



The California Legislative 2010 Report Card

Environmentalists Take on Special Interests in Final Days of Legislative Session

As the 2009-'10 regular legislative session stumbled to a chaotic close, Sierra Club California's advocates, activists and allies locked horns with big polluters over bills addressing clean energy, plastic bag pollution, and development loopholes, among other issues. With the state's budget still not passed and several critical measures on the November ballot, the Fall will see further skirmishes over the future of California's air, water and parks.

Just as doctors take an oath to "do no harm," our top priority is to prevent any weakening in California's environmental laws. This year, big oil companies and other special interests are trying to use the recession as an excuse to roll back key protections and stop any progress in greening our economy.

In late August a new bill suddenly popped up to carve a fresh exemption in the California Environmental Quality Act for mega-retailers like Wal-Mart. Sierra Club California and our allies quickly went into action, shining such a bright light on the bill in the media and the Capitol that its proponents eventually shelved it. We also succeeded in fending off another late-appearing bill that would have overridden the Water Board's rules protecting sea life from the use of once-thru-cooling at coastal power plants.

Utility giant Pacific Gas & Electric, fresh from its failed attempt on the June ballot to brazenly buy constitutional protection from competitors, opposed SB 722 (Simitian), which would have raised the state's clean electricity requirement to 33% by 2020. After the inclusion of amendments backed by Southern California Edison to weaken enforcement, the bill cleared the Assembly late on August 31, but the clock struck midnight, ending the regular session, before it came to a vote in the Senate.

The Senate, which has become hostile territory for many environmental bills, also killed AB 1998 (Brownley), which would have banned most of the single-use plastic bags that plague our communities, waterways and beaches. The big chemical and oil companies spent lavishly on deceptive advertising in opposition to the bill, and also invested in major contributions to the campaign accounts of legislators in both

parties. Governor Schwarzenegger supported the bill, but was unable to sway even a single Republican legislator to join him. Similarly, the chemical lobby stopped SB 797 (Pavley), which would have removed toxic bisphenol-A from baby products.

Sierra Club California's 13 years of work on reducing aquatic pollution caused by copper in brake pads culminated in passage of SB 346 (Kehoe). Other worthy environmental bills sent to the Governor's desk included: AB 2289 (Eng), which would make important improvements in the Smog Check program; AB 1405 (DeLeon), which would help disadvantaged communities respond to global warming; SB 51 (Ducheny), which would create a council to oversee the restoration of the Salton Sea; AB 1947 (Fong), which would increase use of distributed solar energy; SB 1157 (DeSaulnier), which would require public schools to use least-toxic pest management; and bills to require that the manufacturers of paint and carpets take responsibility for recycling their products. Governor Schwarzenegger signed half of the top-priority environmental bills passed by the Legislature, bringing a small measure of accomplishment to a legislative session that was short on progress and long on special-interest influence and budget gridlock.

Our advocates will remain vigilant during the Legislature's budget session. Republicans have often used the state's anti-democratic two-thirds requirement for budget passage to leverage loopholes in environmental laws. One potential threat: oil giant Chevron recently lost a CEQA case over expansion of its Richmond refinery, and may be seeking to lobby its way out of compliance.

And this November's ballot will feature measures that could take the state forward or backward. Passage of either Prop 23, the Dirty Energy Proposition, or Prop 26, the Polluter Protection Act, would deal severe setbacks to efforts to green California's economy. On the other hand, Prop 21 would provide much-needed stable funding for our state parks, and Prop 25 would help ease fiscal gridlock by allowing passage of budgets by majority vote. More information on all of those measures can be found at: www.sierraclubcalifornia.org/elections.html.

Sierra Club California Byron Sher Award Winners



From left to right: Sierra Club California senior advocate Jim Metropulos, Assemblymember Ira Ruskin, SCCA Director Bill Magavern, Senator Alan Lowenthal, and SCCA Senior Advocate Michael Endicott.

