

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 332 (Committee on Environmental Safety and Toxic Materials)
Version: May 20, 2021
Hearing Date: June 22, 2021
Fiscal: Yes
Urgency: Yes
AWM

SUBJECT

Hazardous waste: treated wood waste: management standards

DIGEST

This bill enacts management standards for treated wood waste similar to the ones that expired on December 21, 2020, and contains an urgency clause.

EXECUTIVE SUMMARY

From 2008 to 2020, the state had specific standards for disposing of wood treated with a chemical preservative, as specified (known as treated wood waste or TWW). In 2020, however, the Governor vetoed SB 68 (Galgiani, 2019), which would have eliminated the sunset on the treated wood waste management standards and made certain changes to the program; the Governor's veto message stated that the additions to the program would have exacerbated the Hazardous Waste Control Account's existing structural deficit and improperly exempted treated wood waste from other hazardous waste laws and regulations. As a result, there is no clear guidance on means of disposing of treated wood waste other than at a Class I hazardous disposal facility, which is significantly more onerous than under the prior laws.

This bill would reauthorize the TWW alternative management standards that expired at the end of 2020 in order to provide clarity for the disposal of treated wood waste while the Legislature works with the Governor to reach an agreement on how to refine the treated wood waste disposal regime, if necessary. The bill contains an urgency clause.

This bill is sponsored by the authoring Committee and supported by scores of municipal, waste disposal, and industry entities. There is no known opposition. This bill passed out of the Senate Environmental Quality Committee with a 7-0 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Hazardous Waste Control Law (HWCL), which authorizes the Department of Toxic Substances Control (Department) to regulate the management of hazardous waste in the state. (Health & Saf. Code, div. 20, ch. 6.5, §§ 25100 et seq.)
- 2) Defines the following relevant terms:
 - a) "Hazardous waste" is a waste that meets any criteria for the identification of hazardous waste adopted by the Department. (Health & Saf. Code, § 25117.)
 - b) "Treatment" is any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or which removes or reduces its harmful properties or characteristics for any purpose, with specified exceptions. (Health & Saf. Code, § 25123.5.)
 - c) "Waste" is any solid, liquid, semisolid, or contained gaseous discarded material not otherwise excluded under the HWCL or Department regulations. (Health & Saf. Code, § 25124.)
- 3) Authorizes the Department to adopt, and revise where appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, or to the environment; and for the recycling of hazardous waste to protect against hazards and to encourage the best use of natural resources. (Health & Saf. Code, § 25150.)
- 4) In Department regulations, defines "hazardous waste" in relevant part to include waste that contains specified concentrations of contaminants and toxic substances. (Cal. Code Regs., tit. 22, §§ 66261.3, 66261.24.)
- 5) Prohibits the disposal of hazardous waste at a facility that does not have a hazardous waste permit. (Health & Saf. Code, § 25189.5.)
- 6) Prohibits the owner or operator of a storage facility, treatment facility, transfer facility, resource facility, or disposal site from accepting, treating, storing, or disposing of hazardous waste at the facility or site unless the owner or operator has a hazardous waste facilities permit. (Health & Saf. Code, § 25201.)
- 7) Exempts from the above prohibitions wood waste previously treated with a preservative that has been removed from electric, gas, or telephone services, if all the following conditions are met:
 - a) The wood waste is not subject to regulation as a hazardous waste under federal law.
 - b) The wood waste is disposed of in a composite-lined portion of a municipal solid waste landfill that meets specified requirements.

- c) The solid waste landfill used for disposal is authorized to accept the wood waste under waste discharge requirements issued by the relevant California regional water quality control board. (Health & Saf. Code, § 25143.1.5.)
- 8) Provides that, if treated wood waste is accepted by a solid waste landfill that manages and disposes of the treated wood waste in accordance with specified requirements, the treated wood waste shall thereafter be deemed a solid waste, and not a hazardous waste, for purposes of the HWCL. (Health & Saf. Code, § 25150.8.)
- 9) Authorizes the Department to establish procedures to ensure that trade secrets used by a person regarding methods of hazardous waste handling and disposal are utilized only in connection with the Department's responsibilities under the HWCL and not otherwise disseminated without the person's consent. Regulations authorize a person submitting documents to the Department to assert a claim of business confidentiality as to some or all of that information using specified procedures. (Health & Saf. Code, § 25173; Cal. Code Regs., tit. 22, §. 66260.2)

