

# TOWNSEND

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## MEMO

**To:** City of Cupertino  
Legislative Review Committee

**From:** Townsend Public Affairs, Inc.

**Date:** May 14, 2021

**Subject:** Consider adopting a position on Senate Bill 619 (Laird) Organic waste: reduction regulations

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### Bill Information

The official text of SB 619 can be found [here](#)<sup>1</sup>.

### Summary

In 2016, the Legislature passed, and Governor Brown signed, SB 1383, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short lived climate pollutants (SLCPs) in various sectors of California's economy.

SB 1383 required the Air Resources Board to approve and implement a comprehensive short-lived climate pollutant strategy to achieve, from 2013 levels, a 40% reduction in methane, a 40% reduction in hydrofluorocarbon gases, and a 50% reduction in anthropogenic black carbon, by 2030. In order to accomplish these goals, the bill specified that the methane emission reduction goals include targets to reduce the landfill disposal of organic waste 50% by 2020 and 75% by 2025 from the 2014 level; and to recover for human consumption at least 20% of currently disposed of surplus food by 2025. CalRecycle was given authority to adopt regulations that would achieve these organic waste reduction requirements.

The regulations were approved by the Office of Administrative Law (OAL) in November 2020, nearly a year after they were originally to be approved, and take effect January 1, 2022.

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

### Status

SB 619 was approved by the Senate Environmental Quality Committee (7-0) on April 29<sup>th</sup>. The measure is currently in the Senate Appropriations Committee.

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB619](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB619)

### Support

According to the author, “SB 619 supports continued efforts by local jurisdictions to achieve statewide organic waste recycling targets and climate goals. Local governments across California face severe budget shortfalls in response to the COVID-19 pandemic and state leaders must support local efforts to meet our statewide climate goals. SB 619 provides the support needed by all local governments in their ongoing endeavors to design and implement thoughtful and successful organic waste recycling programs.”

Supporters of SB 619 include: Cities of Barstow, Carmel-by-the sea, Concord, Covina, Del Mar, El Centro, El Cerrito, Industry, Lakewood, Livermore, Monterey, Oceanside, Paramount, Pleasanton, Salinas, San Diego, San Jose, San Pablo, Scotts Valley, and Signal Hill.

### Opposition

Some stakeholders believe that a “reasonable effort” standard does not provide CalRecycle with enough authority to enforce the regulations against local jurisdictions that make minimal effort, if any, to comply with the SB 1383 regulations on time, but may still try to claim a “reasonable effort.” They believe if the standard is too lax, CalRecycle will have difficulty getting a non-acting jurisdiction to take meaningful steps towards compliance.

Opponents of SB 619 include: Yolo Climate Emergency Coalition; Yolo Food Bank

### Recommended Action

Adopt a support if amended position on SB 619 and authorize the Mayor to send letters to the state legislature.

It is recommended to encourage delaying the reporting, procurement, and penalty aspects only, rather than the entire implementation of the organic waste regulations.