Senator Alan Lowenthal and Assemblymember Ruskin were given a special honor at this year's Lobby Day on August 17th, the Byron Sher Award for Achievement in Environmental Protection by a Public Official. The award is named for former Senator and Assemblymember Byron Sher, the greatest environmental champion in the history of our legislature. Lowenthal and Ruskin were chosen because each has a track record of being stalwarts of environmental protection, as evidenced by their flawless records on this year's Legislative Report Card. Senator Lowenthal, for example, has worked tirelessly to clean up diesel pollution caused by the ports of Los Angeles and Long Beach; these emissions disproportionately burden the low-income and working-class communities nearby. In addition, he authored bills on important environmental subjects like coastal protection, used oil recycling, hazardous waste, and leaking underground storage tanks. Assemblymember Ruskin is equally accomplished; as chair of the Environmental Safety and Toxic Materials Committee he stopped legislative proposals to put loopholes in

our hazardous waste laws, and advanced bills that clean up our water supplies and remove toxins from consumer products. Ruskin also authored numerous environmental bills, including the Mercury Thermostat Collection Act of 2008 that was sponsored in part by Sierra Club California, and important measures protecting wildlife corridors, improving enforcement of our waste laws, and assuring that toxics releases are reported to the public. Sierra Club California proudly salutes these two hard-working allies!

Governor's Report Card

Of the 10 high-priority bills on this year's Sierra Club California Report Card (see next page), 6 of them passed the Legislature. Governor Schwarzenegger signed 3 of those bills – AB 1947 (Solar Energy), AB 2289 (Reducing Smog), and SB 51 (Salton Sea Restoration) – and vetoed 3 – AB 1405 (Global Warming/Environmental Justice), SB 1157 (Less Toxic Schools – Pesticides), and SB 1207 (Fire-Safe Planning).

This mixed record is typical of Schwarzenegger's 7 years in office. His administration has made genuine progress on some environmental fronts, but has often sided with big business in opposing vital legislation to safeguard our air, water, health and natural resources, and at times has even supported weakening of existing protections. He has accomplished more for our environment than we expected when he first announced his gubernatorial run in 2003, but has not been as consistently green as his reputation in the national media would suggest.

Score: 50%

2010 Bill Summaries

AB 1405 (De León) **Global Warming** – Establishes a Climate Change Community Benefits Fund to direct a portion of revenues from AB 32 implementation to help Californians who are least able to confront the expected impacts of climate change at the local level; passed the Senate 22-15 and the Assembly 49-29. **SUPPORT**

AB 1947 (Fong) **Solar Energy** – Maximizes distributed solar generation by providing publicly-owned utilities greater flexibility under the California Solar Initiative program; passed the Senate 24-12 and the Assembly 51-23. **SUPPORT**

AB 1975 (Fong) **Water conservation** – Requires new multiunit residential developments to have water meters for individual dwelling units, giving consumers more information and control over their water usage; passed the Assembly 59-13 and Senate Natural Resources Committee 6-3 but was killed by Appropriations Committee. **SUPPORT**

AB 1998 (Brownley) **Plastic Bags** – Bans single-use plastic bags, a significant source of non-biodegradable litter and ocean pollution; passed the Assembly 42-27 but failed in the Senate 14-21. **SUPPORT**

AB 2289 (Eng) **Reducing smog** – Enacts critical updates to California's Smog Check program, saving money for consumers and the State by reducing air pollution by 70 tons per day – equivalent to 800,000 cars; passed the Senate 22-11 and the Assembly 49-25. **SUPPORT**

SB 51 (Ducheny) **Salton Sea restoration** – Establishes the Salton Sea Restoration Council as a state agency to oversee restoration of the Salton Sea, creating a permanently-protected fish and wildlife habitat; passed the Senate 26-4 and the Assembly 51-25. **SUPPORT**

SB 722 (Simitian) **Renewable energy** – Codifies California's Renewables Portfolio Standard (RPS) goal, requiring utilities to obtain $\geq 33\%$ renewable energy by 2020 (the vote on the Senate floor was for a substantially different bill and thus is not scored); passed the Assembly 46-26. **SUPPORT**

