

# 1989 LEGISLATIVE UPDATE

By Alenna Bolin



This update provides a sampling of the many environmental bills that Federal and state legislators considered during 1989. In both Congress and the California legislature, the most recurrent environmental issue appeared to be air quality. Whether any legislation passed will have a more than negligible impact remains to be seen. (Compare the air quality bill Governor Deukmejian signed into law with those he vetoed). Dissatisfied and frustrated with the legislative process, California citizens and citizen groups were active in developing broad reform measures, hoping to implement them through the initiative process. This update is current through December 31, 1989.

## California Legislature

### *Recently enacted legislation-Assembly Bills (AB) and Senate Bills (SB)*

**AB 1029 (Stats. 1989, Chap. 1237):** Gives priority to funding programs that will restore, enhance, and protect salmon streams. Appropriates funds from the California Wildlife, Coastal and Park Land Conservation Fund of 1988. Funds will also be used to employ fisherpersons displaced by federal law. As originally introduced, the bill would have allowed expenditure of funds to restore and preserve fish and wildlife habitat.

**AB 1736 (Stats. 1989, Chap. 1321):** Requires the Air Resources Board to:

- 1) review and evaluate the adequacy of programs to reduce chlorofluorocarbon (CFC) emissions from motor vehicle air conditioning systems;
- 2) make recommendations to reduce those emissions; and
- 3) report to the legislature by June 30, 1990.

**AB 2161 (Stats. 1989, Chap. 1200):** The most significant feature of this legislation is that it would expand the state pesticide residue monitoring program to cover processed food and would generally improve the monitoring program. Does not phase out the use of the most

dangerous pesticides as would the Environmental Protection initiative (see below); merely provides for modified pesticide use or modified pesticide food residue levels.

**AB 2360 (Stats. 1989, Chap. 218):** Requires the State Office of Planning and Research to:

- 1) review CEQA guidelines to determine if they should be amended in response to the potential impacts of global warming; and
- 2) submit a report to the legislature by January 1, 1991.

**SB 1022 (Stats. 1989, Chap. 991):** Requires the State Air Resources Board to study the effects of acid deposition on agriculture in the San Joaquin Valley and submit a report to the legislature by July 1, 1992.

### *Recently vetoed bills*

**SB 116:** Would have promoted the reuse and recycling of and substitutes for ozone-depleting CFCs in commercial, industrial, and retail refrigeration systems. Also would have regulated leakage and maintenance of refrigeration systems.

**SB 231:** Would have required the Air Resources Board to adopt a program to reduce CFC emissions in a broad range of applications: urethane foams; solvents; home, vehicle, and commercial air conditioners; and fire suppressants. The bill also provided for a ban on products containing CFCs and for technical assistance to help users identify and implement substitutes.

**SB 427:** Would have required the Air Resources Board to inventory California sources of "greenhouse gases" (carbon dioxide, CFCs, halons, methane, nitrous oxides) that contribute to the global greenhouse effect and

stratospheric ozone depletion. Would have required a study of progress towards reducing emissions from fossil fuel combustion. Also tucked into the bill was a provision that would have required a study to evaluate causes of tropical rainforest destruction and to determine what California could do to help remedy the problem.

**SB 1192:** Would have prohibited the manufacture, distribution, or sale of styrofoam food packaging made with certain CFCs.

*Pending legislation ("two-year bills")*

**AB 145 (Costa):** Would enact the California Wildlife, Park, Recreation, Coastal, History, and Museum Bond Act of 1990. The bill would finance programs for the acquisition, restoration, and preservation of real property for the purposes in the title, through bonds in the amount of \$874,000,000.

**AB 2012 (Farr):** Would enact the Organic Foods Labeling and Enforcement Act of 1989. This bill would clarify standards for producing, processing, handling, and labeling food and feed sold as organic. The bill also provides for strict enforcement of standards.

**AB 1728 and AB 1430 (Katz and Eastin):** CalPIRG is sponsoring these two bills as part of its overall toxics use reduction program:

**AB 1728:** Would enact the Hazardous Materials Reporting and Use Reduction Act of 1989. As its title indicates, this bill would create a statewide data collection system for hazardous waste reporting and make the information collected available to the public. (Has already passed the Assembly.)

**AB 1430:** Would establish a "Hazardous Materials Use Reduction Institute" at California State University-San Jose. The Institute would carry out informational, educational, and technical assistance programs to stimulate hazardous materials use reduction. The Institute would also establish a competitive grants program.

**SB 344 (McCorquodale):** Would provide a mechanism to initiate bank creation for wetland mitigation purposes as an alternative to existing procedures for mitigating wetland impacts. This bill does not mandate the use of mitigation banks, but rather allows them as one addi-

tional tool for wetland mitigation, subject to Army Corps of Engineers permit approval. This bill utilizes a formula for establishing wetland mitigation bank credits.



