

**SDE:** State Department of Education

**SPWB:** State Public Works Board

**SWRCB:** State Water Resources Control Board

**TTCA:** Technology, Trade and Commerce Agency

# Legislation Summaries

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## ***California Environmental Protection Agency***

### **AB 1360 (Steinberg)**

**Environmental Quality: Environmental Indicators**

**Sponsor: Cal/EPA**

**Chapter 664, Statutes of 2003**

This bill requires OEHHA, on behalf of Cal/EPA beginning July 1, 2004, to develop and maintain a system of environmental indicators. The bill requires the Secretary for Environmental Protection to periodically assess the ability of the environmental indicators system to meet the objectives of the system. AB 1360 requires the system to support the development and implementation of the agencywide environmental justice strategy. The system will provide information on the state of the environment in California and guide program planning within Cal/EPA. AB 1360 states the Legislature's intent that the Secretaries for Environmental Protection and Resources and the Director of DHS use the system in the development of budget change proposals for future fiscal years where applicable. The bill requires the budget change proposals to indicate how the proposals affect environmental indicators. AB 1360 also creates an external working group to advise and develop recommendations for OEHHA with respect to the system.

### **AB 1548 (Pavley)**

**Office of Education on the Environment**

**Sponsor: Heal the Bay**

**Chapter 665, Statutes of 2003**

This bill changes the name of the Office of Integrated Environmental Education at the CIWMB to the Office of Education and the Environment and requires that the OEE report to both the Secretary of Cal/EPA and the CIWMB when dealing with multi-media educational concepts. This bill would require the OEE to work with other State agencies and the SDE to develop environmental principles, model environmental education curriculum, and other materials that would be considered by State education agencies as part of their regular review and approval cycles. AB 1548 also requires that the OEE work with the CalEPA BDOs to ensure that all educational materials produced—including those produced as the result of regulatory actions—are consistent with approved educational standards. The content and concept for this bill was originally included in AB 907 (Pavley).

### **AB 2701 (Runner)**

**Environmental Protection Reports**

**Sponsor: Cal/EPA**

**Chapter 644, Statutes of 2004**

This bill establishes efficient reporting of information through the mandated report process as well as other pathways for providing information to stakeholders and the general public. AB 2701 (1) repeals unnecessary or obsolete Cal/EPA reports, (2) changes the reporting frequency of select reports, (3) allows data rich or statistical reports to be posted directly on the website, (4) requires

the CIWMB to develop guidelines for environmentally sustainable report and document production, and (5) requires other State agencies to evaluate their mandated reports and to consult the CIWMB guidelines when producing reports and other information.

## ***California Environmental Quality Act***

### **SB 18 (Burton)**

#### **Traditional Tribal Cultural Places**

**Sponsor: Author**

**Chapter 905, Statutes of 2004**

This bill requires a city or county, prior to the adoption or amendment of a general plan, to conduct consultations with California Native American tribes for the purpose of preserving places, features, and objects protected by specified provisions of the Public Resources Code that are within the city's or county's jurisdiction. This bill also requires the city or county to maintain the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects consistent with guidelines developed and adopted by the Governor's Office of Planning and Research.

### **SB 532 (Romero)**

#### **Environmental Quality: Cumulative Effects**

**Sponsor: Author**

**Senate Appropriations Suspense File**

This bill would have defined "cumulative effects" and would have required an EIR to include a detailed statement of significant cumulative effects. The bill would also have required an EIR to determine whether or not there would be a reasonable possibility that the project, or the cumulative effects of the project, would result in, or contribute to, a significant risk to public health from exposure to one or more hazardous or toxic substances or materials. If a reasonable possibility that a risk to public health were to exist, the bill would have required a risk assessment on the project and the cumulative effects of the project be performed to ascertain the risk to human health.

## ***Construction and Demolition Waste***

### **AB 240 (Reyes)**

#### **Large Solid Waste Facilities: Regulation: Enforcement**

**Sponsor: Author**

**Assembly Natural Resources Committee**

This bill would have defined "construction and demolition processing facility" as "a solid waste facility that processes waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures." This bill would have prohibited the CIWMB from adopting any regulation that exempts a construction and demolition facility from any of the requirements for solid waste facilities, including any regulations based on the number of tons of solid waste per day accepted by the facility. AB 240 would have specified that the owner or operator of a facility would be liable for all costs associated with permit violations or any "catastrophic emergency"

caused by facility operations. This bill was replaced by AB 2159 (Reyes), Chapter 448, Statutes of 2004.

### **SB 202 (Romero)**

#### **Wood Waste: Preservatives**

**Sponsor: Communication Workers of America**

**Senate Environmental Quality Committee**

This bill would have prohibited on and after January 1, 2005, the use of chromated copper arsenate (CCA), pentachlorophenol (penta), or creosote preservatives to treat wood. It would have repealed the exemption that allows treated wood waste that has been removed from utility service to be disposed in a composite-lined portion of a municipal solid waste landfill. It would have mandated on and after January 1, 2005, the disposal of wood waste containing any measurable level of CCA, penta, or creosote wood preservatives as a hazardous waste, and authorized universal waste regulations adopted by the DTSC as alternative management standards for treated wood waste.

### ***Education/Schools***

#### **AB 736 (Hancock)**

#### **School Facilities**

**Sponsor: Natural Resources Defense Council**

**Vetoed**

This bill would have required the SAB, by January 1, 2006, to adopt regulations to implement design standards for school facilities in accordance with guidelines established by the Collaborative for High Performance Schools (CHPS), and incorporate minimum design and construction criteria developed by the CHPS. According to the Governor's veto message, this bill was premature, as it placed conditions on school districts' use of funding from school facilities bond measures that are passed after January 1, 2006.

#### **AB 907 (Pavley)**

#### **Environmental Education: Content Standards**

**Sponsor: Heal the Bay**

**Assembly Appropriations Committee**

This bill would have required the SBE to incorporate environmental concepts into the educational standards for language arts, history/social science, and science. This bill would have ensured that environmental education is incorporated into statewide content and performance standards. This bill died in the Assembly Appropriations Committee, but the content was re-introduced in AB 1548.

**AB 1330 (Simitian)**

**Outdoor Environmental Education Program**

**Sponsor: Author**

**Chapter 663, Statutes of 2003**

This bill establishes the Outdoor Environmental Education Program to foster stewardship of the environment and an appreciation of the importance of the wise use of natural resources, primarily for at-risk youth and underserved demographic groups.

**AB 1548 (Pavley)**

**Office of Education on the Environment**

**Sponsor: Heal the Bay**

**Chapter 665, Statutes of 2003**

This bill changes the name of the Office of Integrated Environmental Education at the CIWMB to the Office of Education and the Environment and requires that the OEE report to both the Secretary of Cal/EPA and the CIWMB when dealing with multi-media educational concepts. This bill would require the OEE to work with other State agencies and the SDE to develop environmental principles, model environmental education curriculum, and other materials that would be considered by State education agencies as part of their regular review and approval cycles. AB 1548 also requires that the OEE work with the CalEPA BDOs to ensure that all educational materials produced—including those produced as the result of regulatory actions—are consistent with approved educational standards. The content and concept for this bill was originally included in AB 907 (Pavley).

**AB 1696 (Pavley)**

**Office of Education on the Environment**

**Sponsor: Author**

**Vetoed**

This bill would have enacted cleanup legislation for AB 1548 (Pavley), Chapter 665, Statutes of 2003, which incorporated environmental principles into approved education standards. Specifically, this bill would have eliminated the requirement imposed on governing boards to include specific environmental education materials as part of the adopted instructional materials, corrected a misprint in section 60041(a) of the Education Code, defined ‘model curriculum’, and made technical and clarifying changes. The Governor’s veto message indicated that the provisions of this bill went beyond the necessary cleanup changes pertaining to AB 1548 and directed the Legislature to enact cleanup legislation.

**SB 352 (Escutia)**

**School Sites: Sources of Pollution**

**Sponsor: Author**

**Chapter 668, Statutes 2003**

This bill prohibits the governing board of a school district from approving a school site that is within 500 feet from the edge of the closest traffic lane of a freeway or other busy traffic corridor,

unless prescribed conditions are met, and makes conforming and other technical, non-substantive changes.

## **Electronic Waste**

### **AB 901\* (Jackson)**

**Solid Waste: Hazardous Electronic Waste**

**Sponsor: Author**

**Chapter 84, Statutes of 2004**

This bill delays the start date for collection of the Electronic Waste Recycling Fee required by the Electronic Waste Recycling Act of 2003, enacted by SB 20 (Sher), Chapter 526, Statutes of 2003, in order to allow the necessary time for implementation of a fee collection system. This bill is an urgency measure that became effective on June 30, 2004.

### **SB 20 (Sher)**

**Solid Waste: Hazardous Electronic Waste**

**Sponsor: Author**

**Chapter 526, Statutes of 2003**

This bill enacts the Electronic Waste Recycling Act of 2003 to provide for the convenient recycling of covered electronic devices in California. This bill requires every retailer that sells a device covered by the bill to collect from consumers a Covered Electronic Waste Recycling Fee on each cathode ray tube (CRT) device. This fee would be used to implement the program, including providing payments to recyclers and collectors of covered products, and providing oversight and enforcement activities to ensure these wastes are managed correctly to protect public health and safety and the environment.