SB 797 (Pavley, Liu) **Less toxic baby products (BPA)** – Prevents the use of bisphenol-A (BPA) in baby bottles, sippy cups, formula cans, and food jars; BPA is a chemical added to hard plastics and has been linked to problems with brain development and behavior, heart disease, and a number of other health conditions; passed the Assembly 43-31, but failed in the Senate 19-18 (failure to concur with Assembly amendments). **SUPPORT**

SB 1157 (DeSaulnier) **Less toxic schools (pesticides)** – Protects children and staff from harmful pesticides by requiring least-toxic pest management at school sites, passed the Senate 22-14 and the Assembly 47-27. **SUPPORT**

SB 1207 (Kehoe) **Fire-safe planning** – Requires periodic updates to reduce fire risks in high fire hazard severity zones and updates to guidelines that improve fire safety; passed the Senate 23-13 and the Assembly 56-20. **SUPPORT**

Don't know who your senator is? Check <http://www.senate.ca.gov/~newsen/senators/districtmaps>. HTP

Don't know who your assembly member is? Check <http://asm.ca.gov/> and click "Find My District."

Report Card Legend & Notes

| | |
|------------|---|
| + | means pro-environment vote |
| - | means anti-environment vote |
| NV- | means legislator was present, but chose not to cast a vote in support of a pro-environment bill |
| E | means excused absence (does not count toward total score) |

Scores are based on the number of "+" votes cast versus the total number of possible votes (excused votes do not count against a score, but NV- does).

| SIERRA CLUB CALIFORNIA SENATE REPORT CARD | Sierra Club California supported "aye" votes on these measures | | | | | | | | | | |
|--|--|----------------|--------------|---------------|--------------|---------------|------------------------|------------------|-------------------|-----------------------|--------------------|
| | SCORE | AB 1405 | AB 1947 | AB 1975 | AB 1998 | AB 2289 | SB 51 | SB 722 | SB 797 | SB 1157 | SB 1207 |
| | | Global Warming | Solar energy | Water cons. • | Plastic bags | Reducing smog | Salton Sea restoration | Renewable energy | BPA baby products | Pesticides in schools | Fire-safe planning |
| Aanestad, Sam (R-04) | 0% | - | - | | - | - | - | | - | - | - |
| Alquist, Elaine (D-13) | 100% | + | + | | + | + | + | | + | + | + |
| Ashburn, Roy (R-18) | 0% | - | - | | - | NV- | NV- | | - | - | - |
| Blakslee, Sam* (R-15) | 25% | - | + | | NV- | - | + | | - | - | - |