This bill:

- 1) Adds Article 11.1 to Chapter 6.5 of Division 20 of the Health and Safety Code, to address the management of TWW.
- 2) Finds and declares that this article is intended to address the unique circumstances associated with the generation and management of treated wood waste; and that the article does not set a precedent applicable to the management, including disposal, of other hazardous wastes.
- 3) Defines, for purposes of the article, the following terms:
 - a) "Class I hazardous waste landfill" is a landfill that is also authorized as part of a permitted facility, as defined in Department regulations.
 - b) "Solid waste landfill" is a facility, as defined and authorized to operate under the Public Resources Code.
 - c) "Treated wood" is wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood, and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). (7 U.S.C. § 136 et seq.)
 - d) "Treated wood waste" is wood waste that meets the requirements described in 4) below.
 - e) "Treated wood waste approved landfill" means a class I hazardous waste landfill, or a composite-lined portion of a solid waste landfill that meets specified requirements.
 - f) "Treated wood waste facility" is any of (1) a solid waste landfill, transfer or processing station, gasification, or treated wood waste approved landfill that

- is in compliance with this article; (2) a class I hazardous waste landfill; (3) a small volume construction and demolition debris and inert debris processing operation, as specified; or (4) a limited volume transfer operation, as specified. "Treated wood waste facility" does not include (1) a composting facility, as defined; or (2) a transformation facility, as defined.
- g) "Treated wood waste handler" is a person who generates, handles, collects, processes, accumulates, stores, transfers, transports, treats, recycles, or disposes of treated wood waste.
 - h) "Unit" is a pile, stack, container, bundle, or other discernable aggregation of treated wood waste for purposes of this article.
 - i) "Wood preserving industry" is business concerns, either individually or collectively through a trade association, other than retailers, that manufacture or sell treated wood products in the state.
 - j) "Wood waste" means all waste timber products and failed timber products, including solid sawn lumber and engineered wood products, offcuts, shavings, and sawdust that meets the definition of "waste" under the HWCL.
- 4) States that the alternative management standards of this article apply only to wood waste that is all of the following:
- a) A hazardous waste solely due to the presence of a preservative in or on the wood that is registered in accordance with FIFRA for use as a wood preservative.
 - b) Not subject to regulation under the federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6926).
 - c) Not wood waste removed from electric, gas, or telephone services exempted under Health & Safety Code section 25143.1.5.
 - d) Not wood waste that is hazardous waste due to the presence of coatings, paint, and other treatments not registered in accordance with FIFRA.
 - e) Not wood waste designated to be burned.
- 5) Provides that qualified wood waste, when managed as specified in this article, is exempt from the management requirements for hazardous waste pursuant to the HWCL and accompanying regulations. A person managing treated wood waste may comply with either the alternative management standards provided herein or with the management requirements for hazardous waste.
- 6) Provides that all variances granted by the Department before enactment of this bill are inoperative and have no further effect, and that nothing in the article exempts treated wood waste from other applicable state and federal laws and regulations.
- 7) Prohibits the following management of treated wood waste, except in compliance with the alternative management standards of this article:
- a) Burning.
 - b) Scavenging.

- c) Commingling with other waste water prior to disposal, if previously segregated.
 - d) Storing in contact with the ground.
 - e) Recycling, with or without treatment.
 - f) Treating or disposing to land.
 - g) Chipping for mulch.
- 8) Prohibits the intentional removal or destruction of any label or mark that identifies treated wood waste as such prior to its disposal in a landfill.
- 9) Permits treated wood waste to be recycled by reuse only under the following conditions:
- a) Reuse is onsite at the facility where the treated wood waste was generated.
 - b) At the time of reuse, reuse is consistent with FIFRA requirements for reuse of the preservative with which the treated wood waste was treated.
 - c) Prior to reuse, the treated wood waste is handled in compliance with all applicable management standards of this article.
- 10) Provides for labeling requirements for treated wood waste as follows:
- a) Treated wood waste generated, accumulated, stored, or transported within the state must be clearly marked and visible for inspection.
 - b) The person managing the treated wood waste must ensure that each unit or area designated for accumulation is labeled. The area designated must be clearly identified and used solely for the accumulation of treated wood waste.
 - c) In order to clearly identify the nature of the waste to a receiving party or observer, treated wood waste must be labeled or marked with a specified notice. The treated wood waste handler must ensure that labels are maintained in compliance with the labeling and storage requirements during transport.
 - d) The labeling requirements do not apply if either (1) the treated wood waste is accumulated for a period of not more than 30 days by a household at the side of generation in compliance with specified requirements; or (2) the treated wood waste is generated by a household, while being self-transported to an approved wood treated wood waste facility if it is identified to the treated wood facility as such.
- 11) Provides for the maintenance of treated wood waste as follows:
- a) Treated wood waste must be maintained in a manner that prevents unauthorized access and minimizes release to the environment. Unauthorized access shall be prevented by means of visual control of a physical barrier while not under the direct control of the person responsible for the treated wood waste.
 - b) Treated wood waste must be accumulated in a manner that is protected from run-on and runoff and placed on a service sufficiently impervious to prevent, to the extent practical, contact with and leaching to soil or water, which may

