
THIRD READING

Bill No: SB 1255
Author: Portantino (D), et al.
Amended: 8/18/22
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 6-0, 3/28/22
AYES: Allen, Bates, Gonzalez, Skinner, Stern, Wieckowski
NO VOTE RECORDED: Dahle

SENATE EDUCATION COMMITTEE: 6-0, 4/27/22
AYES: Leyva, Ochoa Bogh, Cortese, Glazer, McGuire, Pan
NO VOTE RECORDED: Dahle

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/19/22
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, Wieckowski

SENATE FLOOR: 39-0, 5/25/22
AYES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk
NO VOTE RECORDED: Hertzberg

ASSEMBLY FLOOR: 77-0, 8/22/22 - See last page for vote

SUBJECT: Single-use products waste reduction: Dishwasher Grant Program for Waste Reduction in K–12 Schools

SOURCE: Glendale Environmental Coalition

DIGEST: This bill establishes the Dishwasher Grant Program for Waste Reduction in K–12 Schools, to be administered by the California Department of

Education (CDE), to provide grants to school districts and charter schools, for the purchase and installation of commercial dishwashers at schoolsites.

Assembly Amendments delete Community Colleges from the provisions of the bill, limit the Grant Program to one time, and appropriate \$15 million to CDE to support the implementation of the program.

ANALYSIS:

Existing law:

- 1) Establishes, under the Integrated Waste Management Act of 1989 (IWMA), a state recycling goal of 75% of solid waste generated to be diverted from landfill disposal through source reduction, recycling, and composting. Requires each state agency and each large state facility to divert at least 50% of all solid waste through source reduction, recycling, and composting activities. IWMA also requires a state agency and large stage facility, for each office building of the state agency or large state facility, to provide adequate receptacles, signage, education, and staffing, and arrange for recycling services, as specified. (PRC §§ 41780.01, 42921, 42924.5)
- 2) Requires CalRecycle to develop and implement a source reduction and recycling program for school districts that includes, among other things, the development of a model waste reduction and recycling program for school districts and schools. (PRC §42621)
- 3) Requires the California Energy Commission (CEC), in collaboration with each utility, to develop and administer the School Noncompliant Plumbing Fixture and Appliance Program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards with water-conserving plumbing fixtures and appliances. (Public Utilities Code §1631)

This bill:

- 1) Establishes a one-time, Dishwasher Grant Program for Waste Reduction in K–12 Schools, to be administered by the CDE, to provide incentive grants to public K–12 schools to enable them to transition to less costly and more environmentally healthy reusable food service ware.
- 2) Defines "Commercial dishwasher" to mean a nonresidential dishwasher that meets the Energy Star Product Specification criteria for Commercial Dishwashers, Version 2.0, or any revision to those criteria published by the

United States Environmental Protection Agency that is adopted or established by the State Energy Resources Conservation and Development Commission.

- 3) Establishes program grants of up to \$40,000 per kitchen of a school.
- 4) Requires grant recipients, as a condition of the receipt of grant funding, to agree to use grant funds on specified expenditures, including the purchase of a dishwasher and training for staff.
- 5) Authorizes the CDE to conduct an onsite inspection at any school for which a grant was awarded and requires the district to provide any documents and information requested by the CDE related to the grant. Requires the CDE to develop administrative procedures and guidelines for the program.
- 6) States that the adoption of procedures and program guidelines for the awarding of grants pursuant to the measure is not the adoption of a regulation and is exempt from the requirements of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.
- 7) Limits eligibility for grants to the following:
 - a) A school district applying on behalf of one or more schools in its jurisdiction that maintains kindergarten, or any of grades 1 to 12, inclusive; and
 - b) A charter school applying on behalf of one or more schools under its charter that maintains kindergarten or any of grades 1 to 12, inclusive.
- 8) Requires, in implementing this bill, the CDE to maintain specified information on its website and to inform eligible entities of the program.
- 9) Appropriates \$15,000,000 to CDE to support the implementation of the one-time Grant Program from funds appropriated in the 2022 State Budget for school kitchen infrastructure upgrades.

Background

- 1) *School Waste Reduction Programs*. Schools are vital hubs to their local communities and are uniquely positioned to teach students waste reduction behaviors. Students can learn waste reduction at schools and bring that messaging home to their families, caregivers, and all those with whom they come in contact.

Schools and universities generate about 562,442 tons of waste each year in California. Almost half of school waste is comprised of organic materials like

paper, cardboard, and uneaten cafeteria food. Much of the waste generated in the California education system is recyclable. Many school districts have been successful in improving their economic and environmental performance through the implementation of waste reduction initiatives.

- 2) *California Solid Waste and Recycling Laws Affecting Schools and Local Education Agencies*. Many individuals monitor school waste, including school district administrators concerned about increases in solid waste disposal costs, recycling-conscious teachers and students, city/county recycling coordinators working with a local school district. In most cases, school recycling is a state requirement. Setting up or improving an existing school waste reduction program can reduce costs and litter, improve the environment, and combat climate change.

CalRecycle offers resources to help schools and school districts meet recycling requirements. The following is a partial list of solid waste and recycling laws affecting schools and local education agencies:

- a) The Mandatory Commercial Recycling law (AB 341, Chesbro, Chapter 476, Statutes of 2011) went into effect in June 2012 and requires public entities that generate a certain threshold of solid waste per week to reuse, recycle, compost, or otherwise divert solid waste from disposal.
- b) Mandatory Organic Recycling (AB 1826, Chesbro, Chapter 727, Statutes of 2014) requires regulated entities to implement an organic waste recycling program to divert food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.
- c) Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reduction (SB 1383, Lara, 2016) requires schools and local education agencies to prevent, reduce the generation of, and recycle organic waste. Additionally, effective on January 1, 2024, schools and local education agencies with an on-site food facility will be required to recover edible food.

