
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

Bill No: AB 2032

Author: Ransom

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Hearing Date: 7/1/2026

Urgency: Yes

Fiscal: Yes

Consultant: Heather Walters

SUBJECT: Fish and wildlife: golden mussels

DIGEST: This bill would, among other things, exempt a public or private agency that operates a water supply system from certain California Department of Fish and Wildlife (CDFW) permitting requirements until an invasive mussel control plan is submitted, approved, or denied, as applicable; require the California Department of Food and Agriculture and the State Water Resources Control Board to quickly and efficiently respond to the threat of golden mussels; direct the Department of Pesticide Regulation to work with state and local agencies to respond to an invasive species threat, including by identifying pest management strategies or pesticides; among other provisions, as provided.

ANALYSIS:

Existing law:

- 1) Establishes the federal Clean Water Act (CWA) to regulate discharges of pollutants into the waters of the United States (U.S.) and to regulate quality standards for surface waters. (33 United States Code (USC) § 1251, et seq.)
- 2) Establishes, under the CWA, the NPDES permit program, requiring the State Water Board and Regional Water Boards to prescribe waste discharge requirements that, among other things, regulate the discharge of pollutants into stormwater. (33 USC § 1342)
- 3) Authorizes modification of NPDES permits under specified conditions, including when new information becomes available that was not available at the time of permit issuance and would have justified the application of different permit conditions. (40 Code of Federal Regulations § 122.62).
- 4) Establishes the Porter-Cologne Water Quality Control Act (Porter-Cologne), which prohibits the discharge of pollutants to surface waters unless the discharger obtains a permit from the State Water Board. Declares within Porter-Cologne that the health, safety, and welfare of people require there to be

a statewide program for water quality control and that the statewide program for water quality control can be most effectively administered regionally, within a framework of statewide coordination and policy. (Water Code (WC) § 13000, et seq.)

- 5) Establishes the State Water Board and nine Regional Water Boards to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. (WC § 13100, et. seq.)
- 6) Prohibits the discharge of waste or pollutants to surface and ground waters unless the discharger obtains a permit from the State Water Board or a Regional Water Board. (WC § 13260, et seq.)
- 7) Provides, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), for federal regulation of pesticide distribution, sale, and use. Requires that all pesticides distributed or sold in the U.S. be registered (licensed) by the United States Environmental Protection Agency (US EPA). Requires, before US EPA registers a pesticide under FIFRA, the applicant to show, among other things, that using the pesticide according to specifications will not generally cause unreasonable adverse effects on the environment. (7 United States Code (U.S.C.) § 136, et seq.)
- 8) Authorizes the state's pesticide regulatory program and mandates DPR to, among other things, provide for the proper, safe, and efficient use of pesticides essential for the production of food and fiber, for the protection of public health and safety, for the protection of the environment from environmentally harmful pesticides, and to assure agricultural and pest control workers safe working conditions where pesticides are present by prohibiting, regulating, or otherwise ensuring proper stewardship of those pesticides. (Food and Agriculture Code (FAC) § 11401, et seq.)
- 9) Regulates the use of pesticides and authorizes the director of DPR to adopt regulations to govern the registration, sale, transportation, or use of pesticides, as prescribed. (FAC § 11501, et. seq.)
- 10) Requires the director of DPR to endeavor to eliminate from use in the state any pesticide that endangers the agricultural or nonagricultural environment, is not beneficial for the purposes for which it is sold, or is misrepresented. Requires the DPR director, in carrying out this responsibility, to develop an orderly program for the continuous evaluation of all pesticides actually registered.

(FAC § 12824)

- 11) Defines "pesticide" as including any substance, or mixture of substances, which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever. (FAC § 12753)

This bill:

- 1) Exempts a public or private agency that operates a water supply system from any specified permit issued by the DFW for maintenance and operational activities to control the spread of golden mussels in the water supply system, including removing golden mussels from pipes, screens, filters, and other infrastructure.
- 2) Requires DFW's Invasive Species Program, through the Golden Mussel Task Force convened by DFW, to develop and adopt, on or before April 1, 2027, best management practices for public and private agencies that operate water supply systems to control the spread of golden mussels until control plans can be developed and approved by DFW.
- 3) Requires DFW's Invasive Species Program, through the Golden Mussel Task Force, to develop and adopt, by April 1, 2027, guidance for scientific research conducted by or for public and private agencies that operate water supply systems to control the spread of golden mussels, including biology, ecology, and feasibility studies for golden mussel prevention, mitigation, control, and eradication methods.
- 4) Requires DFW to update the spatial distribution maps of golden mussel-infested water bodies posted on its internet website no less than quarterly based on monitoring and reported detections.
- 5) Requires DPR to expedite the initial evaluation, reevaluation, or continuous evaluation of any pesticide, as specified, if the pesticide is a chemical treatment effective for the prevention, mitigation, control, or eradication of golden mussels in a water supply system operated by a public or private agency.
- 6) Provides that expediting includes, but is not limited to, leveraging work and analysis completed on prior evaluations of pesticides effective for the prevention, mitigation, control, or eradication of golden mussels to expedite

similar subsequent evaluations.