- be accomplished by (1) elevating and covering the treated wood waste, as specified, for no longer than 90 days from the date the waste is generated or received; (2) accumulating the treated wood waste in containers for no longer than one year from the date the waste is generated or received, provided that the containers meet specified conditions; (3) accumulating the treated wood waste no longer than one year from the date the waste is generated or received in a structurally sound building with a water-resistant floor designed to prevent the movement of water into or out of the building; (4) accumulating the treated wood waste for no longer than 180 days from the date the waste is generated or received on a containment surface that does not contact soil, is protected from reasonably foreseeable run-on, and is covered or uncovered as specified; (5) accumulating the treated wood waste no longer than 90 days from the date the waste was generated or received in any other manner that clearly protects the waste from run-on and runoff and is reasonably secure from contact with and leaching to soil or water.
- c) Provides that treated wood waste generally shall not be accumulated for more than one year from generation or receipt, except when the accumulation is solely for the purpose of accumulation of quantities of treated wood waste necessary to facilitate disposal as set forth in this article; the handler bears the burden of proving that the accumulation was solely for this purpose.
 - d) A person who accumulates treated wood waste must be able to demonstrate the length of time the treated wood waste has been accumulated from the date of generation or receipt.
 - e) Treated wood waste generated incidentally to the maintenance of a household and accumulated by a resident of the household at the site of accumulation is exempt from the accumulation requirements, where (1) the treated wood waste is not physical altered except as specified, and (2) the treated wood waste is not accumulated for longer than 30 days.
 - f) Treated wood waste generated incidentally to the operation of a business accumulated at the site of generation is exempt from the accumulation requirements, where (1) the treated wood waste is not physical altered except as specified, and (2) the treated wood waste is not accumulated for longer than 30 days, and (3) the business accumulates no more than 1,000 pounds of treated wood waste.
- 12) Provides the following requirements for the transport of treated wood waste:
- a) Except as provided in c), a treated wood waste handler is prohibited from sending or taking treated wood waste to a place other than a treated wood waste facility or treated-wood-waste-approved landfill.
 - b) Prior to sending a shipment of treated wood waste to another treated wood waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.
 - c) A treated wood waste handler who initially collects treated wood waste at a remote site may transport that waste to a consolidation site operated by the generator, provided that the waste is accompanied by a shipping document

- containing specified information about the waste, its generator, and its transporter. The handler must retain the shipping document for at least three years from the date the treated wood waste leaves the consolidation site.
- d) Treated wood waste must be shipped to transported in a manner that prevents unauthorized access, protects the treated wood waste from precipitation, and prevents the loss, dispersion, and leaching of treated wood waste constituents.
- 13) Requires that a treated wood waste handler must keep a record of each shipment of treated wood waste sent from the handler to treated wood waste facilities and received by the handler at a treated wood waste facility, which may take the form of a log, invoice, manifest, bill of lading, shipping document, or receipt. The records must include specified information relating to the facility and the waste. The handler must keep the records for at least three years. Households are exempt from the recordkeeping requirements when treated wood waste is generated incidental to that household.
- 14) Requires that a treated wood waste facility or treated-wood-waste-approved landfill that received treated wood to submit electronically to the Department semiannual reports for the periods ending June 30 and December 31 of each year. The semiannual reports must include specified information relating to the facility and the treated wood waste shipments received, including from whom the shipments were received.
- 15) Requires the Department to make all of the information in the semiannual reports available to the public, through its usual means of disclosure, except the Department shall not disclose the association between any specific treated wood waste handlers and specific facilities. The list of treated wood waste handlers served by a facility shall be deemed to be a trade secret and confidential business information for purposes of Health and Safety Code section 25173 and Section 66260.2 of Title 22 of the California Code of Regulations.
- 16) Requires a treated wood waste handler that generates more than 10,000 pounds of wood waste in a calendar year to maintain an identification number, and send a written notification to the Department containing specified information, within 30 days of exceeding the weight threshold.
- 17) Provides the following relating to resizing of treated wood waste:
- a) Defines “resizing” as minimal cutting, breaking, or sawing, but excludes planing, grinding, drilling, chipping, sanding, shredding, mulching, or other mechanical handling or any other treatment.
 - b) Prohibits treatment of treated wood waste managed in accordance with this article, except for the specified permitted activities.
 - c) Exempts resizing from the permitting requirements of the HWCL when resized to facilitate transport or reuse and (1) the treated wood waste is