### **SB 50 (Sher)**

**Solid Waste: Hazardous Electronic Waste: Solid Waste Disposal Fees**

**Sponsor: Author**

**Chapter 863, Statutes of 2004**

This bill makes a number of clarifying changes to the Electronic Waste Recycling Act of 2003 (SB 20, Sher, Chapter 526, Statutes of 2003). Most significantly, the bill (1) delays the date from November 1, 2004, to January 1, 2005, for electronic device retailers to begin collecting the Electronic Waste Recycling Fee from consumers, (2) requires the BOE to collect the fee from retailers, and (3) continuously appropriates the money in the Electronic Waste Recovery and Recycling Account to pay refunds and make electronic waste recovery payments, recycling payments, and payments to manufacturers.

## **Energy**

### **AB 1317 (Parra)**

#### **Environmental Protection**

**Sponsor: Author**

**Senate Environmental Quality Committee**

This bill would have extended the Agricultural Biomass-to-Energy Incentive Grant Program. The grant program allows local air districts to apply to the TTCA for grants to provide incentives to facilities to burn agricultural biomass to produce energy. This bill would have removed the sunset on the Agricultural Biomass-to-Energy Incentive Grant Program and added a new sunset of January 1, 2009.

### **AB 1672 (Cogdill)**

#### **Air Pollution: Emission Reduction Credits**

**Sponsor: Author**

**Assembly Natural Resources Committee**

This bill would have provided that a person with a valid permit for agricultural burning, that diverts that agricultural material from a district's inventory of burn acreage to an alternative end use, qualifies for emission reduction credits issued by the air quality management district. The credits would have been pursuant to the methodology adopted by the ARB. The bill would have required any district that adopts a schedule of fees on areawide or indirect emissions sources to allow an emissions source to utilize emission reduction credits from that district's annual inventory of burn acreage, in lieu of paying the fee.

### **AB 2077 (Cogdill)**

#### **Air Pollution: Agricultural Burning: Biomass**

**Sponsor: Author**

**Assembly Desk**

This bill would have declared the intent of the Legislature to (1) reduce air pollution from open-field burning in the state, and (2) to improve air quality and protect the public health through new incentives for biomass facilities to increase the use of agricultural waste that would otherwise be burned in open fields.

### **SB 199 (Murray)**

#### **Energy: Solar Homes Peak Energy Procurement Program**

**Sponsor: Environment California**

**Assembly Utilities and Commerce Committee**

This bill would have implemented the Solar Homes Peak Energy Procurement Program, which would have created a rebate program for installation of new solar energy systems with the goal of installing solar systems in a million homes by 2017.

**SB 1296 (Soto)**

**Bark Beetle Wood Waste Fueled Generating Facilities**

**Sponsor: Burrtec, NAYS Industries**

**Senate Energy, Utilities, and Commerce Committee**

This bill would have stated the intent of the Legislature to promote investment in, and the use of, power generation systems that are able to utilize bark beetle wood waste as fuel for electrical power generation.

***Environmental Justice***

**AB 392 (Montañez)**

**Environmental Justice and Community-Based Transportation Planning Grants**

**Sponsor: Author**

**Senate Transportation Committee**

This bill would have created the Environmental Justice Subaccount and the Community-Based Transportation Planning Subaccount in the State Highway Account. The subaccounts would have been funded from funds transferred into them from the local assistance program of the State Highway Account. Under the bill, local agencies, nonprofit entities, metropolitan planning organizations, regional transportation organizations, Native American tribal governments, community-based organizations, public universities, local transportation commissions, port authorities, airport commissions, and similar entities would have been authorized to apply for and receive grants from funds appropriated for these purposes, not to exceed \$300,000 for any single grant, to undertake environmental justice projects and community-based transportation planning projects. The bill would have required Caltrans to develop procedures and criteria for submission of projects, which Caltrans would be required to make available to the public, and to evaluate proposals and prepare a list of proposals recommended for funding.

**SB 983 (Alarcón)**

**Solid Waste: Siting Elements: Environmental Justice**

**Sponsor: Author**

**Assembly Natural Resources Committee**

This bill would have extended the deadline for the Cal/EPA report to the Governor and the Legislature on the implementation of the intra-agency environmental justice strategy from January 1, 2004, to March 1, 2004. This bill also contained a clarifying change to the current statute relating to countywide siting elements.

## ***Fiscal (Budgets, Fees, and Revenues)***

### **AB 296 (Oropeza)**

**State and Local Government**  
**Sponsor: Author**  
**Chapter 757, Statutes of 2003**

This bill repeals the provisions of AB 1756 (Assembly Budget Committee), Chapter 228, Statutes of 2003 dealing with the operation of offices of the CIWMB's Board members.

### **AB 1756 (Budget Committee)**

**State Government**  
**Sponsor: Assembly Budget Committee**  
**Chapter 228, Statutes of 2003**

This bill made changes to the operation of CIWMB Board member offices and prohibited the CIWMB from providing support to efforts related to the use of waste tires as fuel. The provisions of this bill relating to CIWMB Board member offices were repealed by AB 296 (Oropeza), Chapter 757, Statutes of 2003.

### **SB 1078 (Chesbro)**

**Disposal Fees: Solid Waste Collection Vehicles: Emissions**  
**Sponsor: Author**  
**Assembly Transportation Committee**

This bill would have required the operator of a solid waste collection vehicle, until December 31, 2010, to pay a fee of 50 cents for each ton of solid waste submitted for disposal by that operator at a solid waste disposal facility. The bill would have required the operator of the disposal facility to collect the fee and to submit the fee to the BOE in a manner consistent with the fee submitted by the facility operator. The bill would have required the BOE to deposit these fees in the Solid Waste Vehicle Clean Air Account for the purpose of funding compliance with the best available control technology requirements approved by the ARB to reduce diesel particulate matter emissions from solid waste collection vehicles.

## ***Hazardous Waste***

### **AB 302 (Chan)**

**Polybrominated Diphenyl Ether**  
**Sponsor: Environment California**  
**Chapter 205, Statutes of 2003**

This bill prohibits a person from manufacturing, processing, or distributing in commerce a product, or a flame-retardant part of a product, containing more than 0.1 percent Pentabrominated Diphenyl Ether (PentaBDE) or Octabrominated Diphenyl Ether (OctaBDE) on and after January 1, 2008.

**AB 455 (Chu)****Packaging Materials: Regulated Metals****Sponsor: Author****Chapter 679, Statutes of 2003**

This bill enacts the Toxics in Packaging Prevention Act, which, on and after January 1, 2006, bans the sale of any package that includes a specified heavy metal that was intentionally introduced during manufacturing or distribution, and decreases the incidental concentration of these metals over a three-year period.

**AB 501 (Cogdill)****Solid Waste: Grants****Sponsor: Regional Council of Rural Counties****Assembly Natural Resources Committee**

This bill would have specified that the programs to which the CIWMB could make household hazardous waste grants include programs that maintain existing programs in rural cities and counties. This bill would have added certain programs (those that continue existing programs serving rural areas, underserved areas, and small cities) to the types of programs to which the CIWMB is required to give priority. This bill would have also required at least 20 percent of the total annual amount of grants made for these programs to be distributed, non-competitively, to rural counties and cities as block grants.

**AB 901\* (Jackson)****Solid Waste: Hazardous Electronic Waste****Sponsor: Author****Chapter 84, Statutes of 2004**

This bill delays the start date for collection of the Electronic Waste Recycling Fee required by the Electronic Waste Recycling Act of 2003, enacted by SB 20 (Sher), Chapter 526, Statutes of 2003, in order to allow the necessary time for implementation of a fee collection system. This bill is an urgency measure that becomes effective on June 30, 2004.

**AB 1255 (Levine)****Mercury: Report****Sponsor: Californians Against Waste****Senate Environmental Quality Committee**

This bill would have required the DTSC to expand an existing legislative report, which focuses on the success of efforts to remove mercury-containing vehicle light switches, to include additional information.

**AB 1348 (Lowenthal)**

**Hazardous Waste**

**Sponsor: DeMenno/Kerdoon**

**Chapter 362, Statutes of 2003**

This bill clarifies statutes governing the transport of hazardous waste and the recycling of used oil.

**AB 1353 (Matthews)**

**Treated Wood Waste: Disposal**

**Sponsor: Western Wood Preservers Institute**

**Chapter 597, Statutes of 2004**

This bill requires treated wood waste (TWW) to be disposed of in a hazardous waste landfill or a composite-lined unit of a solid waste landfill. The bill also specifies requirements for the generation and management of TWW.

**AB 1367 (Laird)**

**Waste: Regulation**

**Sponsor: DTSC**

**Chapter 850, Statutes of 2004**

As introduced, this bill would have authorized the DTSC to adopt alternative management standards by regulation, for hazardous waste management activities that meet specified criteria. The bill would have required the DTSC to make specified findings and analyses, and to make those analyses available to the public when DTSC gives notice that it proposes to adopt those regulations. This bill was gutted and amended to create a pilot program for up to 10 pharmacies in the state that serve patients with HIV or AIDS. The program would evaluate the effectiveness of pharmacists' care in improving health outcomes for HIV/AIDS patients.

**AB 1691 (Montañez)**

**Asbestos Waste**

**Sponsor: Author**

**Assembly Environmental Safety and Toxic Materials Committee**

This bill would have specified prohibitions on the disposal of hazardous waste that do not apply to the authorization to dispose of waste containing asbestos. This bill would have also made clarifying technical changes.

**AB 1699 (Laird, Chu, Levine, Lieber, and Lowenthal)**

**Mercury: Fluorescent Lamps**

**Sponsor: Author**

**Senate Appropriations Committee**

This bill would have enacted the Mercury Lamp Recycling Act of 2004. The act would have prohibited a person from disposing of a fluorescent lamp, with specified exceptions. The act would have also required DTSC to establish a fluorescent lamp recycling fee (via regulation) and required every retail purchaser of a fluorescent lamp, beginning July 1, 2005, to pay the fee to the retail seller for each fluorescent lamp purchased in the state. The act also would have required DTSC to enter into an agreement with the CIWMB to determine appropriate responsibilities of each agency and the expenditure of funds.

