



Express opposition unless amended to SB 1: California Environmental, Public Health, and Workers Defense Act of 2019

Communications and Legislation Committee

Item 8-3

June 10, 2019

Status of SB 1 (Atkins, et al.)

- Senate policy committees
 - March 20: Environmental Quality
 - April 9: Natural Resources and Water
 - April 23: Judiciary
- May 16: Passed Senate Appropriations
- May 21: Amended
- May 29: Passed by Senate (28 Ayes, 10 Noes)
- In Assembly awaiting assignment

Overview of Amendments

- Expands citizen suit provisions
- Amends “less stringent than” bill language to “less protective of public health and safety, the environment, or natural resources”
- Includes clause intended to protect the “process” for reaching settlement on the Voluntary Agreements

Outstanding Concerns

- Unnecessary
- Locks in biological opinions and incidental take permits, among other ESA concerns
- Potentially shifts water supply impacts from Central Valley Project (CVP) to State Water Project endangering Voluntary Agreements
- Attempts to apply California ESA to CVP

Outstanding Concerns (cont'd.)

- Bypasses normal rulemaking; eliminates opportunity for public and agency input
- Citizen suit provisions would circumvent existing administrative processes designed to remedy violations without litigation

Seek Amendments

- Including, but not limited to:
 - Strike provision relating to biological opinions and incidental take permits
 - Strike provision applying California ESA to CVP
 - Amend citizen suit provision to protect against unnecessary litigation
 - Amend “less protective” definition to apply to relevant statutes

Organizations Supporting SB 1

Partial List of Support

- California Labor Federation
- Clean Water Action
- Defenders of Wildlife
- Environmental Defense Fund
- Heal the Bay
- Natural Resources Defense Council
- Sierra Club of California
- The Nature Conservancy
- State Building & Construction Trades

Organizations Opposing SB 1

Partial List of Opposition

- Association of California Water Agencies
- California Building Industry Association
- California Chamber of Commerce
- California Farm Bureau Federation
- California Forestry Association
- California Manufacturers & Technology Association
- Southern California Water Coalition
- Western Growers Association

Board Options

- Option #1

- Authorize General Manager to express opposition, unless amended, to SB 1: California Environmental, Public Health, and Workers Defense Act of 2019

- Option #2

- Take no action

Recommendation

- Option #1

