



The California Legislative

2008 REPORT CARD

Green Measures Caught in Capitol Crossfire *A year of triumph over toxics, but gridlock on other issues*

Tense budget negotiations and friction in the Capitol made 2008 a tough year for environmental solutions.

Sierra Club California did successfully work with both the Legislature and the Schwarzenegger Administration to deliver bi-partisan measures that will protect our families from harmful chemicals in consumer products and put a much-improved high-speed rail bond on the November ballot.

But a whole host of other worthy measures on renewable energy, outdoor education, fire prevention, clean air, water conservation, and environmental enforcement were stopped short of enactment. Some died during the legislative session due to industry opposition or the pressure of the fiscal crisis; others emerged from the Legislature only to fall prey to the veto pen of a Governor who was distinctly unhappy with lawmakers.

California Poised to Make History on Toxic Products and High-Speed Rail

In a clear victory for California families, legislators granted the Department of Toxic Substances Control sweeping new authority to keep hazardous chemicals out of toys, packaging, furniture and other consumer products. Assemblymember Mike Feuer (D-Los Angeles) and DTSC Director Maureen Gorsen worked tirelessly with Sierra Club California and our allies in health and environmental protection to craft AB 1879, which one national expert called “the toughest, most comprehensive law in the country.” Sierra Club California Director Bill Magavern joined Gov. Schwarzenegger, Gorsen and Feuer for the signing ceremony in September.

Sierra Club California also sponsored AB 2347, authored by Assemblymember Ira Ruskin (D-Redwood City), which requires manufacturers to establish and fund a program

continued on page 3

Lobbying on behalf of Sierra Club California, nearly 50 volunteers crowded the state Capitol building in Sacramento. Here, members and staff congratulate Senate President pro Tempore Don Perata (D-Oakland), recipient of our first-ever Byron Sher Award for Outstanding Environmental Achievement by a Public Official.



SIERRA CLUB
CALIFORNIA

801 K Street, Suite 2700, Sacramento, CA 95814
Phone (916) 557-1100 Fax (916) 557-9669

www.sierraclubcalifornia.org

2008 The Bills and What Happened to Them

We chose the bills featured in our report card based on their policy significance and their effectiveness in illustrating the relative “greenness” of the Legislators. Additional information about the bills, including the bill text, committee analyses, and votes, can be found at www.legislature.ca.gov.

AB 1879 (*Feuer and Huffman*), **Safeguards Against Toxic Products**

SUPPORT. Creates a groundbreaking program that allows toxics experts to protect California families by controlling chemicals of concern in consumer products. Before this bill became law, no state agency had the authority to take toxic products off the shelves or spur the development of safer alternatives, except in some limited areas.

(SIGNED INTO LAW)

AB 1991 (*Mullin*), **Half Moon Bay Environmental Rollbacks**

OPPOSE. Would have exempted 36 acres of Half Moon Bay from the state’s most important environmental laws, including the California Environmental Quality Act, the California Coastal Act and safeguards for water quality, fish and animals.

(HELD IN SENATE)

AB 2175 (*Laird and Feuer*), **Water Conservation**

SUPPORT. Would have set a 20% water conservation goal for the state, holding water agencies accountable for reducing water use. Defeated amid opposition from powerful local government and agribusiness interests.

(DIED IN SENATE)

AB 2347 (*Ruskin*), **Recycling Mercury Thermostats**

SUPPORT. Sets up a model system for collecting and recycling used mercury thermostats, by involving the manufacturers of these thermostats in their safe disposal.

(SIGNED INTO LAW)

AB 2447 (*Jones*), **Planning to Reduce Losses from Wildfires**

SUPPORT. Would have required counties to prove there is adequate fire protection before approving new developments. Minimizing unsafe development in high-fire-risk areas also minimizes risk to families and firefighters, and remains a Sierra Club California priority.

(VETOED)

AB 2911 (*Wolk*), **Oil Spill Response**

SUPPORT. Sets up a better response to oil spills in the state’s inland and coastal areas, drawing on lessons learned from the 2007 Cosco Busan oil tanker spill in San Francisco Bay.