**AB 2021 (Chu)**

**Hazardous Waste: Toxics**

**Sponsor: Author**

**Chapter 445, Statutes of 2004**

This bill makes technical and clarifying changes to the Toxics in Packaging Prevention Act. Specifically, this bill repeals the definition of the term “importer or agent” and revises the definition for the term “supplier”. This bill also revises the exemption process to provide that a package or packaging component qualifies for an exemption only if the manufacturer or supplier prepares, retains, and biennially updates documentation containing specified information.

**AB 2254 (Aghazarian)**

**Used Oil Filters: Management**

**Sponsor: Independent Waste Oil Collectors**

**Chapter 240, Statutes of 2004**

This bill, to the extent consistent with the federal Resource Conservation and Recovery Act of 1976, authorizes filters that contain a residue of gasoline or diesel fuel to be managed in accordance with the requirements of DTSC’s regulations governing the management of used oil filters. This bill requires the management of filters that contain residue from gasoline and commingled filters including filters that contain gasoline residue to meet additional requirements, as specified.

**AB 2277 (Dymally)**

**Hazardous Waste**

**Sponsor: Appliance Recycling Centers of America**

**Chapter 880, Statutes of 2004**

As it relates to the CIWMB and the solid waste landfills it regulates, this bill clearly states that hazardous materials must be removed from major appliances prior to their disposal. In addition, this bill locates all requirements regarding the handling and recycling of discarded major appliances under the jurisdiction of the DTSC.

**AB 2587 (Chan)**

**Hazardous Chemicals**

**Sponsor: Author**

**Chapter 641, Statutes of 2004**

This bill changes the effective date of the prohibition against manufacturing products containing specified percentages of flame retardants from January 1, 2008, to June 1, 2006. In addition, this bill adds the definition of a “metallic recyclable” and revises the definitions of “pentaBDE” and “octaBDE”.

**AB 2657 (Nuñez)**

**Metal Plating Facilities**

**Sponsor: Author**

**Vetoed**

This bill would have required Cal/EPA to establish and coordinate an interagency Metal Plating Task Force. This bill would have required Cal/EPA to establish a loan program or a loan guarantee program for chrome plating facilities and would have created the Chromium Pollution Prevention Fund in the State Treasury. Cal/EPA would have been required to make loans or loan guarantees available only to generators that were small businesses that own and operate chrome plating facilities subject to a specified rule of the South Coast Air Quality Management District. The Governor’s veto message acknowledges the fact that air quality in the South Coast region is a challenge, but goes on to state that it is unfair to provide a publicly funded loan program to a specific industry that is located in one region of the state. Moreover, the veto message states that the bill only provides funding for air quality problems and ignores other regulatory concerns and promotes unfair competition using scarce State resources.

**AB 2877 (Aghazarian)**

**Hazardous Waste: Regulation**

**Sponsor: California Manufacturing and Technology Association**

**Chapter 175, Statutes of 2004**

This bill allows an exemption from certain hazardous waste management standards for lead-based painted wood debris.

**AB 2901 (Pavley)**

**Solid Waste: Cell Phones: Recycling**

**Sponsor: Californians Against Waste**

**Chapter 891, Statutes of 2004**

This bill establishes the Cell Phone Recycling Act of 2004, requiring all retailers of cellular telephones to have in place a system for the acceptance and collection of used cell phones for reuse, recycling or proper disposal by July 1, 2006. This system shall be convenient and cost-free to consumers.

**AB 3041\* (Committee on Environmental Safety and Toxic Materials)**

**Hazardous Waste Transportation: Hazardous Materials Handling**

**Sponsor: Author**

**Chapter 686, Statutes of 2004**

This is the Committee's omnibus bill that updates various statutory provisions relating to certified unified program agencies and conditionally exempt small quantity generators to reflect current practices and to remove obsolete dates. This bill is an urgency measure that became effective on September 22, 2004.

**SB 202 (Romero)**

**Wood Waste: Preservatives**

**Sponsor: Communication Workers of America**

**Senate Environmental Quality Committee**

This bill would have prohibited on and after January 1, 2005, the use of chromated copper arsenate (CCA), pentachlorophenol (penta), or creosote preservatives to treat wood. It would have repealed the exemption that allows treated wood waste that has been removed from utility service to be disposed of in a composite-lined portion of a municipal solid waste landfill. It would have mandated on and after January 1, 2005, the disposal of wood waste containing any measurable level of CCA, penta, or creosote wood preservatives as a hazardous waste, and authorized universal waste regulations adopted by the DTSC as alternative management standards for treated wood waste.

**SB 511 (Figueroa)**

**Mercury Lamp Recycling**

**Sponsor: Author**

**Senate Appropriations Committee**

This bill would have enacted the Mercury Lamp Recycling Act of 2004, designed to regulate the labeling of mercury-containing fluorescent lamps sold and used in California. It would have required all mercury-containing fluorescent lamp manufacturers to submit a plan to the DTSC by June 30, 2004, that established a system for the collection, transportation, and recycling of their mercury-containing fluorescent lamps. The plan would have included design changes in lamps to reduce future mercury use.

**SB 1180 (Figueroa)**

**Mercury Lamp Recycling**

**Sponsor: Californians Against Waste, Sierra Club**

**Assembly Appropriations Committee**

This bill would have enacted the California Mercury Lamp Recycling Act of 2004. It would have (1) required each mercury-containing lamp manufacturer and each distributor to pay to the DTSC a per-lamp recycling fee for lamps sold in California on and after January 1, 2005; (2) authorized DTSC and the CIWMB to: use the funds from the fee to make recycling incentive payments to universal waste handlers, educate building owners, lighting service providers, households, and

small businesses on the hazards of improper disposal of mercury-containing lamps, enforce disposal and recycling requirements for large- and small-quantity handlers of universal waste lamps, audit manufacturers and distributors for compliance with the fee requirement, and undertake any activity to ensure safe and proper collection, handling, and transportation of mercury-containing lamps; (3) required all mercury-containing lamps sold in California to meet specified labeling requirements; and (4) authorized the State Controller to loan funds from the Hazardous Waste Control Account in the amount necessary to implement this bill.

## **Miscellaneous**

### **AB 121 (Simitian)**

**Large Passenger Vessels: Water Quality**

**Sponsor: Bluewater Network, Oceana**

**Chapter 488, Statutes of 2003**

This bill prohibits cruise ships from discharging sewage sludge and oily bilgewater into state waters and national marine sanctuaries along the state's coast.

### **AB 454 (Yee)**

**Beaches**

**Sponsor: Author**

**Senate Natural Resources and Wildlife Committee**

This bill would have established legislative findings and declarations regarding the need to prohibit smoking and improper disposal of tobacco products on public beaches. This bill would have prohibited smoking on any public beach under the jurisdiction of the CDPR, except within 20 feet of an appropriate waste receptacle.

### **AB 586 (Koretz)**

**Litter and Marine Debris: Tobacco-Related Waste**

**Sponsor: Californians Against Waste**

**Assembly Natural Resources Committee**

This bill would have enacted the Litter and Marine Debris Reduction and Recycling Act. The act would have required every retail seller who sells or provides a disposable bag or cup in California to pay a litter reduction fee of \$0.02 per bag or cup that contains less than 40 percent postconsumer recycled content. The fund created by the fees would have been administered by the CIWMB. Money in the fund would have been spent on activities related to the mitigation of, or prevention of, litter and marine debris. The CIWMB would have been authorized to spend 50 percent of the fund. The additional fund revenues would have been distributed as follows: 10 percent would have gone to a Highway Litter Cleanup Fund created in the State Treasury for use by Caltrans, 10 percent would have gone to a Coastal and Ocean Trash Abatement Fund created in the State Treasury for use by the California Coastal Commission, 10 percent would have been deposited in the State Parks and Recreation Fund, for expenditure by the CDPR, 15 percent would have been expended to fund a cooperative agreement between the DOC, the CDPR, Caltrans, and the Coastal Commission, and 5 percent would have been authorized for administrative costs.

**AB 906 (Nakano)****Large Vessels: Water Quality****Sponsor: Author****Chapter 494, Statutes of 2003**

This bill states Legislative findings and declarations relating to the release of waste, as defined, into the waters of the state and into national marine sanctuaries along the state's coast. The bill prohibits the release of hazardous waste and other waste—defined as medical waste, dry cleaning chemicals, and photography lab waste—by large passenger vessels into the marine waters of the state or national marine sanctuaries in the marine waters of the state. The bill subjects a person who violates the prohibitions to a specified civil penalty and requires the owner or operator of a large passenger vessel to immediately notify the SWRCB of a release of hazardous waste or other waste. The bill requires the SWRCB to request the appropriate federal agencies to prohibit the release of hazardous waste and other waste by large passenger vessels in all of the waters in the Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary, and Monterey Bay National Marine Sanctuary.

**AB 1427 (Maddox)****Biosolids: Study****Sponsor: Orange County Sanitation District****Senate Appropriations Committee**

This bill would have required Cal/EPA and its BDOs, in consultation with the DFA, DHS, the regulated industry, local jurisdictions, public water system representatives, and other stakeholders to conduct a feasibility study on establishing a statewide policy on biosolids management. The study would have included the treatment, disposal, and recycling of biosolids. Cal/EPA would have been required to report its findings to the Legislature on or before December 31, 2005. The study would have been funded by the Orange County Sanitation District.

