



RELATED PRACTICES

Public Law

RELATED PEOPLE

Maxwell A. Blum

AB 1985 - State Adopts Modifications to Organic Waste Laws

Governor Newsom recently signed new legislation amending state laws designed to limit the amount of organic waste being sent to landfills in the state. This legislation has implications for local agencies.

In 2016, California adopted SB 1383, legislation concerning organic waste. Organic waste refers to waste made up of biodegradable materials, such as uneaten food and yard trimmings. When these materials break down, they release emissions which contribute to climate change, including methane.

SB 1383 sought to lessen emissions by reducing the amount of organic waste which was sent to landfills. The goal was to promote the reuse of these wastes, for example by using them to create compost or biofuel, as opposed to just disposing of them. A target was set for a 75% reduction in organic wastes being sent to landfills as compared to 2014 levels, by 2025.

Collectively, the legislation and implementing regulations **impose** requirements for local agencies to collect organic waste, plan local capacity for new program, keep specific records, enforce local requirements, and establish local food recovery programs. The legislation and implementing regulations also set requirements for local agencies to procure recycled organic products like compost and biofuel. This was **intended** to stimulate demand for recycled organic products like compost, and in turn, contribute to the creation of new infrastructure and jobs in this area.

However, the procurement requirement has been a **challenge** for some local agencies. Procurement rules took effect January 1, 2022, but not all cities are in full compliance due to a lack of statewide organic waste processing infrastructure. AB 1985 is intended to help mitigate some of those challenges.

AB 1985 creates a phase-in timeline for administrative civil penalties for local jurisdictions which fail to procure the quantity of recovered organic waste products required by SB 1383 regulations. Beginning January 1, 2023, penalties may be imposed if a local jurisdiction does not meet or exceed 30 percent of its procurement target. On January 1, 2024, penalties may be imposed if a local jurisdiction does not meet or exceed 65 percent of its procurement target. On January 1, 2025,

penalties may be imposed if a local jurisdiction does not meet or exceed its procurement target. (Public Resources Code section 42652.5.) The new legislation also provides regulators the option to further relax this schedule in their discretion.