(SIGNED INTO LAW)

AB 2989 (*Fuentes*), **Outdoor Education**

SUPPORT. Would have given schoolchildren better access to the outdoor education and recreation programs proven to improve their test scores and self-esteem. Died in Appropriations Committee amid false reports of high cost to the state.

(DIED IN SENATE)

SB 974 (*Lowenthal*), **Clean Air Near Ports**

SUPPORT. Would have improved the air near California’s major ports by mitigating pollution and lowering traffic congestion, funded by a small shipping-container fee. Vetoed amid pressure from business interests and from Alaska Gov. Sarah Palin.

(VETOED)

SB 1113 (*Migden*), **Enforcement**

SUPPORT. Would have allowed those who file litigation in the public interest to recover their court costs for hiring expert witnesses, enabling environmental groups to hire scientists to prove environmental harm by industry. Vetoed amid pressure from business interests.

(VETOED)

SB 1313 (*Corbett*), **Toxic Food Packaging**

SUPPORT. Would have banned perfluorinated compounds, carcinogenic chemicals used in some grease-proof food containers like pizza and French fry boxes. Vetoed following intense lobbying by chemical companies.

(VETOED)

Of the 10 highest-priority bills we identified for action by the Governor in September, he took the pro-environment position on only three.

continued from front

to recycle thermostats containing mercury, a potent neurotoxin. As signed by the Governor, AB 2347 creates a potent model for free and convenient collection of household hazardous wastes.

Making a wise exception to his no-signings-before-a-budget pledge, Schwarzenegger also approved a bill strengthening the high-speed rail initiative, signing legislation making Proposition 1A a better measure for both taxpayers and the environment.

Responding to the disastrous Cosco Busan oil spill, lawmakers passed several bills, highlighted by AB 2911, by Assemblymember Lois Wolk (D-Davis). The successful measure promises to shore up the state's prevention, response and mitigation of future spills, and to improve the number and training of volunteers used in rescuing oiled wildlife.

Key Bills Vetoed

As wildfires tragically raged throughout California, we worked to stop developers from building new housing developments that lack sufficient fire protection. AB 2447, authored by Assemblymember Dave Jones (D-Sacramento), would have required a city or county to make a finding of adequate fire protection before approving a new subdivision, and also require that the project be designed for fire prevention and emergency response. The Governor vetoed the bill.

The Legislature attempted to clean up the highly polluted air around the mega-ports of Los Angeles, Long Beach and Oakland. SB 974, written by Senator Alan Lowenthal (D-Long Beach) and vetoed by Schwarzenegger, would have assessed a fee on each container shipped through those ports, and use the revenues to fund improvements in air quality and transportation.

Also falling victim to the Governor's veto pen and big-business opposition was SB 1113, authored by Senator Carole Migden (D-San Francisco). The bill would have given environmental and consumer attorneys who sue polluters more power to hire expert witnesses, such as scientists, by allowing them to recover those costs when they won cases important to the public interest.

Of the 10 highest-priority bills we identified for action by the Governor in September, he took the pro-environment position on only three.

Win Some, Lose Some in the Legislature

Most of the thousands of bills introduced this year never made it out of the Legislature. Lawmakers wisely rejected AB 1991, which would have suspended environmental rules to promote harmful developments in coastal marshlands near Half Moon Bay. Thousands of Sierra Club volunteers e-mailed their representatives, telling them that would be a bad idea – and our lawmakers listened.

As budget gridlock increased tensions in the Capitol, some important measures failed to progress to the Assembly and Senate floors for votes. Sierra Club California is disappointed particularly in the untimely deaths of bills that would have raised the state's renewable energy standard to 33% by 2020, created an outdoor education program for at-risk youth and required a 20% per-capita reduction in urban water use.