**AB 1802 (Bogh)****Illegal Dumping: Penalties****Sponsor: Riverside County****Chapter 137, Statutes of 2004**

This bill increases the fines for illegal dumping of commercial quantities of waste. The bill also adds concrete and asphalt to those items that cannot be dumped on private property without the consent of the owner or in a manner that creates a public health and safety hazard, a public nuisance, or a fire hazard.

**AB 2093 (Nakano)****Large Passenger Vessels: Graywater****Sponsor: Author****Chapter 710, Statutes of 2004**

This bill prohibits the owner or operator of a large passenger vessel from releasing, or permitting anyone to release, any graywater into the marine waters of the state.

**AB 2633 (Frommer)**

**Grease: Solid Waste**

**Sponsor: Author**

**Vetoed**

This bill would have established the Interceptor Grease Transportation, Recycling and Disposal Act of 2004. The act would have required all grease removed from grease traps or interceptors to be transported by a grease hauler registered by the DFA. This bill would have required DFA to register individuals engaged in the transportation of grease waste and would have specified requirements for public liability and truck safety. Additionally, the bill would have authorized DFA to deny, revoke, or suspend a grease hauler registration for violations of specified laws and regulations. Grease haulers would have been required to remove all grease, greasy liquid, water, and solids from the trap or interceptor and would have been prohibited from disposing of these materials at unauthorized locations. The bill would have also established a mandatory manifesting procedure for grease waste and created specified requirements for grease waste treatment and disposal. The Governor's veto message states that the State has existing regulatory authority to address this issue and directs the DFA, in coordination with the CIWMB, to review and upgrade its existing system to improve the tracking and enforcement of laws governing disposal and transportation of restaurant grease.

**AB 2672 (Simitian)**

**Large Passenger Vessels: Sewage**

**Sponsor: Bluewater Network**

**Chapter 764, Statutes of 2004**

This bill requires, until January 1, 2010, the SWRCB to determine whether it is necessary for the State to apply to the federal government to authorize it to prohibit the release of sewage from large passenger vessels into the marine waters of the state. If the SWRCB determines it is necessary, the bill requires the SWRCB to make such an application. This bill states legislative intent to request that Congress provide the State with the authority to regulate the release of sewage from large passenger vessels.

**AB 2685 (Oropeza)**

**Vehicles: Fuel Conservation Measures**

**Sponsor: Author**

**Senate Appropriations Committee**

This bill would have required the Governor to launch a public education campaign to inform Californians about ways motorists could reduce their demand for gasoline and diesel fuel.

**AB 2899 (Horton, Shirley)**

**Biodiesel**

**Sponsor: National Biodiesel Board**

**Assembly Appropriations Committee**

This bill would have established standards for the sale of fuel comprised of biodiesel and biodiesel blends and a process that would have ultimately allowed consumers of these fuels to generate carbon dioxide (CO<sub>2</sub>) credits for air emission banking and credit programs.

**SB 204 (Perata)**

**Solid Waste: Personal Care Products: Recycling**

**Sponsor: Knowaste, Inc.**

**Senate Environmental Quality Committee**

This bill would have stated legislative findings and declarations regarding personal care products (disposable diapers) and would have specified that manufacturers of these products are responsible for product stewardship, which includes diversion of these products from landfills.

**SB 774 (Vasconcellos)**

**Hypodermic Needles and Syringes**

**Sponsor: Drug Policy Alliance Network, AIDS Project Los Angeles, AIDS Healthcare Foundation, California Conference of Local Health Officers, California HIV Advocacy Coalition, California Medical Association, California Nurses Association, California Pharmacists Association, California Retailers Association, San Francisco AIDS Foundation, United Food & Commercial Workers International Union, AFL-CIO, Walgreens**

**Vetoed**

This bill would have permitted a pharmacist to furnish, without a prescription, 30 or fewer hypodermic needles and syringes at any one time to a person 18 years of age or older. The Governor's veto message lists the following reasons for returning the bill to the Legislature: it departs significantly from the one-for-one exchange of syringes that is the standard of practice in authorized needle exchange programs; it weakens the strong county oversight and accountability requirement that exists for current syringe accessibility programs; and it creates a reimbursable State-mandated local program by adding requirements on local health officials.

**SB 989 (McPherson)**

**Waste Management**

**Sponsor: Author**

**Senate Rules Committee**

This bill would have made technical, non-substantive changes to the IWMA, administered by the CIWMB.

**SB 996 (Alarcón)****Socially Responsible Business****Sponsor: Author****Assembly Banking and Finance Committee**

This bill would have established two new categories of business known as “California transparent enterprises” and “California socially responsible businesses.” To qualify in either category, a business would have been required to meet specified requirements and provide certain information and filing fees to the Secretary of State.

**SB 1159 (Vasconcellos)****Hypodermic Needles and Syringes****Sponsor: Drug Alliance Policy Network, AIDS Project Los Angeles, AIDS Healthcare Foundation, California Medical Association, California Nurses Association, California Pharmacists Association, Health Officers Association of California, San Francisco AIDS Foundation, Southern California HIV Advocacy Coalition****Chapter 608, Statutes of 2004**

This bill authorizes a licensed pharmacist, until December 31, 2010, to furnish or sell ten or fewer hypodermic needles or syringes to a person for human use without a prescription if the pharmacy is registered with a local health department in the Disease Prevention Demonstration Project, which is created by the bill. The purpose of the demonstration project is to determine the long-term effects of allowing pharmacists to sell hypodermic needles and syringes to prevent the spread of blood-borne pathogens.

**SB 1362 (Figueroa)****Solid Waste: Household Hypodermic Needles, Syringes, and Lancets: Disposal****Sponsor: Alameda County Sharps Coalition, Waste Management, Inc.****Chapter 157, Statutes of 2004**

This bill specifically authorizes a household hazardous waste collection facility that is permitted by the DTSC to accept sharps waste generated by households as a DHS-approved “home-generated sharps consolidation point.” The bill also permits local jurisdictions to include a household-generated sharps collection program in their household hazardous waste elements.

**SB 1703 (Alarcón)****California Certified Green Business****Sponsor: California State University, Hayward’s Environmental Finance Center****Vetoed**

This bill would have established a California certified green business program for businesses that comply with specified criteria and checklists adopted by California State University (CSU) Hayward’s Environmental Finance Center. This bill would have authorized a city or county to institute a California-certified green business program by notifying CSU Hayward’s Environmental Finance Center, designating a green business coordinator, and implementing the program in accordance with the specified criteria and checklists. The Governor’s veto message

states that this bill creates a one-size-fits all approach to green business programs and does not give local governments the flexibility to respond to the needs of businesses in their community and that this bill impedes the ability of existing local green business programs that operate independently to acquire grant funding. Additionally, the veto message points out that the bill is not needed, as several successful green business programs are already in place on a voluntary basis and operate without government involvement or assistance.

**SB 1884 (Committee on Environmental Quality)**

**Solid Waste: Definitions: Diversion: Penalties**

**Sponsor: Author**

**Assembly Desk**

This bill would have corrected a reference in the definition of “compost” by changing the term “sources separated” to “source separated,” and would have repealed an obsolete provision in the Public Resources Code that prohibited imposing a civil penalty for a two-year period after July 1, 1993.

**SB 1886 (Committee on Environmental Quality)**

**Solid Waste: Incorporated Cities**

**Sponsor: Author**

**Assembly Floor**

This bill would have made technical changes to the IWMA by changing the term “incorporated cities” to “cities”) in the only three provisions in which it appears.

**SB 1890 (Committee on Environmental Quality)**

**Integrated Waste Management Board: Reporting Requirement**

**Sponsor: Author**

**Assembly Appropriations Committee**

This bill would have required the CIWMB to report to the Legislature, by December 1, 2005, on any duplication or overlap of programs administered and funded by the CIWMB, DOC, and DTSC.

**SB 1906 (Sher)**

**Surplus School Property: Use of Proceeds: Santa Clara Unified School District**

**Sponsor: Author**

**Chapter 838, Statutes of 2004**

This bill initially would have prohibited an advisor to a CIWMB Board member from collecting per diem and travel expenses for attending meetings at the CIWMB headquarters in Sacramento. This bill additionally would have prohibited an advisor from appointing an additional deputy or employee. Each Board member would have been permitted to retain one executive assistant. This bill was gutted and amended to relate to the sale of surplus school property.

## **Plastic**

### **AB 1466 (Koretz)**

**Rigid Plastic Packaging Containers**  
**Sponsor: Californians Against Waste**  
**Vetoed**

This bill would have established the terms “Don’t Trash California” and “California es tu casa. No hagas de ella un basurero.” as the state’s unified litter prevention and recycling message and would have required State agencies to incorporate the slogans into their campaigns, as appropriate. In his veto message the Governor states, “I believe it is important to utilize litter prevention and recycling messages throughout the state, I do not see it as good policy to place slogans into statute. In order for slogans to be effective, they need to include cultural and regional elements, as well as retain the ability to evolve with changing times. Placing a slogan in statute does not provide the necessary flexibility.”

### **SB 23 (Sher)**

**Budget Act of 2003**  
**Sponsor: Author**  
**Chapter 44, Statutes of 2004**

As introduced, this bill would have amended the Bottle Bill by changing various payment and recycling formulas and adding new programs. Of primary interest to the CIWMB was proposed new authority to issue up to \$10 million per year until January 1, 2007, in grants for market development and activities to increase the recycling of beverage containers. Also, the bill would have provided \$3 million for a new Plastic Incentive Payment Program and increased the funding of beverage container recycling and litter reduction grants from \$500,000 to \$1 million. This bill was gutted and amended to reappropriate funds related to the administration of grants at the State Office of Emergency Services.