- handled in a manner that prevents the uncontrolled release of hazardous constituents to the environment; and (2) if the resizing results in sawdust or particles of a specified size, the material is captured and managed as treated wood waste.
- d) Sorting and segregating are exempt from the permitting requirements of the HWCL, but the treated wood waste shall be handled in a manner that prevents the uncontrolled release of hazardous constituents to the environment.
 - e) Requires an employer resizing, sorting, or segregating treated wood waste to comply with HWCL training requirements for applicable employees.
- 18) Requires treated wood waste, when disposed to land, to be disposed of in either a class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill that meets specified requirements applicable to disposal of municipal solid waste. A solid waste landfill that accepts treated wood waste must do all of the following:
- a) Manage the treated wood waste to prevent scavenging.
 - b) Ensure that any management of the treated wood waste before disposal, or in lieu of disposal, complies with the applicable requirements of this article.
 - c) Handle treated wood waste in a manner consistent with all applicable requirements of the California Occupational Safety and Health Act of 1973 (Cal-OSHA).
 - d) If monitoring at the composite-lined portion of a landfill unit at which treated wood waste has been disposed of indicates a verified release, the landfill must not discharge treated wood waste into the landfill unit until corrective action results in cessation of the release. The landfill unit must notify the Department that treated wood waste is no longer being discharged to that unit and when corrective action ceases the release.
- 19) Requires an employer managing treated wood waste to provide training for all employees handling or reasonably expected to handle treated wood waste. The training must include all applicable requirements of Cal-OSHA, procedures for identifying and segregating treated wood waste, safe handling practices, requirements of the alternative management standards, and proper disposal methods. The employer must maintain a record of the training for at least three years and make it available for review by the Department.
- 20) States that the Legislature intends to:
- a) Continue to work with the Department to ensure adequate enforcement of and compliance with this article, including estimations for adequate enforcement, when resources are made available for those purposes.
 - b) Continue to evaluate the alternative management standards for treated wood waste, including the potential for longer-term solutions that may replace the standards set forth in this bill. The Department shall update the Legislature, upon request, regarding the standards, and the wood preserving industry

shall update the Department, upon request, on trends within the industry regarding the use and generation of treated wood waste.

- 21) Requires the wood preserving industry to, in consultation with the Department, maintain a website and prepare fact sheets and outreach materials on the appropriate handling, disposal, and other management of treated wood waste for generators and facilities that may handle treated wood waste. The materials shall include information on identifying, handling, storing, and disposing of treated wood waste, required documentation relating to treated wood waste, and the appropriate use of protective equipment for handling treated wood waste, and other information relating to compliance with this article. The wood preserving industry must annually update and renew the materials, and, in consultation with the Department, disseminate the materials to specified recipients that may handle treated wood waste and to the Contractors' State License Board for distribution. The wood preserving industry must provide an annual update to the Department including a list of names and addresses of the generators, landfills, and facilities that were provided outreach materials in the prior year.
- 22) Renumbers Health and Safety Code section 25150.8 and adds it to the article, and provides that, in addition to the existing provisions by which treated wood waste may be treated as solid waste instead of hazardous waste, compliance with specified provisions in the article will also permit treated wood waste to be treated as solid waste.
- 23) Includes an urgency clause.

