



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

May 28, 2024

The Honorable Ben Allen
Chair, Senate Environmental Quality Committee
1021 O Street, Room 3230
Sacramento, CA 95814

**RE: Assembly Bill 2902 – SPONSOR
As Amended April 10, 2024**

Dear Senator Allen:

On behalf of the Rural County Representatives of California (RCRC), we are pleased to sponsor Assembly Bill 2902, regarding organic waste management. RCRC is an association of forty rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

Assembly Bill 2902 provides additional flexibility to local governments implementing the state's SB 1383 organic waste diversion objectives. SB 1383 requires the state to reduce landfill disposal of organic waste 75 percent below 2014 levels by 2025. CalRecycle's implementing regulations are generally tailored to dovetail within the solid waste collection system that exists in urban areas, but they are sometimes poorly suited to deal with the needs and challenges of lower-population and rural areas and afford very little flexibility for those situations. As a result, the greatest implementation challenges and highest anticipated rate increases will occur in rural and sparsely populated areas of the state.

AB 2902 takes a multi-pronged approach to provide local governments with flexibility, promote innovation, and increase local benefits.

First, AB 2902 extends the existing rural exemption for the state's 19 counties with fewer than 70,000 residents (and cities within those counties)¹. Collectively, these 19 counties have just under 600,000 residents spread across 50,000 square miles. Many of those counties have a population density of under 10 persons per square mile. Under CalRecycle's SB 1383 regulations, this rural exemption expires December 31, 2026, and cannot be extended. At that time, rural counties will have to comply with SB 1383's collection and procurement obligations, which are ill-suited for the remote and rural nature of those counties and will result in disproportionately high compliance costs relative to the amount of organic waste diverted or procured. Procurement will be particularly challenging for the eight rural border counties, as they are generally too small to support new composting facilities and would be barred from complying

¹ Lake, San Benito, Tehama, Tuolumne, Calaveras, Siskiyou, Amador, Lassen, Glenn, Del Norte, Colusa, Inyo, Plumas, Mariposa, Trinity, Mono, Modoc, Sierra, and Alpine Counties.

with the procurement obligations by using products from nearby out-of-state facilities. In light of these challenges, AB 2902 appropriately extends the current exemption. As such, rural jurisdictions will continue to be exempt from collection and procurement requirements, but will still have to implement SB 1383's edible food recovery, recycled paper procurement, and model water efficient landscaping requirements. AB 2902 also provides an implementation glidepath for counties that eventually outgrow the rural population cap.

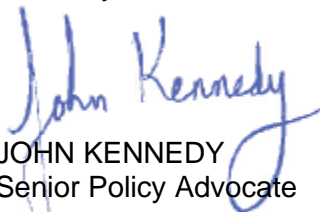
Second, AB 2902 provides compliance flexibility for another 12 smaller counties that generate less than 200,000 tons of solid waste annually.² Unfortunately, there is little flexibility built into the existing regulations to let lower population counties develop innovative alternative compliance pathways. These jurisdictions often have different organic waste profiles and management strategies that still result in diversion of organic waste, but in different ways than are contemplated in the regulations. Furthermore, many of these lower population counties are often economically-disadvantaged and have low population densities that make achieving these ambitious requirements even more challenging. AB 2902 creates a pathway for smaller counties to innovate and submit alternative organic waste management plans to CalRecycle for approval. Importantly, this flexibility only applies to unincorporated parts of those counties and does not extend to census designated places with a population of over 10,000.

Third, AB 2902 provides a process for higher elevation jurisdictions to dispose of food waste in trash cans where nearby bear populations pose a public safety and animal welfare risk. This flexibility will help avoid adverse interactions between human and bear populations.

AB 2902 also seeks to increase local benefits from edible food recovery programs; sustain the use of organics for local animal feed practices; promote carbon farming; adjust procurement targets to exclude populations covered by exemptions; and facilitate the development of smaller-scale community composting programs. Finally, AB 2902 clarifies existing caselaw that local compost and mulch give aways and rebates are not a gift of public funds.

For these reasons, RCRC is pleased to sponsor AB 2902. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org.

Sincerely,



JOHN KENNEDY
Senior Policy Advocate

cc: The Honorable Jim Wood, Member, California State Assembly
The Honorable Brian Dahle, Member, California State Senate
Members of the Senate Environmental Quality Committee
Brynn Cook, Chief Consultant, Senate Environmental Quality Committee
Scott Seekatz, Consultant, Senate Republican Caucus

² El Dorado, Humboldt, Imperial, Kings, Mendocino, Madera, Napa, Nevada, Shasta, Yuba, Sutter, and Yolo Counties.