- 7) Requires the State Water Board and the Regional Water Boards to expedite the processing of any national pollutant discharge elimination system (NPDES) permit or NPDES permit modification to the extent allowable under state and federal law if the permit or permit modification is submitted by a public or private agency that operates a water supply system in order to control the spread of golden mussels.

Background

- 1) *Golden mussels*. On October 17, 2024, Department of Water Resources (DWR) staff discovered golden mussels in the Port of Stockton. Soon after the initial discovery, the golden mussel was quickly found at additional sites within the Sacramento-San Joaquin Delta (Delta). The golden mussel is a freshwater bivalve native to the rivers and creeks of China and Southeast Asia, but it has established itself outside of its native range in several countries. The discovery in Stockton was the first detection of the species in the United States. The Fish and Game Commission quickly took emergency action to add “*Limnoperna fortunei* (golden mussel)” to the list of restricted species. Since then, the golden mussel has been detected throughout the Delta and the State Water Project. CDFW maintains an online map showing confirmed observations of golden mussels.

The presence of the species poses a significant and immediate threat to the ecological health of the Delta and all waters of the state, water conveyance systems, infrastructure, and water quality. Environmental impacts of the golden mussel include loss of native and game fish through competition for food sources as well as a contribution to harmful algal blooms. It is estimated that a single mussel can filter up to a liter of water a day, which would remove critical nutrients and microbes that support ecosystem health. Recreation impacts of this mussel include waterbody closures, mandatory inspections, increased launch and/or entry fees, and reduced numbers of fish and shellfish for consumption. Economic impacts include costly repairs and maintenance (e.g., boats, water infrastructure, hydroelectric facilities), reduced water flow affecting food production, water delivery to homes, and flood control.

Golden mussels have proven to be much more difficult for the state and water managers to control. Golden mussels have high reproductive rates and form dense colonies. This mass colonization of surfaces (termed “biofouling”) blocks, impairs, and, in many cases, inhibits the functionality of manmade surfaces including underwater intakes, structures, and mechanisms. Biofouling

also coats the hulls and external components of watercraft and recreational facilities, and natural objects such as rocks, fallen trees, even other sedentary bivalves. In addition, mass colonies of golden mussels alter ecological processes of the natural environment resulting in detrimental impacts to native and game species and water quality. Nearly every fresh and brackish waterbody in California is suitable habitat for golden mussels.

Comments

- 1) *Purpose of Bill.* According to the author, “Golden mussels are an invasive species that threaten California’s waterways, ports, and agriculture. First detected in the San Joaquin Delta in October 2024, golden mussels have spread rapidly throughout the state, now reaching as far south as San Diego, causing significant harm to water infrastructure, water quality, and aquatic ecosystem. These costly damages have a direct impact on water affordability and access to our farms and our families. Current law requires a multitude of permits across state agencies, creating barriers for local water agencies to respond quickly and effectively. This ongoing crisis must be addressed with urgency. AB 2032 would expedite onerous and lengthy permitting processes across state agencies to ensure local water agencies can effectively respond to prevent, mitigate, control, and eradicate golden mussels from California’s waterways.”
- 2) *Water Board and DPR roles.* This bill was previously heard in the Senate Natural Resources and Water committee, where the CDFW jurisdiction was the primary focus. This committee will primarily focus on the SWRCB and DPR roles, accordingly.

As authorized by the federal CWA, the NPDES Permit Program controls water pollution by regulating point sources—or discrete conveyances such as pipes, or human-made ditches—that discharge pollutants into waters of the U.S. Examples of pollutants include, but are not limited to, rock, sand, dirt, and agricultural, industrial, and municipal waste. In California, implementation of the NPDES Permit Program has been delegated to the State Water Board and nine Regional Water Boards, which maintain regional jurisdiction within boundaries that are based on major watersheds. While the State Water Board has issued some NPDES permits, the Regional Water Boards issue the vast majority of NPDES permits in the state and ensure compliance with their permits through inspections, monitoring report reviews, and enforcement actions.