COMMENTS

1. Author's comment

According to the author:

The alternative management standards for TWW, expired on December 31, 2020, as the result of the veto of SB 68 (Galgiani). This has created great uncertainty with how TWW shall be managed. Without clear guidance I am greatly concerned that TWW will be mismanaged and ultimately discarded by the side of the road, or disposed of in a manner that could increase the risk of exposure to chemicals from TWW. AB 322 will solve this problem by re-authorizing the alternative management standards that have been in place in regulation since July 2008. I expect there to be further discussions on how to best manage TWW with the Administration, however, the first step is to ensure that TWW is safely managed while those discussions continue.

2. Background on treated wood waste

Treated wood waste is wood waste that has gone through a treatment process with chemical preservatives to protect it against pests and environmental conditions, often when ground or water contact is likely.¹ Until December 31, 2020, state law provided for treated wood waste disposal standards that were less stringent than the standards for other forms of hazardous waste.² In 2020, however, Governor Newsom vetoed the bill that would have repealed the sunset on the treated wood waste statutory regime and enhanced the regime's enforcement mechanisms,³ stating that the bill's changes to the statute created an unbearable unfunded new mandate and improperly exempted a type of hazardous waste from hazardous waste regulations.⁴

Because the statute was allowed to sunset, all treated wood waste that exhibits the hazardous waste characteristic of toxicity must now be disposed of in the same manner as other hazardous waste.⁵ Of particular note is that treated wood waste can now be disposed of only in one of the state's two class I hazardous materials landfills. According to supporters of this bill, the elimination of the alternative management standards for treated wood waste has led to a sharp increase in the cost of disposing of treated wood waste and in the improper disposal of treated wood waste, likely due to the added burden of doing so. In the absence of clear guidance on how treated wood waste should be disposed, the Department has issued a number of variances to treated wood waste disposal sites;⁶ according to the author, these variances will begin to expire in August of this year.

3. This bill creates an exemption to the right of access to public records by rendering confidential the association between any specific wood waste handlers and specific facilities

The California Constitution and the California Public Records Act (CPRA) recognize that Californians have a right to access information concerning the conduct of the people's business, and therefore grant the public access to a wide range of public records.⁷ This grant is not absolute, however: the right of access is tempered by the competing right of privacy.⁸ The HWCL also currently recognizes an interest in

¹ Department of Toxic Substances Control, Fact Sheet, *Management of Treated Wood Waste in California* (Dec. 2020), <https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/2020-Treated-Wood-Waste-Factsheet-Update.pdf> [last visited Jun. 17, 2021] (Department Fact Sheet), at p. 1.

² Former Health & Saf. Code, § 25150.7.

³ SB 68 (Galgiani, 2019).

⁴ Governor's veto message to Sen. on Sen. Bill No. 68 (Sept. 29, 2020) Sen. J. (2019-2020 Reg. Sess.) at p. 4628.

⁵ Department Fact Sheet, *supra*, fn. 1, at pp. 1, 6-10.

⁶ See Department of Toxic Substances Control, *Treated Wood Waste Variances*, <https://dtsc.ca.gov/treated-wood-waste-variances/> [last visited Jun. 17, 2021]; Department of Toxic Substances Control, *TWW Variances*, <https://dtsc.ca.gov/tww-variances/> [last visited Jun. 17, 2021].

⁷ See Cal. Const., art. I, § 3(b)(1); Gov. Code, §§ 6250 et seq.

⁸ See Cal. Const., art. I, § 3(b)(3); Gov. Code, § 6254.

protecting trade secrets relating to hazardous waste disposal, and authorizes the Department to establish procedures to ensure those trade secrets are utilized only in connection with the Department's responsibilities under the HWCL and not otherwise disseminated without the person's consent.⁹ The Department's regulations provide that any information provided to the Department will be made available to the public as authorized under the CPRA; except that a person who submits documents or information to the Department may claim that some or all of the information requires business confidentiality, and the Department will disclose or withhold the information to the extent the claim is proper.¹⁰

This bill provides a narrow exception to the right of access to public records for information submitted to the Department by treated wood waste facilities and treated-wood-waste-approved landfills. The bill requires these entities to file semiannual reports with the Department setting forth various information to the entity's treated wood waste business, including the identity, address, and contact information for each treated wood waste generator or other treated wood waste facility from which the entity received treated wood waste. The Department will make the semiannual reports publicly available, except that the Department shall not disclose the association between any specific treated wood waste handlers and specific facilities; the list of treated wood waste handlers served by a facility shall be deemed a trade secret and confidential business information under the HWCL and related regulations.