*Upcoming initiatives*

**Environmental Protection Act of 1990:** This broad environmental reform measure covers pesticides, air and water quality, redwood forests, marine resources, and oil spill prevention. Specifically, the initiative would:

- 1) provide for a five year phase out of pesticides which cause cancer or reproductive harm;
- 2) make more stringent tolerance levels for pesticide residues in food;
- 3) require the California Department of Food and Agriculture to develop and implement a program to protect farmworkers from pesticide exposure;
- 4) cancel the certification of the state pesticide regulatory program under Public Resources Code Section 21080.6 (which in effect exempts the program from compliance with the California Environmental Quality Act environmental impact report requirements);
- 5) require the Air Resources Board to adopt and implement a plan to reduce emissions that contribute to atmospheric warming;
- 6) prohibit the use of CFCs, halons, and other chemicals in a variety of applications;

7) require anyone who constructs a project to plant one tree for every 500 square feet of the project;

8) create a "Ancient Redwood Forest and Reforestation Fund" to acquire and protect stands of ancient redwood;

9) require state agencies to give preference to the purchase of recycled paper products;

10) protect state marine bay, estuarine, and ocean waters by prohibiting offshore oil leases and discharge of pollutants by publicly owned treatment works without secondary treatment;

11) provide for oil spill prevention and cleanup plans;

12) provide for stricter water quality standards; and

13) create the position of Environmental Advocate, who will enforce this Act and other environmental protection laws.

**Forest and Wildlife Protection Initiative:** would protect old-growth forests, provide for acquisition of privately-held old-growth stands, and maintain habitat for threatened wildlife. Would ban clearcutting and slash or broadcast burning of timber. Would establish new conflict of interest standards for member of the Board of Forestry, and thus end domination of the Board by timber interests.

NOTE: If enough signatures are obtained, these two initiatives will appear on the November 1990 ballot.



**Wildlife Protection Act of 1990:** This initiative has qualified for the June 1990 ballot. Would provide protection specifically for the mountain lion and its habitat. Would allow the capture or killing of a mountain lion only to protect life or, by permit, when a mountain lion has harmed livestock or other property. Also would establish a \$30 million Habitat Conservation Fund to:

- 1) acquire habitat to protect deer, mountain lions, and rare, endangered, or threatened species; and
  - 2) acquire and protect wetland, aquatic, and riparian habitat and open spaces.
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### United States Congress

#### *Pending legislation-Senate Bills (S) and House of Representatives Bills (HR)*

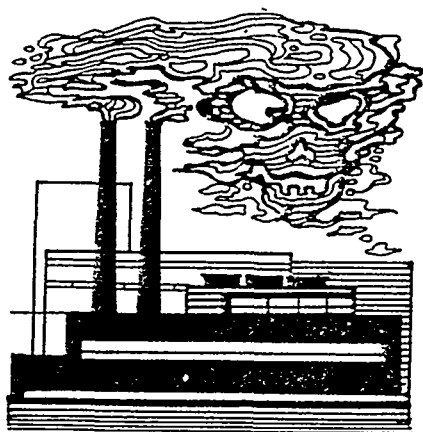
**S. 11 (Cranston, D-CA):** Would enact the California Desert Protection Act. This bill is designed to protect the California's sensitive desert ecosystem. It would create three new national parks: Death Valley, Joshua Tree, and Mojave, and would designate 81 separate areas in the desert conservation area as wilderness. The Bureau of Land Management would administer these areas. The current version of the bill would not prohibit grazing by domestic sheep and cattle in the wilderness areas. However, Senator Cranston is studying this issue further. Anyone familiar with the devastating effects of grazing may want to write to Senator Cranston about this issue. Representative Lewis (R-CA) has introduced an opposing desert bill. Significantly, the bill states that areas not protected as wilderness now could never be reconsidered for wilderness status.

**S. 970 (Fowler, D-GA):** Would enact the Farm Conservation and Water Protection Act of 1989, and may become part of the 1990 farm bill. The bill would require the Secretary of Agriculture to establish a program to assist farmers in adopting "low-input" (non-chemical or reduced chemical) agricultural production systems. The bill would also encourage the restoration of converted wetlands to protect soil and water quality and to support fish and wildlife habitat. The bill would accomplish this by putting land into "wetland reserves."

**H.R. 2405 (Bosco, D-CA):** Would enact the Food Irradiation and Labeling Requirement Act of 1989. This bill would prohibit implementation of FDA regulations

allowing irradiation of pork, fresh produce, and other foods. It would also require a study of dietary and environmental impacts and would require labeling of foods and foods with irradiated ingredients, including restaurant food. Senator Mitchell (D-ME) introduced companion bill S. 1037.