The State Water Board oversees various statewide NPDES stormwater programs including: the Industrial Stormwater Program, Construction

Stormwater Program, and Municipal Stormwater Program.

Currently, the State Water Board is working on a draft statewide NPDES general permit for discharges from pest control applications to waters of the U.S. This draft was released for public comment in Fall 2025. The proposed draft permit consolidates the following four existing statewide NPDES general permits for residual pesticide discharges into one permit: Aquatic Weed and Algae Control Permit (Water Quality Order 2013-0002-DWQ); Vector Control Permit (Water Quality Order 2016-0039-DWQ); Spray Applications Permit (Water Quality Order 2016-0040-DWQ); and Aquatic Animal Invasive Species Control Permit (Water Quality Order 2016-0041-DWQ).

Golden mussels and other invasive mussels fall under the current Aquatic Animal Invasive Species Control Permit (AAISCP). The draft permit outlines the applicability of, timelines for, and the requirements dischargers must follow. One important change from the AAISCP to the draft Pest Control Permit is flexibility and urgency afforded permit applications through the "Emergency Use Provisions." Although still in draft, the Pest Control Permit contains emergency use provisions that state:

"In the event of a pest-related emergency, as documented through a public declaration by a state or local government agency, emergency discharge of residual pesticides and non-pesticidal products" for aquatic animal management, among others, "may be authorized through the streamlined process." The streamlined process requires a discharger to fill out the Notice of Intent and complete an Emergency Application Plan that addresses elements 1-10 of the Application Plan. An emergency application package that is deemed complete will be posted for a five-day public comment period (a non-emergency permit requires a 14-day comment period). If deficiencies are identified, they must be corrected by the discharger. Once those deficiencies are corrected, the State Water Board Deputy Director will issue a Notice of Applicability (NOA). No application fee is required and the emergency NOA will remain in effect for 90 days. To continue regulatory coverage beyond 90 days, a discharger will be required to submit a completed application and pay the required fee to continue to discharge.

To provide dischargers maximum flexibility within existing state and federal law, the draft Pest Control Permit contains reopener provisions. These reopeners may allow a Discharger to obtain an exception from meeting receiving water limitations for a specific priority pollutant, when discharging to an enclosed bay, estuary or inland freshwaters."

- 3) *An ounce of prevention is worth a pound of cure.* There are no socially and environmentally benign methods currently available to eliminate invasive mussels once they are present. Efforts are underway to evaluate methods to eliminate the mussels in water supply systems. Adult mussels can survive days, even weeks, when removed from water. Larval mussels can survive a week or longer in small volumes of water. Eradication from large, interconnected bodies of water is likely impossible. Therefore, containing mussels within infested areas is the only means to minimize additional new, widespread impacts.

Two weeks ago, on June 16th, Sacramento County became the latest county to proclaim a local emergency in response to the threat posed by the golden mussel. Sacramento County joins a growing number of jurisdictions throughout California that have taken action to address the threat. San Joaquin County also proclaimed an emergency this year, and Kern County also recently declared an emergency due to the presence of golden mussels.

Taking any practicable steps to prevent and control the spread of golden mussels by coordinating and expediting existing California regulations may be a prudent step to attempt to control the spread of this extremely harmful invasive species through California's vital waterways.

DOUBLE REFERRAL:

This measure was heard in Senate Natural Resources and Water Committee on June 23, 2026, and **passed out of committee with a vote of 7-0.**

Related/Prior Legislation

AB 2113 (Garcia, Chapter 60, Statutes of 2024). Increases, over a four year period, the mill assessment (a fee on the sale of all pesticides sold into the state), in order to support the programs of DPR. Require DPR to complete the registration of pesticides within a specified timeframe, beginning in 2027.

SOURCE: San Luis and Delta Mendota Water Authority

SUPPORT:

Association of California Water Agencies (ACWA)
Calchamber
California Central Valley Flood Control Association
California Farm Bureau
California Municipal Utilities Association
California Municipal Utilities Association (CMUA)
California State Association of Counties (CSAC)
California-nevada Section, American Water Works Association
City of Sacramento
Contra Costa Water District
County of Kern
El Dorado Irrigation District
Los Angeles County
Northern California Water Association
Regional Water Authority
San Luis Delta-mendota Water Authority
Sepro Corporation
Western Growers Association

OPPOSITION:

None received

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