With this year's legislative session behind us, Sierra Club California's advocates and activists will now focus on implementation of our new laws and planning to continue to press for progress on vital environmental issues in 2009.



| SIERRA CLUB CALIFORNIA 2008 SENATE REPORT CARD | AB 1879 | AB 2175 | AB 2347 | AB 2447 | AB 2911 | AB 2989 | SB 974 | SB 1113 | SB 1313 | Total Favorable Votes |
|---|-----------------------|----------------|------------------------|----------------|---------------------|----------------------|----------------|------------------|--------------------|-----------------------------|
| | Toxics In Products | Water Goals | Mercury Thermostats | Fire Safety | Spill Prevention | Outdoor Education | Clean Ports | Legal Experts | Toxic Packaging | |
| | PASS 24-13 | PASS 5-3 * | PASS 26-13 | PASS 21-17 | PASS 23-15 | PASS 5-3 * | PASS 22-10 | PASS 22-14 | PASS 21-15 | |
| Sam Aanestad (R, SD-4) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👎 | 0/7 |
| Dick Ackerman (R, SD-33) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👎 | 0/6 |
| Elaine Alquist (D, SD-13) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Roy Ashburn (R, SD-18) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👎 | 0/7 |
| Jim Battin (R, SD-37) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👎 | 0/7 |
| Ronald S. Calderon (D, SD-30) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 3/7 |
| Gil Cedillo (D, SD-22) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Dave Cogdill (R, SD-14) | 👎 | 👎 | 👎 | 👎 | 👎 | 👎 | 👎 | 👎 | 👎 | 0/9 |
| Ellen Corbett (D, SD-10) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Lou Correa (D, SD-34) | 👍 | | 👍 | 👎 | 👎 | | 👍 | 👎 | 👎 | 3/7 |
| Dave Cox (R, SD-1) | 👎 | | 👍 | 👎 | 👎 | | 👎 | 👎 | 👎 | 1/7 |
| Jeff Denham (R, SD-12) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👎 | 0/7 |
| Denise Moreno Ducheny (D, SD-40) | 👍 | | 👍 | 👎 | 👍 | | 👍 | 👍 | 👍 | 6/7 |
| Robert Dutton (R, SD-31) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👎 | 0/7 |
| Dean Florez (D, SD-16) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Tom Harman (R, SD-35) | 👍 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👍 | 2/7 |
| Dennis Hollingsworth (R, SD-36) | 👎 | 👎 | 👎 | 👎 | 👎 | 👎 | 👎 | 👎 | 👎 | 0/9 |
| Christine Kehoe (D, SD-39) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 9/9 |
| Sheila James Kuehl (D, SD-23) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 9/9 |
| Alan Lowenthal (D, SD-27) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Mike Machado (D, SD-5) | 👍 | 👎 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👎 | 7/9 |
| Abel Maldonado (R, SD-15) | 👍 | | 👍 | 👎 | 👍 | | 👎 | 👎 | 👍 | 4/7 |
| Bob Margett (R, SD-29) | 👎 | 👍 | 👎 | 👎 | 👎 | 👎 | 👍 | 👎 | 👎 | 2/9 |
| Tom McClintock (R, SD-19) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👍 | 👎 | 1/7 |
| Carole Migden (D, SD-3) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 9/9 |
| Gloria Negrete McLeod (D, SD-32) | 👍 | | 👍 | 👍 | 👎 | | 👍 | 👎 | 👎 | 4/7 |
| Jenny Oropeza (D, SD-28) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👎 | 6/7 |
| Alex Padilla (D, SD-20) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Don Perata (D, SD-9) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Mark Ridley-Thomas (D, SD-26) | 👍 | | 👍 | 👍 | 👍 | | 👎 | 👍 | 👍 | 6/6 |
| Gloria Romero (D, SD-24) | 👍 | | 👍 | 👍 | 👍 | | 👎 | 👍 | 👍 | 6/7 |
| George C. Runner, Jr. (R, SD-17) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👎 | 0/7 |
| Jack Scott (D, SD-21) | 👎 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 6/6 |
| Joe Simitian (D, SD-11) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Darrell Steinberg (D, SD-6) | 👎 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 8/9 |
| Tom Torlakson (D, SD-7) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Edward Vincent (D, SD-25) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👍 | 👎 | 1/1 |
| Patricia Wiggins (D, SD-2) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👍 | 👍 | 7/7 |
| Mark Wyland (R, SD-38) | 👎 | | 👎 | 👎 | 👎 | | 👎 | 👎 | 👎 | 0/6 |
| Leland Yee, Ph..D (D, SD-8) | 👍 | | 👍 | 👍 | 👍 | | 👍 | 👎 | 👍 | 6/7 |

