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17 key environmental bills on the 2021 agenda in California's Legislature

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Palm Springs Desert Sun

California's legislative session came to a wild ending in 2020 when the clock ran out on major bills. Key pieces of environmental legislation were among those that died on the floor, and conservationists are hoping 2021 brings a different story.

At the time, Mary Creasman, CEO of the California League of Conservation Voters, said, "We only have until 2030 to prevent the most catastrophic impacts of the climate crisis and prepare for what's happening, and right now there's no clear vision or agenda from leadership in Sacramento on how to tackle this challenge."

Among the bills that never made it through were proposals to create buffer zones between oil wells and homes and other buildings, to significantly decrease single-use plastics and to ban the importation of animals killed in trophy hunts. Now, it's a new year and COVID-19 infections are trending downward, leading green groups to express cautious optimism that they might have the time and space to advance environmental bills.

"This year, I think we're setting our sights a little higher than 2020 when the standard was essentially survival," said Brian Nowicki, California climate policy director for the Center for Biological Diversity. "But, because of the continued logistical complications in the Legislature due to COVID, it's still going to be difficult to hold hearings."

Amid those logistical challenges, lawmakers are juggling a variety of issues, including assisting industries hurting from pandemic-induced shutdowns, straightening out a fraud-laden unemployment system and reopening schools. Groups opposed to more regulations and higher spending are already beginning to question how much energy environmental bills deserve.

Nowicki said each bill is likely to get less time in committee this session, meaning some larger bills are likely to be carried into 2022. Still, some legislators only filed about half their typical number of bills to carve out space for what they consider the most important legislation this year, he explained.

The budget will provide another focal point, with Gov. Gavin Newsom again attempting to tackle environmental issues through state spending. In January, he fired the first salvo in the yearly budget negotiations with a proposal that included \$1.5 billion for electric vehicles and charging infrastructure and \$1 billion "to support a coordinated forest health and fire prevention strategy."

"There will be several budget trailer bills that are going to have to follow what happens in the budget," explained Laura Deehan, state director for Environment California, and these will provide a second opportunity for interested parties to guide the policy surrounding those billions of dollars.

But, before the budget debate picks up steam, the Legislature saw its initial filing deadline on Feb. 19. There were dozens of environmental bills submitted, taking on issues ranging from whale entanglements to the decarbonization of buildings.

Here are 17 bills to track in the environment space this session.



SB 467: Oil well setbacks, fracking ban

Setting up to be the most controversial bill on this list, SB 467 comes after last year's failure of AB 345, which could have instituted a nearly half-mile buffer zone between oil and gas wells and schools, homes, hospitals and other buildings. Introduced by Sen. Scott Wiener, D-San Francisco, and Sen. Monique Limon, D-Santa Barbara, this measure would halt new hydraulic fracturing and other methods of enhanced oil recovery as well as renew the quest for a 2,500-foot setback between petroleum operations and important buildings.

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“It’s a hard, hard bill, but it’s a righteous bill, and we’re going to do everything we can to get as much of it passed as we possibly can,” Wiener told The Desert Sun when he introduced it in February.

Environmental groups have lined up behind it. Nowicki said that putting a ban on fracking and a setback in the same bill "raises the stakes," but "it is well past time for the Legislature to address some of these issues."

But, this bill would bring pain to the oil industry. A 2020 analysis by environmental group FracTracker Alliance found that roughly 10,000 active wells would fall within the 2,500-foot buffer. Whether that distance applies to new or all wells would be a point of negotiation.

The industry is already gearing up for a fight, and it has consistently been among the top spenders in terms of lobbying in Sacramento.

"This legally questionable legislation would virtually ban all oil production in California, killing thousands of quality, highly-skilled, union careers that cannot be replaced by low skilled and temporary jobs in the renewable industry," California Independent Petroleum Association CEO Rock Zierman said in a statement condemning the bill.

SB 45 and AB 1500: Borrowing billions for 'climate resiliency'

Representing another 2020 remix, these bills once more propose the "climate resiliency" bond that Newsom first thought up last year before the pandemic scuttled his plans.

"We can achieve our climate action goals as part of a robust economic strategy," Assemblymember Eduardo Garcia, D-Coachella, who sponsored the version in his chamber, said in a statement. "By making serious, targeted investments now, California has the opportunity to mitigate climate impacts, improve disaster response, and prevent future catastrophes while uplifting underserved, environmentally vulnerable areas and creating new jobs where they are needed the most."

The idea would not be cheap, though. His bill calls for a bond worth \$6.7 billion, higher than both Newsom's original \$4.75 billion ask and the current Senate version worth \$5.51 billion. Among other things, Garcia's version would include \$240 million for Salton Sea restoration, \$250 million for groundwater management and \$300 million for grants for clean and reliable drinking water.