### **SB 517 (Karnette)**

**Rigid Plastic Packaging Containers**  
**Sponsor: Author**  
**Senate Environmental Quality Committee**

This bill would have added as a compliance option for product manufacturers to comply with the CIWMB’s RPPC program that the containers be made of biodegradable plastic. Biodegradable plastic would have been defined as a “plastic of which 90 percent will be broken down into simple substances after 180 days in a standard composting environment.”

**SB 645 (Sher)****Plastic Trash Bags****Sponsor: Author****Vetoed**

This bill would have required that the CIWMB's annual list of suppliers, manufacturers, or wholesalers that have failed to comply with State minimum requirements for recycled content in plastic trash bags be posted on the CIWMB's website. According to the Governor's veto message, this bill is unnecessary because the CIWMB already provides this information on its website.

**SB 1729 (Chesbro)****Plastic Containers: Recycling****Sponsor: Californians Against Waste****Chapter 561, Statutes of 2004**

This bill makes various changes to the CIWMB's RPPC program, including changing requirements pertaining to how the CIWMB calculates the annual recycling rate. Specifically, the bill (1) modifies the criteria for RPPC containers, deleting the recycling rates based on the annual reports published by the CIWMB; (2) modifies the requirement for product-associated containers, requiring the rate to be demonstrated to the CIWMB by the product maker, manufacturer, or other entity; (3) repeals the requirement that RPPCs exempt from the law be included in calculating the recycling rate; (4) authorizes the CIWMB to take appropriate action to verify the demonstration of the rate, but specifies that the CIWMB is not required to expend State funds to conduct a survey or calculate the rate.

**SB 1749 (Karnette)****Plastic Bags: Labeling****Sponsor: Author****Chapter 619, Statutes of 2004**

This bill prohibits a person from selling a plastic bag that is labeled "compostable," "biodegradable," "degradable," or anything similar unless the bag meets an existing American Society for Testing and Materials specification for the term used on the label.

***Radioactive Waste*****SB 13 (Romero)****Radiation Safety Act of 2003****Sponsor: Committee to Bridge the Gap****Senate Appropriations Suspense File**

This bill would have prohibited the disposal of radioactive waste at a hazardous waste disposal facility that is subject to State hazardous waste control laws.

## **SB 201 (Romero)**

### **Radioactive Materials: Transfer of Authority**

**Sponsor: Author**

**Senate Appropriations Suspense File**

This bill would have repealed the Radiation Control Law and replaced it with the Radioactive Materials Management Act, which, in part, would have transferred authority and oversight of radioactive materials from DHS to DTSC. This bill would also have created the Radioactive Materials Control Fund for purposes of enforcing the act.

## ***Reuse/Recycled Materials/Market Development***

### **AB 28 (Jackson)**

#### **Public Resources**

**Sponsor: Author**

**Chapter 753, Statutes of 2003**

This bill makes numerous changes to the Bottle Bill, including increasing the California Redemption Value and refund value, increasing the quality glass incentive payment, paying recyclers a one-time supplemental payment, requiring commingled rates for plastic and glass, creating a grant program for market development of recycled containers, establishing a rebate for manufacturers, and authorizing the transfer of up to \$10 million to the newly created Recycling Infrastructure Loan Guarantee Account.

### **AB 734 (Montañez)**

#### **Large Venue Recycling Programs**

**Sponsor: Author**

**Assembly Natural Resources Committee**

This bill would have required the CIWMB to make available one or more model local agency ordinances to require a recycling program at large venues, consult with specified entities while developing the model ordinances, and post specified information on the CIWMB's website. The bill would have required each local agency to identify the largest 10 percent of large venues and large events located within the jurisdiction of the local agency, and to adopt an ordinance that requires large venue facilities to develop and implement solid waste reduction programs. A local agency would also have been required to direct each large venue facility that commences operations on or after January 1, 2006, to incorporate recycling in their design and operating plans as a component of the local permitting process. The bill would have allowed a local agency or a private entity to apply for a grant directly with the DOC to implement large venue recycling programs at large venue facilities. This bill was replaced by AB 2178 (Montañez), Chapter 879, Statutes of 2004.

## **AB 1873 (Hancock)**

### **Solid Waste: Recycling Market Development**

**Sponsor: Californians Against Waste**

**Chapter 500, Statutes of 2004**

This bill extends the sunset on the CIWMB's Recycling Market Development Revolving Loan Program until July 1, 2011 (inoperative date) and January 1, 2012 (repeal date).

## **AB 2166 (Hancock)**

### **Recycling: Compact Discs and Digital Versatile Discs**

**Sponsor: Californians Against Waste**

**Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee**

This bill would have prohibited the distribution or mass mailing of compact discs (CD) or digital versatile discs (DVD) for commercial purposes to households, without the consent of a person in the household, unless the recipient is provided a postage-paid return mailing envelope or similar return mechanism that would allow the recipient to return the disc to the sender.

## **AB 2176 (Montañez)**

### **Large Venue and Large Event Recycling Programs**

**Sponsor: Author**

**Chapter 879, Statutes of 2004**

This bill requires the CIWMB and local agencies to provide information to large venues and events to encourage waste diversion activities. Operators of venues and events are required to report specified information about waste disposal and diversion to local agencies. This information will then be reported to the CIWMB as a part of the local agency's annual report. The bill also prohibits local agencies from issuing a building permit to a development project unless the development project provides adequate areas for collecting and loading recyclable materials, as required by Public Resources Code section 42911.

## ***Solid Waste Facilities/Landfills***

### **AB 240 (Reyes)**

#### **Large Solid Waste Facilities: Regulation: Enforcement**

**Sponsor: Author**

**Assembly Natural Resources Committee**

This bill would have defined "construction and demolition processing facility" as "a solid waste facility that processes waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures." The bill would have prohibited the CIWMB from adopting any regulation that exempts a construction and demolition facility from any of the requirements for solid waste facilities, including any regulations based on the number of tons of solid waste per day accepted by the facility. AB 240 would have specified that the owner or operator of a facility would be liable for all costs associated with permit violations or any "catastrophic emergency"

caused by facility operations. This bill was replaced by AB 2159 (Reyes), Chapter 448, Statutes of 2004.

**AB 1140 (Cox)**

**Public Works: Refuse Hauling**

**Sponsor: Author**

**Assembly Labor and Employment Committee**

This bill would have repealed the provision of California law defining “public works” to include the hauling of refuse from a public works site to an outside disposal facility with respect to contracts involving any State agency, including the California State University, the University of California, or any political subdivision of the State.

**AB 1174 (Leslie)**

**Solid Waste: Sacramento Regional County Solid Waste Authority**

**Sponsor: Author**

**Assembly Natural Resources Committee**

This bill would have authorized the Sacramento Regional County Solid Waste Authority to expend the revenue derived from the fee imposed upon a commercial solid waste hauler and collected by the Authority only to oversee, manage, and enforce the Authority’s nonexclusive commercial franchise system and to offset those reasonable and necessary regional costs, as defined, that are incurred by the Authority. The bill would have required the Authority, by March 1, 2004, and on or before March 1 of each year thereafter, to prepare and distribute a detailed report itemizing how fees were expended during the previous calendar year, and to submit a proposed budget. The bill would have required the Authority, by March 1, 2004, and at least once every two years thereafter, to arrange for an independent audit of all costs supported by fee revenues. The bill would have authorized an aggrieved party to file an action if the Authority expended fee revenues for a purpose not authorized by the Authority or if fee revenues are generated or used in violation of any other applicable requirement.

**AB 1497 (Montañez)**

**Solid Waste Facilities Permits**

**Sponsor: Author**

**Chapter 823, Statutes of 2003**

This bill requires applicants for solid waste facility permits (SWFP) to submit to an LEA, with the closure and postclosure plan, a Labor Transition Plan and certification that the plan will be implemented. The bill requires LEAs to submit a proposed determination to the CIWMB for comment regarding whether a change to a solid waste facility will be approved, and to hold at least one public hearing on the proposed determination. The bill also requires an LEA to submit an appeal of its determination to the CIWMB for comment, and to provide public notice for the appeal hearing. The CIWMB is required to adopt regulations that define the term “significant change in the design or operation of the solid waste facility not authorized by the existing permit” to the extent resources are available. Finally, this bill removes the annual \$15,000 cap on civil penalties that an LEA may impose for failure to comply with an enforcement or cease and desist order.

**AB 1924 (Bogh)**

**Fire Prevention: Penalties**  
**Sponsor: Riverside County**  
**Chapter 90, Statutes of 2004**

This bill increases the fines for individuals who maintain a solid waste facility in violation of laws relating to flammable solid waste to not more than \$500 for a first conviction, and not less than \$500 or more than \$2,000 for a second or subsequent conviction within five years of a prior conviction.

**AB 2159 (Reyes)**

**Solid Waste Facilities: Orders**  
**Sponsor: Author**  
**Chapter 448, Statutes of 2004**

This bill strengthens the enforcement process by making a number of clarifying and streamlining changes to the enforcement process for violations of solid waste law. These changes are consistent with the recommendations of the California State Auditor. The most notable changes are (1) deleting the provision that delays the effective date of a cease and desist order until after the time period provided for an appeal expires and (2) adding an option that permits appeals to be heard by a hearing officer.

**SB 287 (Sher)**

**Solid Waste**  
**Sponsor: Author**  
**Senate Rules Committee**

This bill would have revised a statement of legislative intent regarding the IWMA.