The bill's limited exception to the public right of access appears consistent with the spirit of that right and existing exceptions. The exception is limited to the specific business relationships between treated wood waste handlers and facilities, and will not deprive the public of information about the volume, frequency, or types of treated wood waste disposal being conducted in the state; this Committee has received no information suggesting that withholding this information will thwart the purpose of publishing the semiannual reports. The exception therefore appears to be an appropriate limitation under the circumstances.

4. Arguments in support

According to a coalition of supporters comprised of local governments and solid waste organizations:

On September 29, 2020, Governor Newsom vetoed Senate Bill 68 (Galgiani), which sought to repeal the sunset date allowing the alternative management of TWW. This left residential and commercial customers with no practical disposal options because of the significantly greater costs and complexities of managing and transporting these materials as hazardous wastes to a Class I waste disposal facility.

⁹ Health & Saf. Code, § 25173.

¹⁰ Cal. Code Regs., tit. 22, §. 66260.2.

Over the last several months, the Department of Toxic Substances Control has worked diligently to develop a temporary, short-term fix by issuing variances to generators, transporters, handlers, and disposal facilities for the management and disposal of TWW. The variance system was not intended to be a permanent solution, but instead facilitates the proper management and disposal of TWW while the Legislature crafts a long-term approach.

AB 332 facilitates the safe and proper handling and disposal of TWW by codifying the Alternative Management Standards found in [Title 22 of the Code of Regulations, sections 67386.1 et seq.] that sunset on January 1, 2021. Those standards significantly eased the burdens associated with proper transportation, management, and disposal of TWW.

We support AB 332 because it establishes a clear and reasonable path for the proper management and disposal of TWW while protecting the environment. Management and disposal of TWW as a hazardous waste is unreasonable because of the extremely limited transportation and disposal opportunities, the massive cost increases that accompany such treatment, and the volumes involved. Without the alternative management options for TWW that AB 332 establishes, we are particularly concerned that costs for management and disposal of TWW will remain at unsustainable levels and we will continue to experience the increase in illegal dumping and burning, which has led to even greater costs on state and local governments to clean up that waste.

According to a coalition of supporters comprised of wood industry businesses and other industry groups:

This bill is essential to the producers, workers, haulers, and users of treated wood as the legislation would provide users with management and disposal options that have been in place for more than two decades. Additionally, AB 332 will reduce illegal dumping of treated wood waste due to the increased number of disposal options as well as reduced cost and difficulty in handling treated wood waste...

Finally, AB 332 is also critical in preserving the vitality of forest lands as the state adjusts to addressing the increase in larger forest fires. Small diameter roundwood from thinning our forest lands has a single value-added commodity, preserved agricultural fence posts. Forest health is tied to the ability to extract small diameter trees as much as the large one. No other industry utilizes trees as much as wood preservers; the largest trees are used for utility poles; the smallest trees are used for posts and everything in between is used for limber and timber.

Those California citizens, businesses, agriculture, telecommunications, transporters, and government agencies, such as CalTrans and our parks system,

who use treated wood products will be provided with high standards in health and safety protection for disposing treated wood waste via this legislation.

SUPPORT

Agricultural Council of California
Aiken-Ford Lumber, Co.
Allweather Wood
American Chemistry Council
American Forest & Paper Association
American Wood Council
Associated General Contractors of California
Auto Care Association
Bay Planning Coalition
BB&S Treated Lumber of New England
BNSF Railway Company
Brooks Manufacturing Co.
Cal Chamber
CalCIMA
California Association of Harbor Masters and Port Captains
California Association of Winegrape Growers
California Automotive Wholesalers' Association
California Biomass Energy Alliance
California Builders Alliance
California Building Industry Association
California Cascade
California Cattlemen's Association
California Farm Bureau Federation
California Forestry Association
California Fresh Fruit Association
California Landscape Contractors Association
California Manufacturers & Technology Association
California Product Stewardship Council
California Retailers Association
California Short Line Railroad Association
California Waste & Recycling Association
California Waste Haulers Council
Chemical Industry Council of California
City of El Cerrito
City of Roseville
City of Santa Clara
City of Thousand Oaks
City of Watsonville
Conrad Forest Products
Contra Costa Solid Waste Authority DBA RecycleSmart