*Bills did not make it to the Senate floor. Score tracks last vote in policy committee.

👍 = indicates pro-environment vote / 👎 = indicates anti-environment vote / 🗳️ = excused absent. Unexcused absences count as «no» votes.

| SIERRA CLUB CALIFORNIA 2008 ASSEMBLY REPORT CARD | AB 1879 | AB 1991 | AB 2175 | AB 2347 | AB 2447 | AB 2911 | AB 2989 | SB 974 | SB 1113 | SB 1313 | Total Favorable Votes |
|--|-----------------------|---------------------------|-------------------|------------------------|-------------------|---------------------|----------------------|-------------------|-------------------|--------------------|-----------------------------|
| | Toxics In Products | Environmental Rollback | Water Goals | Mercury Thermostats | Fire Safety | Spill Prevention | Outdoor Education | Clean Ports | Legal Experts | Toxic Packaging | |
| | PASS 64-12 | PASS 46-18 | PASS 48-30 | PASS 56-20 | PASS 42-31 | PASS 50-27 | PASS 49-29 | PASS 46-24 | PASS 42-33 | PASS 43-30 | |
| Anthony Adams (R, AD-59) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 1/10 |
| Greg Aghazarian (R, AD-26) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 4/10 |
| Joel Anderson (R, AD-77) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 0/10 |
| Juan Arambula (D, AD-31) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 8/10 |
| Karen Bass (D, AD-47) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 9/10 |
| Jim Beall Jr. (D, AD-24) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| John J. Benoit (R, AD-64) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 1/10 |
| Patty Berg (D, AD-1) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Tom Berryhill (R, AD-25) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 2/10 |
| Sam Blakeslee (R, AD-33) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 6/10 |
| Julia Brownley (D, AD-41) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Anna Marie Caballero (D, AD-28) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 8/10 |
| Charles M. Calderon (D, AD-58) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 6/9 |
| Wilmer Amina Carter (D, AD-62) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 8/10 |
| Paul Cook (R, AD-65) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 1/10 |
| Joe Coto (D, AD-23) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 9/10 |
| Mike Davis (D, AD-48) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 9/10 |
| Hector De La Torre (D, AD-50) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 8/10 |
| Kevin de Leon (D, AD-45) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Mark DeSaulnier (D, AD-11) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Chuck DeVore (R, AD-70) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 0/10 |
| Michael Duvall (R, AD-72) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 0/10 |
| Mervyn M. Dymally (D, AD-52) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 8/10 |
| Bill Emmerson (R, AD-63) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 2/10 |
| Mike Eng (D, AD-49) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Noreen Evans (D, AD-7) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Mike Feuer (D, AD-42) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Felipe Fuentes (D, AD-39) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 9/10 |
| Jean Fuller (R, AD-32) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 0/10 |
| Warren T. Furutani (D, AD-55) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Ted Gaines (R, AD-4) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 0/10 |
| Cathleen Galgiani (D, AD-17) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 3/10 |
| Bonnie Garcia (R, AD-80) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 1/10 |
| Martin Garrick (R, AD-74) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 0/10 |
| Loni Hancock (D, AD-14) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Mary Hayashi (D, AD-18) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Ed Hernandez, O.D. (D, AD-57) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 10/10 |
| Shirley Horton (R, AD-78) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 3/10 |
| Guy Houston (R, AD-15) | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 👍 | 2/9 |