**SB 531 (Romero)**

**Solid Waste Disposal: Integrated Waste Management**  
**Sponsor: Author**  
**Senate Environmental Quality Committee**

This bill would have allowed a city, county, city and county, or certified unified program agency to inspect solid waste landfills within its jurisdiction without notice.

**SB 537 (Romero)**

**Solid Waste: Management: Los Angeles County Sanitation Districts**  
**Sponsor: Author**  
**Assembly Local Government Committee**

This bill would have prohibited the siting of a new “materials recycling facility” designed to receive greater than 4,000 tons per day in the County of Los Angeles before the year 2015 and would have required the sanitation districts of the County of Los Angeles to allocate \$15 million

annually to fund South Coast Air Quality Management District programs to reduce emissions from solid waste collection vehicles.

**SB 646 (Sher)**

**Solid Waste Report**

**Sponsor: Author**

**Vetoed**

As it related to the CIWMB, this bill would have required the annual report submitted to the CIWMB by local jurisdictions to include a statement as to whether the local agency has complied with Public Resources Code section 42911, which requires local agencies to adopt an ordinance relating to adequate areas for collection of recyclables in development projects, and a copy of the ordinance. This bill would also have made a number of changes to the methods by which monies in the California Beverage Container Recycling Fund are expended. According to the Governor's veto message, this bill sets a precedent that should not be continued by circumventing the competitive grant process and providing for a direct grant to a nonprofit entity.

**SB 1078 (Chesbro)**

**Disposal Fees: Solid Waste Collection Vehicles: Emissions**

**Sponsor: Author**

**Assembly Natural Resources Committee**

This bill would have required the operator of a solid waste collection vehicle, until December 31, 2010, to pay a fee of 50 cents for each ton of solid waste submitted for disposal by that operator at a solid waste disposal facility. The bill would have required the operator of the disposal facility to collect the fee and to submit the fee to the BOE in a manner consistent with the fee submitted by the facility operator. The bill would have required the BOE to deposit these fees in the Solid Waste Vehicle Clean Air Account for the purpose of funding compliance with the best available control technology requirements approved by the ARB to reduce diesel particulate matter emissions from solid waste collection vehicles.

**SB 1387 (Romero)**

**Sanitation and Sewers: Recycling Facility**

**Sponsor: Author**

**Senate Local Government Committee**

This bill would have limited the ability of a county sanitation district in a county with a population exceeding 5 million to develop "materials recycling facilities." The bill would have prohibited the district from using the revenue derived from the district's water, sanitation, storm drainage, or sewage system services and facilities to acquire or develop land, or place improvements upon land, for purposes of creating a materials recycling facility with a capacity of over 4,000 tons per day, unless the project were approved by a two-thirds vote of the residents of the affected district.

## **State Agencies, General**

### **AB 79 (Dutra)**

**Written Reports: Preparation**

**Sponsor: Author**

**Chapter 409, Statutes of 2004**

This bill provides, until January 1, 2008, that a public agency is not required to prepare or submit any written report to the Legislature, the Governor, or any State legislative or executive body unless specified conditions are met or the report is specifically required by this bill.

### **AB 1027 (Bermudez)**

**State Employees: Salary Ranges: Professional Scientists**

**Sponsor: California Association of Professional Scientists**

**Vetoed**

This bill would have required the DPA and the California Association of Professional Scientists to jointly survey scientific classifications in various California public agencies. The Governor's veto message states that this bill would have circumvented the collective bargaining process.

### **AB 2701 (Runner)**

**Environmental Protection Reports**

**Sponsor: Cal/EPA**

**Chapter 644, Statutes of 2004**

This bill establishes efficient reporting of information through the mandated report process as well as other pathways for providing information to stakeholders and the general public. AB 2701 (1) repeals unnecessary or obsolete Cal/EPA reports, (2) changes the reporting frequency of select reports, (3) allows data-rich or statistical reports to be posted directly on the website, (4) requires the CIWMB to develop guidelines for environmentally sustainable report and document production, and (5) requires other State agencies to evaluate their mandated reports and to consult the CIWMB guidelines when producing reports and other information.

### **SB 111 (Knight)**

**State Reporting Requirements**

**Sponsor: California Law Revision Commission**

**Chapter 193, Statutes of 2004**

This bill deletes obsolete mandated State reporting requirements and repeals specified pilot and demonstration projects that have expired.

## ***State Agencies, Procurement/Waste Management***

### **AB 466 (Steinberg)**

**Contracting Preferences: Wood Materials and Products**

**Sponsor: Author**

**Chapter 620, Statutes of 2004**

This bill would have prohibited State agencies and school districts from purchasing wood materials or wood products, except paper products, derived from an ancient forest tree, as defined, unless specified requirements are met. The bill would have also required State agencies and school districts to state in writing these prohibitions in any request for bids to purchase wood materials or wood products. The bill would have required bidders on these contracts to provide a statement that they have complied with these prohibitions, as provided, and required these bidders to submit documentation regarding the products to be provided under the contract. This bill was gutted and amended to revise the Sacramento Regional Transit District.

### **AB 2482 (Campbell)**

**State Reports: Electronic Format**

**Sponsor: Author**

**Assembly Business and Professions Committee**

This bill would have required a State agency to submit reports to the Legislature in an electronic format with a hard copy of the report summary and to provide a hard copy if requested. This bill would have also required a State agency to post copies of reports to the Legislature on its website.

## ***Sustainable Building***

### **AB 653 (Nuñez)**

**Energy Efficiency: Public Buildings**

**Sponsor: Planning and Conservation League**

**Vetoed**

This bill would have preserved the integrity of the bond funding available for energy efficiency projects in State buildings until the allotted funding has been expended. This bill would have eliminated the sunset date for the SPWB authority to issue revenue bonds, notes, and bond anticipation notes to finance cogeneration equipment, alternative energy equipment, and conservation measures in public buildings. This bill would additionally require the SPWB to analyze the costs and financial and energy savings over the life of the project when authorizing funding. According to the Governor's veto message, bond funding from the Energy Efficiency Revenue Bond Program has been suspended due to technical flaws in the authorizing statute. The message states that the existing program should sunset and a new program be developed to address these structural challenges.

**AB 2311 (Jackson)****Energy Efficiency: Sustainable Building****Sponsor: Author****Vetoed**

This bill would have established a sustainable building goal for State buildings. The goal would have been to site, design, demolish, construct, renovate, operate, and maintain State buildings that would be models of energy, water, and materials efficiency, while providing healthy, productive, and comfortable indoor environments and long-term benefits to residents of the state. This bill would also have required the Secretary for State and Consumer Services to facilitate the incorporation of sustainable building practices into the planning, operations, policymaking, and regulatory functions of State agencies, and no later than July 1, 2005, to submit a report to the Governor with a recommended strategy for achieving this objective. The Governor's veto message states that since this bill would codify much of an existing executive order, it would not improve upon existing efforts to increase adoption of sustainable building practices in California.

**SB 1851 (Bowen)****State Buildings and Publicly Funded Schools: Standards****Sponsor: Author****Vetoed**

This bill would have required all new State public buildings for which design and construction began after January 1, 2005, and until January 1, 2007, except publicly funded schools, to exceed the minimum building energy efficiency standards mandated by the California Building Standards Code if the measures achieve certain cost savings. The bill would have required all new State public buildings for which construction began after July 1, 2007, except publicly funded school buildings, to exceed the minimum building energy efficiency standards mandated by the California Building Standards Code, to use energy efficiency measures, materials, devices, and indoor air quality measures that are feasible and cost-effective, as prescribed by the CIWMB, and to follow sustainable building standards and utilize sustainable building measures, materials, and devices. The bill would have also required that all existing State public buildings, except publicly funded school buildings, when renovated or remodeled, be retrofitted to meet minimum energy standards. According to the Governor's veto message, this bill is premature, as there is a working group currently developing recommendations for a comprehensive program to dramatically advance energy conservation as well as incorporate other green building principles into commercial buildings. Additionally, the message states that since this bill would codify much of an existing executive order, it would not improve upon existing efforts to increase adoption of sustainable building practices in California.

## **Tires**

### **AB 338 (Levine)**

**Recycling: Crumb Rubber**

**Sponsor: Author**

**Vetoed**

This bill would have required Caltrans to mandate the use of specified percentages of asphalt-containing crumb rubber in State highway and construction and repair projects that use asphalt as a construction material. The bill would have required the following amounts of asphalt-containing crumb rubber to be used: on and after January 1, 2006, not less than 20 percent of the total amount (in tons) of asphalt paving materials used; on and after January 1, 2009, not less than 25 percent, and on and after January 1, 2012, not less than 35 percent. According to the Governor's veto message, there are concerns that limiting the product to those of U.S. origin only may violate various trade agreements and that this bill may invite sanctions from other nations against products produced in California.

### **AB 844 (Nation)**

**Tire Efficiency Program**

**Sponsor: National Resources Defense Council, Union of Concerned Scientists**

**Chapter 645, Statutes of 2003**

This bill requires the CEC, in consultation with the CIWMB, to adopt by July 1, 2007, and implement by July 1, 2008, a replacement tire efficiency program of statewide applicability for replacement tires for passenger cars and light trucks. This program must ensure that replacement tires sold in the state are at least as energy-efficient, on average, as the tires sold in the state as original equipment on these vehicles. The development and adoption of minimum energy efficiency standards must not adversely affect the average tire life of replacement tires or State efforts to manage scrap tires. The bill requires the program to be operative no later than July 1, 2007.