Contractors Association of Truckee Tahoe
Construction & Demolition Recycling Association
County of Amador, Board of Supervisors
County of Contra Costa
County of Kern
County of Lake
County of Sacramento
County of Santa Barbara, Resource Recovery & Waste Management Division
Creosote Council III, Inc.
CSAC
Del Norte Solid Waste Management Authority
EDCO Waste & Recycling
Exterior Wood | Taiga Building Products
Fontana Wood Preserving, Inc./Fontana Wholesale Lumber, Inc.
Gemini Forest Products
Hexion, Inc.
Humboldt Redwood Company
Humboldt Sawmill Company
Humboldt Waste Management Authority
Industrial Environmental Association
JH Baxter
Koppers Inc.
League of California Cities
Lonza Wood Protection
Los Angeles County Sanitation Districts
LP Building Solutions
Manke Lumber Company
Marine Recreation Association
McFarland Cascade Holdings, Inc.
Mendocino Forest Products
Mendocino Redwood Company
Mendo Recycle
NADRA
National Marine Manufacturers Association
Nevada County Contractors Association
Nisus Corporation
North American Wood Pole Council
North Coast Builders Exchange
Northern California Engineering Contractors Association
Osmose Utilities Services, Inc.
Pacific States Treating
Pacific Wood Services
Premier Recycle Company
Princeton Wood Preservers, Ltd.
Railway Tie Association

Rain Carbon, Inc. - Ruetgers Canada
Recology Waste Zero
RecycleMore
Republic Services
Resource Recovery Coalition of California
RethinkWaste
Rural County Representatives of California
Sacramento Regional Builders Exchange
Salinas Valley Solid Waste Authority
San Francisco Department of the Environment
Santa Barbara Contractors Association
Santa Barbara Solid Waste Local Task Force
Sierra Pacific Industries
South Bayside Waste Management Authority (SBWMA) DBA Rethinkwaste
Southeastern Lumber Manufacturers Association
Southern California Contractors Association
Southern Pressure Treaters Association
StopWaste
SWANA California Chapters Legislative Task Force
Tehama County Solid Waste Management Agency
Thunderbolt Wood Treating
Treated Wood Council
Union Pacific Railroad Company
United Contractors
Viance, LLC
Waste Management
West Coast Lumber & Building Material Association
Western Placer Waste Management Authority
Western Wood Preservers Institute
Wheeler Lumber LLC
Wine Institute
Wood Preservation Canada/Préservation du bois Canada
Zanker Recycling
Zero Waste Sonoma

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

SB 557 (Wieckowski, 2021) imposes treated wood waste disposal standards and require the wood preserving industry to create and disseminate related outreach materials. SB 557 is pending before the Senate Appropriations Committee.

AB 684 (Fong, 2021) imposes treated wood waste disposal standards and require the wood preserving industry to create and disseminate related outreach materials. AB 684 is pending before the Assembly Committee on Environmental Safety and Toxic Materials.

Prior Legislation:

SB 68 (Galgiani, 2020) would have eliminated the sunset on the TWW management standards and made certain changes to the program. SB 68 was vetoed by Governor Gavin Newsom; the veto message stated that the additions to the program would have exacerbated the Hazardous Waste Control Account's existing structural deficit and improperly exempted TWW from other hazardous waste laws and regulations.

SB 839 (Senate Budget and Fiscal Review Committee, Ch. 839, Stats. 2016) extended, from January 1, 2018 to July 1, 2018, the time by which Department was required to prepare, post on its website, and provide the appropriate policy committees of the Legislature the comprehensive treated wood waste report required in SB 162 (below).

SB 162 (Galgiani, Ch. 351, Stats. 2015) extended the sunset date on the treated wood waste statute from June 1, 2017, to December 31, 2020, and required the Department to, on or before January 1, 2018, prepare, post on its website, and provide to the Legislature a comprehensive report on the implementation of the treated wood waste law.

SB 909 (La Malfa, Ch. 601, Stats. 2011) modified the treated wood waste statute by, among other things, extending the sunset date from June 1, 2012, to June 1, 2017; deleting obsolete provisions; and specifying contact information that wholesalers and retailers of treated wood were required to post on warning signs to consumers.

PRIOR VOTES:

Senate Environmental Quality Committee (Ayes 7, Noes 0)

Assembly Floor (Ayes 76, Noes 0)

Assembly Appropriations Committee (Ayes 16, Noes 0)

Assembly Environmental Safety and Toxic Materials Committee (Ayes 9, Noes 0)