| Calderon, Ronald (D-30) | 75% | + | + | | - | + | + | | - | + | + |
| Cedillo, Gil (D-22) | 100% | + | + | | + | + | + | | + | + | + |
| Cogdill, Dave (R-14) | 11% | - | - | - | - | - | + | | - | - | - |
| Corbett, Ellen (D-10) | 100% | + | + | | + | + | + | | + | + | + |
| Correa, Lou (D-34) | 50% | - | + | | - | - | + | | + | - | + |
| Denham, Jeff (R-12) | 0% | - | - | | - | - | - | | - | - | - |
| Desaulnier, Mark (D-07) | 100% | + | + | | + | + | + | | + | + | + |
| Ducheny, Denise (D-40) | 88% | + | + | | - | + | + | | + | + | + |
| Dutton, Bob (R-31) | 0% | - | - | | - | - | NV- | | - | - | - |
| Emmerson, Bill*** (R-37) | 13% | - | - | | - | - | + | | - | - | - |
| Florez, Dean (D-16) | 75% | + | + | | - | + | NV- | | + | + | + |
| Hancock, Loni (D-09) | 100% | + | + | | + | + | + | | + | + | + |
| Harman, Tom (R-35) | 0% | - | E | | - | E | - | | - | - | - |
| Hollingsworth, D. (R-36) | 11% | - | - | - | - | NV- | + | | - | - | - |
| Huff, Bob (R-29) | 11% | - | - | - | - | - | + | | - | - | - |
| Kehoe, Christine (D-39) | 100% | + | + | + | + | + | + | | + | + | + |
| Leno, Mark (D-03) | 100% | + | + | | + | + | + | | + | + | E |
| Liu, Carol (D-21) | 100% | + | + | | + | + | + | | + | + | + |
| Lowenthal, Alan (D-27) | 100% | + | + | + | + | + | + | | + | + | + |
| Negrete Mcleod, G. (D-32) | 75% | + | + | | - | + | + | | - | + | + |
| Oropeza, Jenny† (D-28) | NA | E | E | | E | E | E | | E | E | E |
| Padilla, Alex (D-20) | 100% | + | + | + | + | + | + | | + | + | + |
| Pavley, Fran (D-23) | 100% | + | + | + | + | + | + | | + | + | + |
| Price, Curren, Jr. (D-26) | 75% | + | + | | - | + | + | | - | + | + |
| Romero, Gloria (D-24) | 88% | + | + | | - | + | + | | + | + | + |
| Runner, George (R-17) | 0% | - | - | | - | - | NV- | | - | - | - |
| Simitian, Joe (D-11) | 100% | + | + | + | + | + | E | | + | + | + |
| Steinberg, Darrell (D-06) | 100% | + | + | | + | + | + | | + | + | + |
| Strickland, Tony (R-19) | 14% | - | - | | NV- | - | NV- | | - | E | + |
| Walters, Mimi (R-33) | 0% | - | - | | - | NV- | NV- | | - | - | - |
| Wiggins, Patricia† (D-02) | NA | E | E | | E | E | E | | E | E | E |
| Wolk, Lois (D-05) | 89% | + | + | + | - | + | + | | + | + | + |
| Wright, Roderick (D-25) | 75% | + | + | | - | + | + | | - | + | + |
| Wyland, Mark (R-38) | 0% | - | - | | - | - | - | | - | - | - |
| Yee, Leland (D-08) | 100% | + | + | | + | + | + | | + | + | + |