### **AB 923 (Firebaugh)**

**Air Pollution**

**Sponsor: Air Resources Board**

**Chapter 707, Statutes of 2004**

As it relates to the CIWMB, this bill increases the California tire fee by \$0.75 from January 1, 2005 to December 31, 2006, to fund programs under the ARB and air quality management districts to mitigate or remediate air pollution problems caused by tires. From January 1, 2007 to December 31, 2014, the increase to the California tire fee will be \$0.50, instead of \$0.75, for the same purposes. AB 923 sunsets on January 1, 2015.

**AB 1756 (Budget Committee)**

**State Government**

**Sponsor: Author**

**Chapter 228, Statutes of 2003**

This bill made changes to the operation of CIWMB Board member offices and prohibited the CIWMB from providing support to efforts related to the use of waste tires as fuel. The provisions of this bill relating to CIWMB Board member offices were repealed by AB 296 (Oropeza), Chapter 757, Statutes of 2003.

**AB 2396 (Wiggins)**

**Waste Tire Program**

**Sponsor: Sonoma County landowners**

**Assembly Concurrence File**

The bill would have made technical and clarifying changes to the California Tire Recycling Act. Specifically, this bill would have authorized the CIWMB to create financial incentives for a person who reports illegal hauling or disposal of waste tires or used tires. The bill would also have deleted an obsolete report requirement relating to tire fires and required moneys in the fund to also be used to pay the costs of the CIWMB preparing a report relating to using waste tires for erosion controls. The bill would have required the CIWMB to submit the report to the Legislature and the Governor by December 21, 2005, and would have prohibited the costs of the report from exceeding \$150,000.

# Governor's Messages

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## ***Signing Messages***

### **AB 455 (Chu)**

To the Members of the California Legislature:

I am signing Assembly Bill 455, which enacts the Toxics in Packaging Prevention Act, which will ban the sale of packaging that includes lead, mercury, cadmium or hexavalent chromium.

I am pleased to join the eighteen other states that have already enacted similar legislation, substantially reducing or eliminating land and water contamination contributed by heavy metals found in packaging materials.

AB 455 is an important environmental protection measure for California which will promote pollution prevention at the source by reducing and eliminating the use of harmful chemicals in these materials. I applaud Assemblywoman Chu's leadership in authoring this bill. However, there are several technical problems in this bill which may impede implementation that should be addressed next year. I ask the author to work with the Department of Toxic Substances Control to resolve these issues.

Sincerely, Gray Davis

### **AB 1497 (Montañez)**

To the Members of the California Legislature:

I am signing Assembly Bill 1497, which makes changes to the current landfill oversight process. In signing this measure, I am also directing the Integrated Waste Management Board to implement the provisions of the bill within existing resources.

Sincerely, Gray Davis

### **AB 1548 (Pavley)**

To Members of the California Assembly:

I am signing Assembly Bill 1548, which will establish the Office of Education and the Environment (OEE) within the California Environmental Protection Agency to develop environmental education principles and a model curriculum for grades kindergarten through 12.

The bill creates a logical, cost-neutral approach to teach environmental principles and resource conservation in California classrooms. The measure also aligns state agency environmental based education programs with State approved education content standards and curriculum requirements. This creates more effective environmental education programs and helps focus limited state dollars to a unified educational effort.

Now that a coordinated statewide environmental education program is in place, I am directing all state departments and agencies that expend environmental education funds for teaching children in primary and secondary schools to allocate funding for implementation of this program. However, the bill has some technical problems that could impede implementation.

I am signing this measure with the understanding the author will work with CalEPA next year to correct a drafting error and require school districts to consider the environmental education principles when adopting instructional materials.

Sincerely, Gray Davis

## **SB 20 (Sher)**

To the Members of the California Senate:

I am signing SB 20, which will enact the Electronic Waste Recycling Act, the first of its kind in the nation. This bill will provide convenient and cost-effective collection and recycling of hazardous electronic wastes throughout California.

As I stated last year, I am troubled by the increasing electronic waste pollution problem in California, as well as across our nation and overseas. I strongly urged the electronics industry and other interested parties to rapidly devise a solution to this growing problem. SB 20 will help us reach that solution. I applaud Senator Sher for orchestrating this effort and bringing this important measure forward. The bill represents extensive collaboration on the part of environmental groups, industry interests and state and local governments. I would like to thank members of the electronics industry who do business in California for their willingness to find a solution for California's consumers. I am confident that this cooperative effort will lead to a successful and productive recycling program. While I appreciate that fee collection from out-of-state and Internet sellers presents a challenge, I am confident that the California Environmental Protection Agency has the experience and capability to collect the fee created by SB 20. I am confident that companies that sell exclusively over the Internet, like Dell, will fully comply. Many of the CalEPA agencies have experienced success in both voluntary compliance and enforcement actions against out-of-state, foreign, and Internet sellers that have failed to pay a regulatory fee. I am sensitive to concerns that California manufacturers not be placed at a competitive disadvantage if the SB 20 fees are not applied equitably or enforced uniformly. If this is a problem I will direct CalEPA to work with the Legislature to find a fair and equitable solution.

Last year I vetoed Senate Bills 1523 and 1619 because I did not believe that those measures would provide an equitable and cost-effective solution for the citizens of California. In vetoing these bills I set forth a series of key goals for a comprehensive electronic waste recycling program. While SB 20 goes a long way towards accomplishing these goals, I ask that the author introduce a measure next year to further address the goals set forth in my veto message and correct other implementation problems, including consistency of design mandates.

Sincerely, Gray Davis

## **SB 1159 (Vasconcellos)**

To the Members of the California State Senate:

I am signing Senate Bill 1159 enacting the Disease Prevention Demonstration Project to evaluate the long-term desirability of authorizing pharmacists to sell or furnish 10 or fewer sterile needles and syringes, without a prescription.

This pilot program, in conjunction with the Needle Exchange Program (NEP), is an attempt to reduce the incidence of blood-borne infections, including Human Immunodeficiency Virus (HIV), Hepatitis C virus (HCV) and Hepatitis B virus (HBV) related to injection drug use. The consequences of sharing contaminated needles and syringes have taken a significant toll on the public's health. Approximately one-third of AIDS cases in the United States are associated with injection drug use, and the sharing of contaminated needles is linked to approximately 20 percent of all reported AIDS cases in California. Each year approximately 1,000 Californians become infected with HIV and 3,000 with HCV after sharing dirty needles. Untold numbers are subsequently infected by these drug users. Research conducted on syringe access through pharmacies in other states concluded that access to sterile syringes and needles significantly decreased HIV and HCV, but did not increase drug use or crime rates. Similar to the current NEP, local governments and local health departments will work closely to implement this program and I anticipate that it will only be implemented where there is local authorization.

To ensure public safety and to promote public health, pharmacies that furnish syringes and needles must provide information about accessing drug treatment, HIV and hepatitis testing, and safety storage and disposal instructions to all participants. These programs will provide injection drug users education about proper needle disposal and provide them with the opportunity to safely dispose of needles at the pharmacy. The Department of Health Services is required to evaluate the efficacy of this program and report the incidence of needle sharing among those who inject illegal drugs, the incidence of bloodborne diseases caused by sharing needles, needlestick related law enforcement injuries, drug crime or other crime rate in the vicinity of pharmacies, the disposal of needles, and the incidence of injection of illegal drugs. Upon review of the report, the Legislature will decide to reauthorize or permanently sunset the program. My Administration supports this measure because it will prevent the spread of HIV, hepatitis, and other blood-borne diseases among injection drug users, their sexual partners, and their children.

For these reasons I am signing this bill.

Sincerely, Arnold Schwarzenegger

## ***Veto Messages***

### **AB 338 (Levine)**

To Members of the California State Assembly:

I am returning Assembly Bill 338 without my signature.

This bill would require the California Department of Transportation to use asphalt containing crumb rubber generated in the United States in lieu of other materials, in specified minimum percentages of its total asphalt usage on highway construction and repair projects.

While I am supportive of the overall policy of this bill, I am concerned that by limiting the product to those of U.S. origin only may violate various trade agreements. In addition, this bill may invite sanctions from other nations against products produced in California.

I encourage the author to revisit this issue next legislative session and to, with the Secretary of the State and Consumer Services Agency and the Secretary of the Business, Transportation and Housing Agency, find appropriate language that would alleviate any possible legal challenge which would invalidate otherwise good public policy.

For these reasons I am returning Assembly Bill 338 without my signature.

Sincerely, Arnold Schwarzenegger

**AB 653 (Nuñez)**

To Members of the California State Assembly:

I am returning Assembly Bill 653 without my signature.

This bill repeals the January 1, 2005 sunset date of the Energy Efficiency Revenue Bond Program, making the authority to issue revenue bonds permanent. Although I strongly support energy efficiency, I am concerned that this program has not been working effectively over the last few years. I have been recently informed that bond sales from this program have been suspended due to technical flaws with the authorizing statute. Therefore, we should allow this program to sunset and craft another program that addresses these structural challenges.

For these reasons I cannot support this measure.

Sincerely, Arnold Schwarzenegger

**AB 736 (Hancock)**

To Members of the California State Assembly:

I am returning Assembly Bill 736 without my signature.

This bill is premature, in that it places conditions on school district's use of funding of school facilities bond measures passed after January 1, 2006. While I am very supportive of efforts to improve the environment of California's classrooms, as well as promoting energy efficiency and conservation, this policy discussion more appropriately should be considered within the context of a comprehensive environmental policy involving energy-efficient housing, schools and commercial properties.

Therefore, I am unable to sign this bill.

Sincerely, Arnold Schwarzenegger

**AB 1027 (Bermudez)**

To Members of the California Assembly:

I am returning Assembly Bill 1027 without my signature.

