
THIRD READING

Bill No: AB 1046
Author: Bains (D)
Amended: 4/10/25 in Assembly
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 8-0, 7/2/25
AYES: Blakespear, Valladares, Dahle, Gonzalez, Hurtado, Menjivar, Padilla,
Pérez

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 79-0, 6/2/25 - See last page for vote

SUBJECT: Short-lived climate pollutants: recovered organic waste product:
agricultural crop preparation service

SOURCE: California Fresh Fruit Association
Western Tree Nut Association

DIGEST: This bill exempts food processing establishments that have not historically disposed of organic waste in a landfill from specified organic waste management requirements.

ANALYSIS:

Existing law:

- 1) Requires the California Air Resources Board (CARB) to develop a comprehensive strategy to reduce the emissions of short-lived climate pollutants (SLCP) to achieve a 40% reduction in methane emissions, 40% reduction in hydrofluorocarbon gases, and 50% reduction in anthropogenic black carbon below 2013 levels by 2030. (Health and Safety Code (HSC) section 39730-39730.5)

- 2) Requires the state to reduce the disposal of organic waste by 40% from the 2014 level by 2020 and 75% by 2025 to help achieve the state's methane reduction goal. (HSC section 39730.6)
- 3) Requires the Department of Resources Recycling and Recovery (CalRecycle), in consultation with ARB, to adopt regulations to achieve the state's organic waste reduction requirements. Specifies that the regulations, in part:
 - a) May require jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance; and
 - b) Include requirements intended to meet the goal that not less than 20% of edible food is recovered for human consumption by 2025.
- 4) Requires local jurisdictions to implement edible food recovery programs, which include actions jurisdictions will take to educate commercial edible food generators; increase commercial edible food generator access to food recovery options; monitor commercial edible food generator compliance; and, increase edible food recovery capacity. (Section 18001.1 of the California Code of Regulations (CCR))
- 5) Requires local jurisdictions to maintain and report specified information relating to commercial edible food generators. (CCR section 18991.2)
- 6) Requires commercial edible food generators to arrange to recover the maximum amount of edible food that would otherwise be disposed through a contract with a food recovery organization. Establishes limited exemptions from this requirement for extraordinary circumstances, as specified. (CCR section 18991.3)
- 7) Requires commercial edible food generators and food recovery organizations to keep specified records. (CCR section 18991.4 – 18991.5)
- 8) Defines "food processing establishment" as any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food, except restaurants. Specifies that food processing establishment does not include a cottage food operation, as specified. (HSC section 111955)

This bill exempts an agricultural crop preparation service, as defined and that has not disposed of organic waste to a landfill since at least January 1, 2016, from the waste diversion requirements of SB 1383.

Background

- 1) *Organic waste recycling.* Nearly 40 million tons of waste are disposed of in California's landfills annually. Nearly half of those materials are organics (~48%). Organic waste includes food, yard, paper, and other organic materials. As that material decomposes in landfills, it generates significant amounts of methane, a potent greenhouse gas (GHG) with 84 times the climate impact as carbon dioxide. CARB states that about 20% of methane emissions in California comes from landfills.

SB 1383 (Lara), Chapter 395, Statutes of 2016, requires CARB to approve and implement a comprehensive SLCP 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 law specifies that the methane emission reduction goals include targets to reduce the landfill disposal of organic waste, including food, 50% by 2020 and 75% by 2025 from the 2014 level. SB 1383 also requires that 20% of edible food that would otherwise be sent to landfills be redirected to feed people by 2025. Specifically, the law requires jurisdictions to establish food recovery programs and strengthen existing food recovery networks; food donors to arrange to recover the maximum amount of edible food; and, food recovery organizations and services that participate in SB 1383 to maintain specified records.

- 2) *Food processors.* When developing the SB 1383 program, CalRecycle cast a wide net to ensure that the program covers all sources of organic waste. This has resulted in all food processors being subject to the program, even though a number of processors do not routinely dispose of any food materials to a landfill. As noted above, SB 1383 requirements were intended to reduce the landfill disposal of organic waste to avoid SLCP emissions, which raises a question about the appropriateness of requiring these facilities to be subject to SB 1383 requirements.

Little guidance exists for local jurisdictions from CalRecycle about how to regulate processors who do not dispose of material in a landfill. According to the author, there have been several instances in which county officials have

assumed agricultural processors generate organic waste and therefore must comply with the program's recordkeeping and inspection requirements.

Comments

- 1) *Purpose of Bill.* According to the author, "AB 1046 provides a narrow exemption from the state's Short-Lived Climate Pollutant Reduction program for crop preparers that do not send organic waste to landfills. Many crop preparers were well ahead of the state in their stewardship, implementing environmentally responsible organic byproduct handling processes decades ago. Despite these sustainable practices, some counties incorrectly classify these businesses as contributors to landfill waste, leading to unnecessary administrative burdens and misallocation of resources."
- 2) *She doesn't even go here!* To the extent that the waste generated by these facilities does not—and has not since the inception of SB 1383—go to landfills at all, it seems like a reasonable fix to not count that waste towards what must be diverted from a landfill.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- The Department of Resources Recycling and Recovery (CalRecycle) estimates ongoing costs of about \$327,000 beginning in fiscal year 2026-27 (Integrated Waste Management Account) and two positions to revise regulations, review information from agricultural crop preparation services, communicate with jurisdictions, and provide stakeholder training.

SUPPORT: (Verified 8/29/25)

American Pistachio Growers
 California Citrus Mutual
 California Fresh Fruit Association
 Rural County Representatives of California (RCRC)
 Western Tree Nut Association

OPPOSITION: (Verified 8/29/25)

None received

ASSEMBLY FLOOR: 79-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

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