* Senator Blakeslee moved from the Assembly to the Senate in August 2010

*** Senator Emmerson moved from the Assembly to the Senate in June 2010

† Senator is out due to illness

• In the Senate, this measure only faced a committee vote

| SIERRA CLUB CALIFORNIA ASSEMBLY REPORT CARD | Sierra Club California supported "aye" votes on these measures | | | | | | | | | | |
|--|--|----------------|--------------|---------------|--------------|---------------|------------------------|------------------|-------------------|-----------------------|--------------------|
| | SCORE | AB 1405 | AB 1947 | AB 1975 | AB 1998 | AB 2289 | SB 51 | SB 722 | SB 797 | SB 1157 | SB 1207 |
| | | Global Warming | Solar energy | Water cons. • | Plastic bags | Reducing smog | Salton Sea restoration | Renewable energy | BPA baby products | Pesticides in schools | Fire-safe planning |
| Adams, Anthony (R-59) | 20% | - | - | + | - | - | + | - | - | - | - |
| Ammiano, Tom (D-13) | 100% | + | + | + | + | + | + | + | + | + | + |
| Anderson, Joel (R-77) | 0% | - | - | - | - | - | - | - | - | - | - |
| Arambula, Juan (I-31) | 90% | + | + | + | + | + | + | - | + | + | + |
| Bass, Karen (D-47) | 100% | + | + | + | + | + | + | + | + | + | + |
| Beall, Jim Jr. (D-24) | 100% | + | + | + | + | + | + | + | + | + | + |
| Berryhill, Bill (R-26) | 20% | - | - | + | - | - | - | - | - | - | + |
| Berryhill, Tom (R-25) | 0% | - | - | E | E | - | - | - | - | - | - |
| Blakeslee, Sam* (R-33) | 33% | E | E | + | - | E | E | E | - | E | E |
| Block, Marty (D-78) | 100% | + | + | + | + | + | + | + | + | + | + |
| Blumenfield, Bob (D-40) | 100% | + | + | + | + | + | + | + | + | + | + |
| Bradford, Steven (D-51) | 100% | + | + | + | + | + | + | + | + | + | + |
| Brownley, Julia (D-41) | 100% | + | + | + | + | + | + | + | + | + | + |
| Buchanan, Joan (D-15) | 100% | + | + | + | + | + | + | + | + | + | + |
| Caballero, Anna (D-28) | 80% | + | + | + | + | + | + | - | - | + | + |
| Calderon, Charles (D-58) | 80% | + | + | + | NV- | + | NV- | + | + | + | + |
| Carter, Wilmer (D-62) | 100% | + | + | + | + | + | + | + | + | + | + |
| Chesbro, Wesley (D-01) | 100% | + | + | + | + | + | + | + | + | + | + |
| Conway, Connie (R-34) | 10% | - | - | + | - | - | - | - | - | - | - |
| Cook, Paul (R-35) | 10% | - | NV- | NV- | NV- | - | - | - | - | - | + |
| Coto, Joe (D-23) | 100% | + | + | + | + | + | + | + | + | + | + |
| Davis, Mike (D-48) | 90% | + | + | + | + | NV- | + | + | + | + | + |
| De La Torre, H. (D-50) | 80% | + | + | + | + | + | + | NV- | NV- | + | + |
| de León, Kevin (D-45) | 100% | + | + | + | + | + | + | + | + | + | + |
| DeVore, Chuck (R-70) | 0% | - | - | - | - | - | - | - | - | - | - |
| Emmerson, Bill*** (R-63) | 0% | E | E | NV- | - | E | E | E | E | E | E |
| Eng, Mike (D-49) | 100% | + | + | + | + | + | + | + | + | + | + |
| Evans, Noreen (D-07) | 100% | + | + | + | + | + | + | + | + | + | + |
| Feuer, Mike (D-42) | 100% | + | + | + | + | + | + | + | + | + | + |
| Fletcher, Nathan (R-75) | 30% | - | - | + | NV- | - | + | - | NV- | - | + |
| Fong, Paul (D-22) | 100% | + | + | + | + | + | + | + | + | + | + |
| Fuentes, Felipe (D-39) | 80% | + | + | + | + | + | + | + | - | + | NV- |
| Fuller, Jean (R-32) | 10% | - | - | + | - | - | - | NV- | - | - | - |
| Furutani, Warren (D-55) | 100% | + | + | + | + | + | + | + | + | E | + |
| Gaines, Ted (R-04) | 0% | - | - | - | - | - | - | - | - | - | - |
| Galgiani, Cathleen (D-17) | 60% | - | + | + | + | + | + | NV- | NV- | - | + |
| Garrick, Martin (R-74) | 0% | - | - | - | - | - | - | - | - | - | - |
| Gatto, Mike (D-43) Δ | 100% | + | + | E | E | + | + | + | + | + | + |
| Gilmore, Danny (R-30) | 20% | - | - | + | - | NV- | - | - | - | - | + |
| Hagman, Curt (R-60) | 0% | - | NV- | - | - | - | - | - | - | - | - |