By requiring extensive joint salary surveys for Bargaining Unit 10, the California Association of Professional Scientists, this bill would duplicate existing surveys conducted by the Department of Personnel Administration. Additionally, the salary survey required under this bill conflicts with AB 2477, which I signed last year. AB 2477 established the Excluded and Exempt Employee Salary-Setting Task Force. The Task Forces mandate is to develop and recommend by July 1, 2004, an equitable salary and benefit setting process for excluded and exempt employees in State government.

Finally, this bill would require the Department of Personnel Administration to meet and confer in good faith with the California Association of Professional Scientists over salary survey methodology for supervisory employee classes. By utilizing this term of art in the context of salary issues affecting supervisory employees, this bill could be construed as a step to extending collective bargaining rights to an excluded employee organization. Given these concerns, I am unable to sign AB 1027 in its current form.

Sincerely, Gray Davis

**AB 1466 (Koretz)**

To Members of the California State Assembly:

I am returning Assembly Bill 1466 without my signature.

Litter prevention and recycling messages have proven to be an effective tool for conservation. While I believe it is important to utilize litter prevention and recycling messages throughout the State, I do not see it as good policy to place slogans into statute. In order for slogans to be effective, they need to include cultural and regional elements, as well as retain the ability to evolve with changing times. Placing a slogan in statute does not provide the necessary flexibility.

This bill establishes Don't Trash California and California es tu casa. No hagas de ella un basurero, as the unified litter prevention and recycling slogan for California. This bill authorizes agencies to incorporate the unified message into all litter prevention and recycling messages, signs and advertisements.

Litter prevention is a priority for the State and there is preliminary data illustrating that pilot projects using these slogans have proven to be effective. Therefore, I am directing Agencies to incorporate these messages into signage and educational materials where appropriate.

For the aforementioned reasons, I am unable to sign this measure.

Sincerely, Arnold Schwarzenegger

**AB 1696 (Pavley)**

To Members of the California State Assembly:

I am returning Assembly Bill 1696 without my signature.

The provisions in this bill go beyond the scope of cleaning up the technical implementation issues raised concerning AB 1548 (Chapter 665, Statutes of 2003). The Legislature should pass a clean up bill in the next session that contains only the required technical fixes.

Sincerely, Arnold Schwarzenegger

**AB 2311 (Jackson)**

To Members of the California State Assembly:

I am returning Assembly Bill 2311 without my signature.

In the beginning of my administration I directed Secretary Tamminen to establish a working group to develop green building bank initiatives for both public and private buildings. Members of the working group include public sector decision makers, commercial real estate business owners and managers, energy experts and financial managers. The group is currently developing recommendations for a comprehensive program to dramatically advance energy conservation as well as incorporate other green building principles into commercial buildings.

This bill is largely identical to an executive order passed in the prior administration. This order has not been rescinded and is still in effect. Since this bill would codify much of an existing executive order, it would not improve upon existing efforts to increase adoption of sustainable building practices in California.

For these reasons, I am unable to support this measure.

Sincerely, Arnold Schwarzenegger

**AB 2633 (Frommer)**

To Members of the California State Assembly:

I am returning Assembly Bill 2633 without my signature.

I appreciate the environmental damage that can be caused by the inappropriate handling, transport and disposal of grease, including how this product can foul our land, rivers, and oceans. The California Department of Food and Agriculture has a system of regulating grease hauling while the Integrated Waste Management Board regulates waste. We have existing regulatory authority to address this issue.

I am directing the Department of Food and Agriculture in coordination with the Integrated Waste Management Board to review and upgrade its existing system to improve the tracking and enforcement of laws governing disposal and transportation of restaurant grease.

Sincerely, Arnold Schwarzenegger

**AB 2657 (Nuñez)**

To Members of the California State Assembly:

I am returning Assembly Bill 2657 without my signature.

While I recognize that the metal-plating process can adversely impact the environment and public health if not properly managed, there are numerous federal, state and local laws that regulate this industry. The bill singles out this industry for special assistance for failure to comply with existing environmental protection laws.

Specifically, this bill provides loans and loan guarantees to a segment of the metal plating industry that is located within the South Coast Air Quality Control District. While I am sympathetic to the fact that air quality in that region is a challenge, it is unfair to provide a publicly funded loan program to a specific industry that is located in one region of the state. Moreover, the bill only provides funding for air quality problems and ignores other regulatory concerns, such as hazardous waste and water quality. This bill promotes unfair competition and does this while using scarce State resources.

For these reasons I cannot support this measure at this time.

Sincerely, Arnold Schwarzenegger

**SB 645 (Sher)**

To Members of the California State Senate:

I am returning Senate Bill 645 without my signature.

This bill requires the Integrated Waste Management Board (IWMB) to post on its internet website a list of suppliers, manufacturers, or wholesalers who have failed to comply with the requirements of the Plastic Trash Bags Act.

While I strongly support efforts to increase the public's access to information and holding violators of solid waste laws accountable for their actions, this bill is redundant and unnecessary. The IWMB already makes this information available on its internet website. For these reasons, I cannot support this measure.

Sincerely, Arnold Schwarzenegger

**SB 646 (Sher)**

To Members of the California State Senate:

I am returning Senate Bill 646 without my signature.

This measure creates an additional reporting requirement on local government and directs grant funds outside the normal competitive process to Keep California Beautiful, an existing nonprofit organization that is organized for litter reduction education.

The guaranteed set-aside for Keep California Beautiful is a precedent that should not be continued. This bill creates a \$300,000 statutory directed grant from the Beverage Container Recycling Fund to a specific entity. Other recipients of set-aside funds under the Recycling

Program either administer the program or directly participate in the recycling of beverage containers. Keep California Beautiful, while helping promote the Recycling Program, does not actually perform the manufacturing, sale, or recycling of the products included in the Program.

Continuation of this funding circumvents prior agreements and will result in redundant funding for this organization. The competitive grant program under the Recycling Program was increased from \$500,000 to \$1.5 million to compel similar applicants to compete for state grant support.

For the reasons listed above I am unable to support this measure.

Sincerely, Arnold Schwarzenegger

### **SB 774 (Vasconcellos)**

To Members of the California Senate:

I am returning Senate Bill 774 without my signature. This bill would create the Disease Prevention Demonstration Program to evaluate the long-term desirability of allowing pharmacists to furnish or sell nonprescription hypodermic needles to prevent the spread of blood-borne pathogens. In addition, persons who are 18 years of age or older would be able to possess up to 30 hypodermic needles or syringes. Local health departments would be required to register participating pharmacies, provide written materials to be distributed by the pharmacies to the purchasers of needles, and cooperate with the Office of AIDS in evaluating the program.

I am committed to the underlying goal of the bill, which is to reduce the transmission of HIV and hepatitis C among injection drug users, and I am proud of the progress we have made in combating these two diseases. I have added millions of dollars in the Office of AIDS for behavioral and early intervention programs for high-risk youth and communities of color, and for HIV prevention education. I have strongly supported our new HIV reporting system, which will reveal trends in HIV transmission and assist in targeting HIV education, prevention, and care efforts. I have signed legislation that already makes hypodermic needles and syringes available through authorized, legally sanctioned syringe exchange programs located throughout California.

In Spring 2000, the Department of Health Services appointed the Hepatitis C Working Group, comprised of key stakeholders from the public and private sectors. The Working Group developed the first-ever hepatitis C strategic plan for California. In August 2000, I signed SB 1256 (Polanco), which allocated \$1.5 million for hepatitis C outreach and education.

I worked hard with the author of the legislation I signed in 1999 to bring law enforcement and health officials together on a bill that would decriminalize supervised needle exchange programs. This bill undermines the key elements that won my support for that legislation:

- It departs significantly from the one-for-one exchange of syringes which is the standard of practice in authorized needle exchange programs.
- It weakens the strong county oversight and accountability requirement that exists for current syringe accessibility programs.
- It creates a reimbursable State-mandated local program by adding requirements on local health officials. I commend the author for his continued hard work on this issue; the bill is

much improved over last year. However, for the reasons stated earlier, I cannot sign this measure.

Sincerely, Gray Davis

**SB 1703 (Alarcón)**

To Members of the California State Senate:

I am returning Senate Bill 1703 without my signature.

Certified green business programs are a useful tool for consumers, businesses and government entities to promote environmentally responsible practices. These green certification programs have been increasing in numbers since 1996. This bill creates a California certified green business program for businesses that comply with specified criteria and checklists adopted by California State University (CSU) Hayward's Environmental Finance Center.

This bill creates one-size-fits all approach to green business programs and does not give local governments the flexibility to respond to the needs of businesses in their community. This bill impedes the ability of existing local green business programs that operate independently to acquire grant funding. Several successful green business programs are already in place on a voluntary basis and operate without government involvement or assistance. For these reasons I cannot support this measure.

Sincerely, Arnold Schwarzenegger

**SB 1851 (Bowen)**

To Members of the California State Senate:

I am returning Senate Bill 1851 without my signature.

This bill requires new state buildings to exceed current energy efficiency standards and be constructed and/or renovated to incorporate green building elements that are cost-effective.

Early in my Administration, I directed Secretary Tamminen to establish a working group to develop green building bank initiatives for both public and private buildings. Members of the working group include public sector decision makers, commercial real estate business owners and managers, energy experts and financial managers. The group is currently developing recommendations for a comprehensive program to dramatically advance energy conservation as well as incorporate other green building principles into commercial buildings.

Additionally, this bill is similar to the executive order passed in the prior administration which directed all state agencies to improve energy efficiency in all state buildings. This order has not been rescinded and is still in effect. Since this bill would codify much of an existing executive order, it would not improve upon existing efforts to increase adoption of sustainable building practices in California.

Sincerely, Arnold Schwarzenegger

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