The Howard Jarvis Taxpayers Association is one group raising concerns about the cost. Jon Coupal, the organization's president, said in a statement, "The Legislature has decided to elevate climate-related matters above all other priorities, and that's their prerogative, but if these are their top priorities they should fund them out of the General Fund and not with bond financing in which half the money spent goes to the bondholders."



AB 564: Protecting land and water

Labeled the "Biodiversity Protection and Restoration Act," this proposed piece of legislation would follow up on an executive order Newsom signed in October to conserve 30% of California's land and water by 2030, and the bill's proponents are pushing it to give extra muscle to the governor's order. Assemblymember Lorena Gonzalez, D-San Diego, and Assemblymember Ash Kalra, D-San Jose, penned it with support from the Center for Biological Diversity and Social Compassion in Legislation, an animal rights group.

"Our children and future generations deserve better than to see the wildlife and natural beauty that define California be destroyed. We have a responsibility to step up to preserve our biodiversity before the damage is too severe to reverse," Gonzalez said in a statement.

Without legislative analyses completed yet on this year's crop of bills, full lists of opposition groups aren't available. But, when Newsom first signed the "30 by 30" order, builders and others who could be affected didn't bring full-throated opposition. For example, the California Farm Bureau Federation said it could support the idea — if it didn't bring further regulations.

SB 54: Banning single-use plastics

After a similar bill was the center of a contentious fight last year, Sen. Ben Allen, D-Santa Monica, is once again taking on single-use plastics. This attempt would ban such goods from being sold or imported into California beginning in 2032 "unless they are recyclable or compostable."

According to the U.S. Environmental Protection Agency, plastics accounted for 12.2% of the country's municipal solid waste in 2018, including 14.5 million tons of plastic containers and packaging that year.

Plastics manufacturers and other industries stand to lose money if Allen's bill is passed, so they have actively opposed him in the past. A media email associated with Californians for Recycling and the Environment — a group formed by the packaging industry — appears to have been deactivated. But, the group's website argued the bills run last year would've "disproportionately impact(ed) underserved communities across California, shouldering them with additional financial burden for common, everyday items."

AB 1110: Electric vehicle purchases by agencies

Introduced by Assemblymember Robert Rivas, D-Hollister, this proposed legislation attempts to make it easier and cheaper for small public entities such as schools, rural

towns and transit agencies to purchase electric vehicles. It would create an "Office of the Clean Vehicles Ombudsman" to assist in vehicle procurement, tax exemptions to incentivize transitioning to zero-emission fleets, and a system for bulk purchasing across jurisdictions to drive down prices.

"We end up really shortening the payback period on medium and heavy-duty vehicles, and that has the effect of helping local governments save money really early on in the process," said David Weiskopf, senior policy advisor at progressive nonprofit NextGen California, which is co-sponsoring the bill.

AB 534: Ban on certain fishing gear

Assemblymember Rob Bonta, D-Oakland, alongside co-sponsors Social Compassion in Legislation and the Center for Biological Diversity, filed this bill with the hopes of accelerating the development of new fishing gear. It would require the fishing and crabbing industries to transition to ropeless gear — meaning traps that are not attached by a rope to a buoy on the surface — by Nov. 1, 2025, to stop entanglements with large marine animals such as whales.

The Center for Biological Diversity is treating the bill as one of the year's most significant for wildlife. And, according to Bonta, it "reaffirms California's commitment to ocean conservation and sustainable crabbing operations."

The fishing industry, however, has come out in opposition. Ben Platt, president of the California Coast Crab Association, and Kristan Porter, president of the Maine Lobstermen's Association, published an op-ed in several outlets that argued such technology is currently expensive, inefficient and could result in equipment being lost.

"All this extra money would be thrown at gear that is unmanageably slow and prone to be lost at sea," they wrote. "It would make profit impossible. And importantly, it would make marine mammal interactions with lost gear more frequent, not less."

SB 30, SB 31 and SB 32: Carbon-neutral buildings

Buildings are energy-intensive; nearly 40% of all U.S. energy consumption comes in some form from the residential and commercial sectors, according to the U.S. Energy Information Administration. In response, Sen. Dave Cortese, D-San Jose, filed this suite of bills in hopes of decarbonizing California's built environment.

SB 30, SB 31 and SB 32 would, respectively, require that state buildings be carbon-neutral by 2035, create a decarbonization program through the California Public Utilities Commission and California Energy Commission, and mandate that cities and counties update their general plans to include a pathway toward decarbonizing their buildings.

When he announced the package, Cortese argued that “all-electric buildings cost less to build, require less infrastructure, and provide more value to builders as well as customers. California must commit to the rapid decarbonization of our buildings to remain a global leader in the face of our climate crisis.”