Other related school recycling and sustainability laws require CalRecycle to provide assistance to school districts in establishing and implementing source reduction and recycling programs. Additionally, California Education Code encourages each school district to establish and maintain a paper recycling program in all classrooms, administrative offices, and other areas owned or leased by the school district.

- 3) *California Schools Healthy Air, Plumbing, and Efficiency (CalSHAPE) Program.* AB 841 (Ting, Chapter 372, Statutes of 2020) established the School Energy Efficiency Stimulus Program (CalSHAPE), administered by the CEC. The CalSHAPE Program includes two, ratepayer-funded, grant programs for local educational agencies (LEAs), the CalSHAPE Ventilation Program and CalSHAPE Plumbing Program. The CalSHAPE Plumbing Program provides funding to LEAs to replace aging and water-inefficient plumbing fixtures and appliances with water-conserving plumbing fixtures and appliances. The noncompliant appliances eligible for replacement are commercial dishwashers, automatic commercial ice makers, and commercial clothes washers that do not meet ENERGY STAR® Product Specifications.

The CalSHAPE Plumbing Program guidelines were adopted by the CEC in June 2021 and the online system opened for user registration shortly after.

The CEC received 127 applications (including 31 commercial dishwasher requests) in the first round of funding for the Program, totaling \$18,573,635 in grant funding, and issued 43 notices of proposed award. Per Program requirements for the first funding round, schools in underserved communities were given priority.

- 4) *Most Schools Ineligible for CalSHAPE Program Grants.* Although the CalSHAPE Program has received considerable interest from LEAs, the Plumbing Program has not received as many applications as the Ventilation Program. Specifically, only 34 percent of the Plumbing Program funding available in Funding Round One was requested in applications compared to 92 percent of the Ventilation Program funding. CEC staff conducted outreach to LEAs on the Plumbing Program to gather information on reasons that there appears to be less interest in the program.

AB 841 has specific requirements that a plumbing fixture or appliance must meet to be considered noncompliant and be eligible for replacement in the CalSHAPE Plumbing Program. Of the feedback provided by applicants, one of the most common was that there is no longer a lot of plumbing fixtures and appliances that meet the requirements to be considered as noncompliant in schools. As such, there are not many fixtures and appliances that qualify for replacement with CalSHAPE Program grant funding.

Comments

Purpose of this bill. According to the author, “California is meant to be a leader in sustainability, yet we are facing a single-use waste crisis that is being exacerbated

by our K-12 school cafeterias. A tremendous amount of waste is generated from single-use foodware such as trays, plates, and utensils. However, we currently have no program dedicated to stemming these waste streams, which are harming our environment and posing substantial costs to our schools. Both plastic and compostable recycling have proven inadequate and ineffective, and the cost of managing waste is rising.

“Industrial dish machines present an upstream waste prevention measure by avoiding single-use items and allowing the transition to safe, reusable foodware. Current machines use very little water and complete a cycle in only a few minutes. However, the upfront cost creates a barrier to implementation. Schools operating on very limited budgets and with competing needs may remain with single-use serviceware simply due to the cost of upfront investment. SB 1255 will result in less waste and reduced hauling costs, alleviating these burdens on schools. Instead of contributing to the waste crisis facing California, providing funding for industrial dishwashers will help reduce waste while instilling the values of environmental stewardship in our students.”

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

According to the Assembly Appropriations Committee:

- Undefined Proposition 98 General Fund costs, contingent upon appropriation, for the grant program. The state has over 10,000 schools and 116 community colleges. If the program provided grants to 5% of schools and colleges in the amount of \$40,000 each, costs would be \$20 million.
- Ongoing General Fund costs of \$440,000 for two staff at CDE to administer the program.

SUPPORT: (Verified 8/24/22)

Glendale Environmental Coalition (source)

301 Organics

350 Humboldt: Grass Roots Climate Action

350 Silicon Valley

350 Ventura County Climate Hub

7th Generation Advisors

Active San Gabriel Valley

Burbank Eco Council

California Product Stewardship Council

California School Employees Association

Californians Against Waste
Center for Environmental Health
City and County of San Francisco
City of Alameda
City of Glendale
City of Los Angeles
Climate Reality Project, Los Angeles Chapter
Climate Reality Project, San Fernando Valley
Green Lunchroom
Habits of Waste
Heal the Bay
North County Climate Change Alliance
Northern California Recycling Association
Oak Crest Institute of Science
Plastic Oceans International
Plastic Pollution Coalition
Plasticfreerestaurants.org
RecycleSmart
Save Our Shores
Sea Hugger
Seventh Generation Advisors
Sierra Club
StopWaste
Surfrider Foundation
The 5 Gyres Institute
The Center for Oceanic Awareness, Research, and Education
Upstream
Wishtoyo Chumash Foundation
Zero Waste USA

OPPOSITION: (Verified 8/24/22)

None received

ASSEMBLY FLOOR: 77-0, 8/22/22

AYES: Aguiar-Curry, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley,

Lackey, Lee, Low, Maienschein, Mathis, Mayes, McCarty, McKinnor, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon
NO VOTE RECORDED: Bigelow, Davies, Levine

Prepared by: Gabrielle Meindl / E.Q. / (916) 651-4108
8/30/22 1:58:29

**** END ****