**H.R. 1439 (Lancaster, D-NC):** Would enact the Degradable Plastics Act of 1989. This bill would require the EPA to issue rules requiring plastic articles to be made of naturally degradable material. Plastic articles would have to begin to degrade within 180 days of disposal and "be reduced to environmentally benign subunits" within two years.



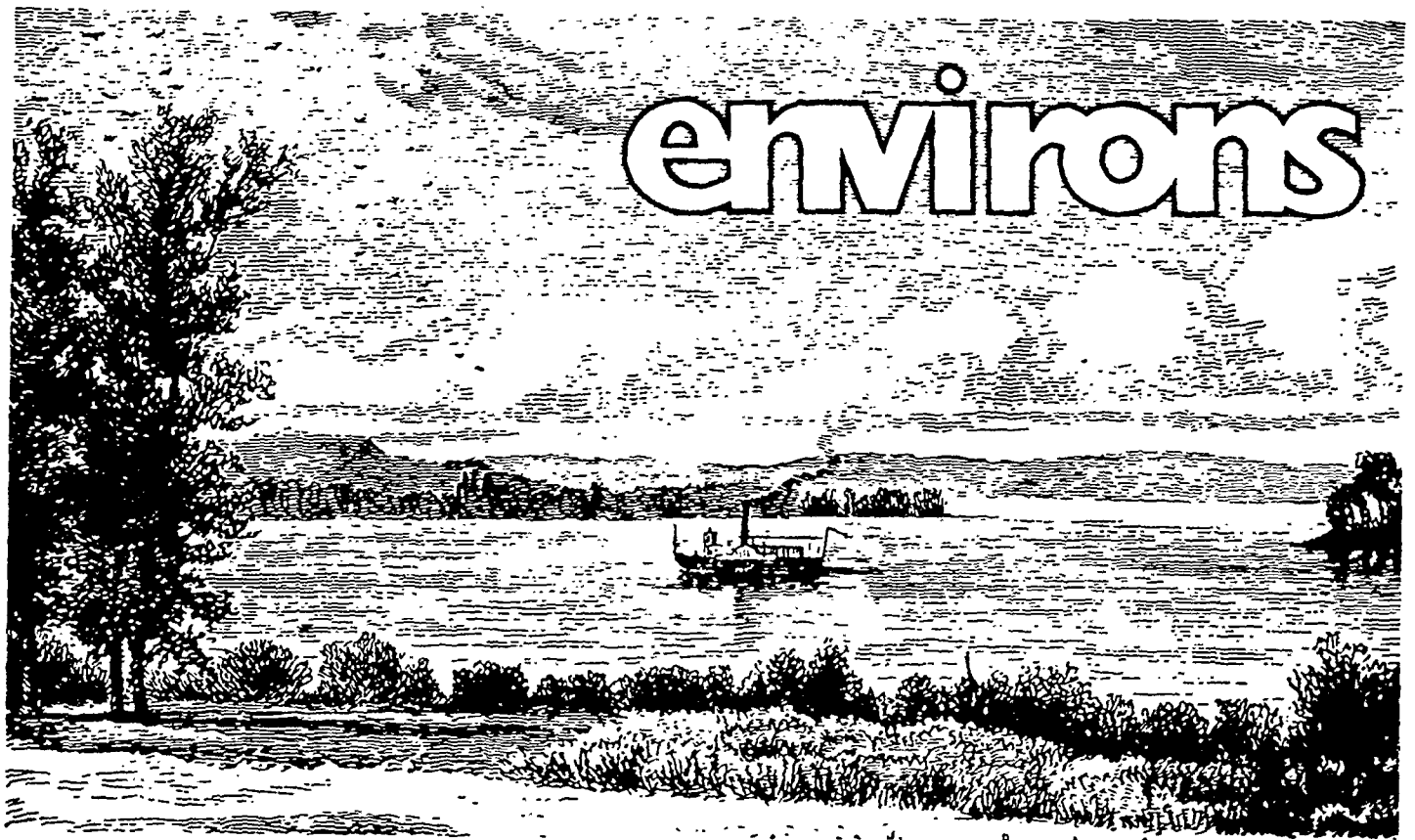
Our federal legislators have also introduced numerous bills to amend the Clean Air Act or otherwise deal with pressing air quality problems such as global warming and the greenhouse effect. H.R. 3030/S. 2323 (Dingell, D-MI/Chaffee R-RI) would implement President Bush's proposal. Other clean air bills include: H.R. 99, 503, 1078, 1470, 2379, 2586, 2699, 2909, 2950, 3143, 3188, 3211, 3257, 3316; S. 57, 201, 324, 333, 491, 676, 870-872, 1035, 1052, 1490. In addition, watch for bills amending the Federal Insecticide, Fungicide, and Rodenticide Act to protect groundwater from pesticide contamination.

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