Fights over decarbonizing buildings aren't new in California, and Southern California Gas Co., for example, has argued in recent years that it's unnecessary to move toward totally electric buildings and that retrofitting appliances could be prohibitively expensive.

"We believe a balanced and diversified approach to decarbonizing buildings should be pursued — to utilize renewable gas, instead of solely pursuing building electrification," SoCalGas representatives wrote in comments to the Energy Commission in 2019.

SB 47: Funds to clean up orphaned oil wells

California was once one of the country's largest oil and gas producers, but the state now must contend with a legacy of thousands of orphaned oil wells. Introduced by Limon, this bill would, by a factor of 10, raise the amount of money that state oil regulators can spend starting in 2022 on cleaning up these old, often leaky wells.

The state's well-plugging efforts have been hampered by a cap on how much it can spend. But, Zierman, from the California Independent Petroleum Association, pointed out that the money it does use comes from industry fees, not taxes.

“We support CalGEM being able to spend the fees industry pays for well remediation as long as it comes with more transparency,” he said, referring to the California Geological Energy Management Division, the state's primary oil regulator.

The key question, though, is who will actually foot the bill? The current iteration of the bill suggests money will be pulled from the General Fund, although Limon's office said the bill will be amended to clarify that this cleanup money would only come from the industry. "The intention of this bill is to have an industry-funded solution for deserted oil wells," she said.



AB 1397: Quotas for lithium batteries

From his post in the eastern Coachella Valley, Assemblymember Garcia has pushed hard for the creation of a lithium industry around the Salton Sea. Last year, he succeeded in creating a commission charged with studying the potential for just that.

Now, he's filed the "California Lithium Economy Act," which would look to create a market by requiring that, by 2035, 35% of lithium in state-purchased electric vehicles' batteries be produced in California.

It's an ambitious ask.

The demand for lithium overall has exploded in recent years. According to the U.S. Energy Information Administration, for example, 90% of large-scale battery storage capacity relies on lithium, and those systems' capacity increased nearly 15-fold between 2010 and 2018. Currently, the only lithium production in the U.S. comes from a brine operation in Nevada, according to the U.S. Geological Survey.

AB 525: Offshore wind power

As the state works to meet its clean energy goals, this draft legislation attempts to throw offshore wind into the mix. If passed, it would require the Energy Commission and other government agencies to figure out how to get 10 gigawatts of wind operational off the Golden State's coast by 2040. California currently has no offshore wind due to a variety of factors, including the ocean's depth.

This is one area, though, that could benefit from an alliance between the green movement and labor.

"We're doing this because we need clean, renewable energy to tackle the climate crisis, and there are ways to do it to minimize any negative impacts on marine life and bird life," said Deehan from Environment California, which is one of the bill's co-sponsors alongside the State Building and Construction Trades Council of California.

Robbie Hunter, the council's president, called offshore wind "the next frontier" and, in strong pun fashion, "a wind-win."



AB 1395: Clarifying carbon-neutrality targets

Also in the world of clean energy goals, this bill would codify California's carbon neutrality target and could provide clearer definitions on what that goal means.

According to Weiskopf, clarity is needed to ensure that carbon accounting — and the benchmarks that follow — is standardized. For example, “what counts as being carbon negative? What counts as carbon removal?” he said.

The proposed legislation, as written, does not include definitions clearing up questions of carbon accounting, but it does direct the California Air Resources Board to get to work on that.

AB 1088: Changing how power is bought

Filed by Assemblymember Chad Mayes, I-Rancho Mirage, this would create a "California Procurement Authority" to streamline the purchasing of electricity. It would allow large investor-owned utilities to begin transitioning their procurement duties over to this governmental body.

With the rise of local community choice aggregators and rooftop solar generation, some larger utilities are concerned about their diminishing purchasing power, according to Mayes' office. This bill would start a conversation about whether it makes sense to centralize some of that procurement authority with the state.

SB 67: Speeding up clean-energy goals

This bill, filed by Sen. Josh Becker, D-Menlo Park, aims to accelerate the timeline for meeting the state's clean energy goals. Currently, California has through 2045 to procure all its electricity from zero-carbon and renewable sources. While the bill doesn't yet specify a new target date, it does call for an earlier date and will likely undergo further amendments.

In the press release announcing the bill, Becker said he wanted a "24/7 Clean Energy Standard," which would require more renewable energy coming to the grid at all hours of the day, not just when wind and solar resources are at their peaks.

AB 416: Restricting purchases of rainforest items

Similar to bills that failed in 2019 and 2020, the "California Deforestation-Free Procurement Act" would bar the state from buying products — such as certain wood used by contractors — that contribute to the loss of boreal forests or rainforests.