

Attachment C.1

Note: AB 913 established the California Green Business Program in 2011. In 2012, a budget trailer bill was enacted that modifies the roles and responsibilities of the CA Department of Toxics Substances Control identified in Section 25244.17.2 of the Health and Safety Code, following passage of AB 913.

The trailer bill retains recognition of the California Green Business Program, and the Network of Local Programs as the operators, but, as indicated on pages 2 and 3, it changes all references to DTSCs activities in support of the Program from “shall” to “may.”

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BILL TEXT

CHAPTER 578
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INTRODUCED BY Assembly Member Feuer
(Coauthors: Assembly Members Bonilla, Huffman, and Williams)

FEBRUARY 17, 2011

An act to amend Section 25244.17.2 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 913, Feuer. Hazardous waste: source reduction: certified green business program.

The existing Hazardous Waste Source Reduction and Management Review Act of 1989 requires the Department of Toxic Substances Control to establish a program for hazardous waste source reduction, including requiring specified generators of hazardous waste to maintain certain plans and reports with regard to hazardous waste reduction practices. The department is required to provide source reduction training and resources to various regional and local government assistance programs to identify and apply source reduction methods.

This bill would require the department, as part of implementing this program, to develop a California Green Business Program that provides support and assistance to local government programs that provide for the voluntary certification of small businesses that adopt environmentally preferable business practices, including, but not limited to, increased energy efficiency, reduced greenhouse gas emissions, promotion of water conservation, and reduced waste

generation. The department would be required to take specified actions with regard to implementing the California Green Business Program and would be authorized to provide support and assistance to a local government program to enable the program to meet certain requirements.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The California Green Business Program is a statewide network of local government programs that certify small- to medium-sized businesses as having adopted environmentally preferable business practices.

(b) These local government programs coordinate with other programs in their jurisdictions to assist businesses with achieving and moving beyond regulatory compliance.

(c) Businesses certified by this program implement multimedia pollution prevention activities to achieve measurable waste reduction, energy savings, water conservation, and sustainability, in consultation with local governments, utility providers, and other entities.

(d) The California Green Business Program promotes improved community health outcomes, economic vitality, sustainability, and green jobs.

(e) The California Green Business Program provides small businesses with a level and quality of consultation on environmentally preferable business practices to which small businesses otherwise may have limited access.

(f) The California Green Business Program can save businesses money through coordinating with funding opportunities for efficiency upgrades and long-term savings associated with decreased utility bills.

(g) The Department of Toxic Substances Control serves as a statewide program contact, coordinator, and liaison with other state agencies, consistent with subdivision (h) of Section 25244.13 of the Health and Safety Code.

(h) In California, there are currently 14 county and two city green business programs, which have together certified over 2,600 green businesses.

SEC. 2. Section 25244.17.2 of the Health and Safety Code is amended to read:

25244.17.2. The department ~~shall expand the department's source reduction program to~~ may provide source reduction training and resources to CUPAs, small business development corporations, business environmental assistance centers, and other regional and local government environmental programs so that they can provide technical assistance to ~~generators~~ businesses in identifying and applying methods of ~~source reduction pollution prevention~~.

(a) The ~~program expanded activities conducted~~ pursuant to ~~this section~~ paragraph (1) shall emphasize activities necessary to implement Sections 25244.17 and 25244.17.1.

(b) As part of implementing the program ~~required~~ authorized by this section, the department ~~shall~~ may develop a California Green Business Program that provides support and assistance to programs operated by local governments to meet the requirement of subdivision (c) and that would voluntarily certify small businesses that adopt environmentally preferable business practices, including, but not limited to, increased energy efficiency, reduced greenhouse gas emissions, promotion of water conservation, and reduced waste generation. The department's California Green Business Program ~~shall~~ may do any or all of the following:

(1) Assist the network of statewide local government programs in implementing guidelines and structures that establish and promote a level of consistency among green business programs across the state.

(2) Support, through staffing and contracts, the development and maintenance of a statewide database to register small businesses granted green business certification, or its equivalent, pursuant to a local government program, and track measurable pollution reductions and cost savings.

(3) Solicit participation of additional local programs and facilitate the startup of new local programs.

(4) Develop technical guidance on pollution prevention measures, conduct industry studies and pilot projects, and provide policy coordination for the participating local programs.

(5) Collaborate with relevant state agencies that operate small business efficiency and economic development programs, including, but not limited to, the Department of Resources Recycling and Recovery, the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, the State Air Resources Board, and the Department of Water Resources.

(c) The department may provide support and assistance to a local government program to enable the program to meet all of the following requirements:

(1) The program will be operated by a local government or its designee.

(2) The program will adopt industry-specific standards for green business certification, or its equivalent, in consultation with the other participants in the California Green Business Program.

(3) The program will grant a small business that voluntarily applies to the program a green business certification or its equivalent, only upon a determination by the program operator or designee that the business is a small business, as determined by the program, and complies with the industry-specific standards for green business certification adopted pursuant to paragraph (2).

(4) The program will grant a green business certification, or its equivalent, to small businesses, as determined by the program, in accordance with all of the following requirements:

(A) Before the program grants green business certification or its equivalent, the program conducts an evaluation to verify compliance with the appropriate green business certification standards adopted pursuant to paragraph (2).

(B) A green business certification or its equivalent is granted only to an individual location of a small business.

(C) A green business certification or its equivalent is granted to an individual small business only for a limited time period, and, after the elapse of that time period, the small business is required

to reapply for that certification.

(D) Compliance with applicable federal, state, and local environmental laws and regulations is required as a condition of receiving a green business certification or its equivalent.

(d) The department ~~shall~~ may determine, in consultation with the advisory committee, the most effective methods to promote implementation of ~~source reduction~~ pollution prevention education programs by CUPAs, small business development corporations, business environmental assistance centers, and other regional and local government environmental programs. Program elements may include, but are not limited to, all of the following:

(1) Sponsoring workshops, conferences, technology fairs, and other training events.

(2) Sponsoring regional training groups, such as the regional hazardous waste reduction committees.

(3) Developing and distributing educational materials, such as short descriptions of successful ~~source reduction~~ pollution prevention projects and materials explaining how ~~source reduction~~ pollution prevention has been used by businesses to achieve compliance with environmental laws enforced by local governments.

(4) Developing site review checklists, training manuals, and technical resource manuals and using those resources to train CUPAs, small business development corporations, business environmental assistance centers, and other regional and local government environmental programs.

(5) Preparing and distributing resource lists such as lists of vendors, consultants, or providers of financial assistance for ~~source reduction~~ pollution prevention projects.

(6) Serving as an information clearinghouse to support telephone and onsite consultants with local governments.

(e) Each fiscal year, the department shall provide training and information resources to at least 90 percent of CUPAs.