Δ Assembly member Gatto assumed office in June 2010

| SIERRA CLUB CALIFORNIA ASSEMBLY (CTD.) | Sierra Club California supported "aye" votes on these measures | | | | | | | | | | |
|---|--|----------------|--------------|---------------|--------------|---------------|------------------------|------------------|-------------------|-----------------------|--------------------|
| | SCORE | AB 1405 | AB 1947 | AB 1975 | AB 1998 | AB 2289 | SB 51 | SB 722 | SB 797 | SB 1157 | SB 1207 |
| | | Global Warming | Solar energy | Water cons. • | Plastic bags | Reducing smog | Salton Sea restoration | Renewable energy | BPA baby products | Pesticides in schools | Fire-safe planning |
| Hall III, Isadore (D-52) | 80% | + | + | + | NV- | + | + | + | + | NV- | + |
| Harkey, Diane (R-73) | 0% | - | - | - | - | - | - | - | - | - | - |
| Hayashi, Mary (D-18) | 100% | + | + | + | + | + | + | + | + | + | + |
| Hernandez, E. (D-57) | 80% | + | + | + | NV- | + | + | + | NV- | + | + |
| Hill, Jerry (D-19) | 100% | + | + | + | + | + | + | + | + | + | + |
| Huber, Alyson (D-10) | 50% | - | + | + | - | - | + | + | NV- | - | + |
| Huffman, Jared (D-06) | 100% | + | + | + | + | + | + | + | + | + | + |
| Jeffries, Kevin (R-66) | 0% | - | - | - | - | - | - | - | - | - | NV- |
| Jones, Dave (D-09) | 100% | + | + | + | + | + | + | + | + | + | + |
| Knight, Steve (R-36) | 0% | - | - | - | - | - | - | - | - | - | - |
| Lieu, Ted (D-53) | 100% | + | + | + | E | + | + | + | + | + | + |
| Logue, Dan (R-03) | 10% | - | - | + | - | - | - | - | - | - | - |
| Lowenthal, Bonnie (D-54) | 100% | + | + | + | + | + | + | + | + | + | + |
| Ma, Fiona (D-12) | 100% | + | + | + | + | + | + | + | + | + | + |
| Mendoza, Tony (D-56) | 90% | + | + | + | - | + | + | + | + | + | + |
| Miller, Jeff (R-71) | 0% | - | - | NV- | - | - | - | - | - | - | - |
| Monning, William (D-27) | 90% | + | NV- | + | + | + | + | + | + | + | + |
| Nava, Pedro (D-35) | 100% | + | + | + | + | + | + | + | + | + | + |
| Nestande, Brian (R-64) | 10% | - | - | + | - | - | - | - | - | - | - |
| Niello, Roger (R-05) | 10% | - | + | - | - | - | - | - | - | - | - |
| Nielsen, Jim (R-02) | 0% | - | - | - | - | - | - | - | - | - | - |
| Norby, Chris (R-72) | 0% | - | - | - | - | NV- | - | NV- | - | NV- | - |
| Pérez, John (D-46) | 100% | + | + | + | + | + | + | + | + | + | + |
| Pérez, Manuel (D-80) | 80% | + | + | NV- | + | + | NV- | + | + | + | + |
| Portantino, A. (D-44) | 90% | + | + | + | + | + | + | NV- | + | + | + |
| Ruskin, Ira (D-21) | 100% | + | + | + | + | + | + | + | + | + | + |
| Salas, Mary (D-79) | 100% | + | + | + | + | + | + | + | + | + | + |
| Saldaña, Lori (D-76) | 100% | + | + | + | + | + | + | + | + | + | + |
| Silva, Jim (R-67) | 10% | - | - | + | NV- | - | - | - | - | - | - |
| Skinner, Nancy (D-14) | 100% | + | + | + | + | + | + | + | + | + | + |
| Smyth, Cameron (R-38) | 0% | - | - | - | - | - | - | - | - | - | - |
| Solorio, Jose (D-69) | 90% | + | + | + | + | + | + | - | + | + | + |
| Strickland, Audra (R-37) | 13% | - | - | E | E | - | - | NV- | - | - | + |
| Swanson, Sandré (D-16) | 100% | + | + | + | + | + | + | + | + | + | + |
| Torlakson, Tom (D-11) | 100% | + | + | + | + | + | + | + | + | + | + |
| Torres, Norma (D-61) | 80% | + | + | NV- | NV- | + | + | + | + | + | + |
| Torrice, Alberto (D-20) | 80% | + | + | + | - | + | + | + | - | + | + |
| Tran, Van (R-68) | 0% | - | NV- | - | - | NV- | - | - | - | NV- | - |
| Villines, Michael (R-29) | 20% | - | - | + | - | - | - | - | - | - | + |
| Yamada, Mariko (D-08) | 100% | + | + | + | + | + | + | + | + | + | + |