

AMENDED IN ASSEMBLY APRIL 27, 2016

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

AMENDED IN ASSEMBLY MARCH 10, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2293

**Introduced by Assembly Members Cristina Garcia, Alejo, Eggman,
Eduardo Garcia, and Gomez**
(Principal coauthor: Senator Leyva)

February 18, 2016

An act to add ~~Part 10 (commencing with Section 44480)~~ to Division ~~26~~ Sections 12812.7 and 12812.8 to the Government Code, and to amend Section 25244.17.2 of the Health and Safety Code, relating to greenhouse ~~gases~~; *gases*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2293, as amended, Cristina Garcia. ~~Greenhouse Gas Reduction Fund~~; *California Green Business Program* and Green Assistance Program.

Existing law creates the California Environmental Protection Agency, consisting of various boards, offices, and departments, including the State Air Resources Board and the Department of Toxic Substances Control.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based

compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law requires the California Environmental Protection Agency to identify disadvantaged communities and requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund.

This bill would establish the Green Assistance Program within the California Environmental Protection Agency to, among other things, assist small businesses and small nonprofit organizations in applying for moneys from the Greenhouse Gas Reduction Fund.

This bill would also establish the California Green Business Program within the California Environmental Protection Agency to provide support and assistance to green business certification programs operated by local governments that certify small- and medium-sized businesses that voluntarily adopt environmentally preferable business practices, including, but not limited to, increased energy efficiency, reduced greenhouse gas emissions, water conservation, and waste reduction, as specified. The bill would delete an existing authorization for the Department of Toxic Substances Control to create a similar program.

The bill would appropriate an unspecified amount annually to each program from the Greenhouse Gas Reduction Fund.

~~This bill would establish the Green Assistance Program, to be administered by the Secretary for Environmental Protection to, among other things, assist small businesses and small nonprofit organizations in applying for moneys from programs using moneys from the fund, as specified.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares both of the
- 2 following:
- 3 (a) Small businesses and small nonprofit organizations often
- 4 lack the technical expertise to develop grant and financing options.

1 (b) For the state to meet its air quality goals, every business and
2 community must have the same opportunity to compete for funding
3 that is available to meet those air quality goals.

4 *SEC. 2. Section 12812.7 is added to the Government Code, to*
5 *read:*

6 *12812.7. (a) For purposes of this section, the following*
7 *definitions apply:*

8 *(1) "Fund" means the Greenhouse Gas Reduction Fund*
9 *established pursuant to Section 16428.8.*

10 *(2) "Secretary" means the Secretary for Environmental*
11 *Protection.*

12 *(3) "Small business" shall have the same meaning as defined*
13 *in Section 14837.*

14 *(b) The Green Assistance Program is hereby established within*
15 *the California Environmental Protection Agency to be administered*
16 *by the secretary. The program shall do all of the following:*

17 *(1) Provide technical assistance, including assistance with the*
18 *development of competitive project proposals, to small businesses*
19 *and small nonprofit organizations applying for an allocation of*
20 *moneys from the fund.*

21 *(2) Assist small businesses in applying for funding for energy*
22 *upgrades to meet and exceed the greenhouse gas emission*
23 *reductions established pursuant to Section 38560 of the Health*
24 *and Safety Code.*

25 *(3) Advise small businesses in complying with all applicable*
26 *federal, state, and local air quality laws.*

27 *(4) Identify state agencies with appropriate grant programs.*

28 *(5) Coordinate existing local programs to reduce greenhouse*
29 *gas emissions with new programs receiving moneys from the fund.*

30 *(c) Notwithstanding Section 13340, the sum of _____ million*
31 *dollars (\$_____) is hereby appropriated annually, without regard*
32 *to fiscal years, from the fund to the secretary for purposes of the*
33 *Green Assistance Program. Notwithstanding this appropriation,*
34 *the Department of Finance may elect to fund the program instead*
35 *from moneys made available to the Affordable Housing and*
36 *Sustainable Communities Program pursuant to subparagraph (C)*
37 *of paragraph (1) of subdivision (b) of Section 39719 of the Health*
38 *and Safety Code.*

39 *SEC. 3. Section 12812.8 is added to the Government Code, to*
40 *read:*

1 12812.8. (a) *The California Green Business Program is hereby*
2 *established within the California Environmental Protection Agency*
3 *to be administered by the Secretary for Environmental Protection.*
4 *The program shall provide support and assistance to green*
5 *business certification programs operated by local governments*
6 *that certify small- and medium-sized businesses that voluntarily*
7 *adopt environmentally preferable business practices, including,*
8 *but not limited to, increased energy efficiency, reduced greenhouse*
9 *gas emissions, water conservation, and waste reduction.*

10 (b) *The California Green Business Program, pursuant to*
11 *subdivision (a), may do any of the following:*

12 (1) *Assist local governments in the development and*
13 *implementation of guidelines and structures that establish and*
14 *promote a level of consistency among green business certification*
15 *programs throughout the state.*

16 (2) *Promote early adoption of environmental initiatives at*
17 *participating businesses and provide a publicly recognizable*
18 *incentive for participating businesses to make their operations*
19 *more sustainable and profitable in order to gain measurable*
20 *environmental outcomes.*

21 (3) *Develop technical guidance on greenhouse gas emissions*
22 *reduction measures, conduct industry studies and pilot projects,*
23 *establish metrics, and provide policy coordination for the green*
24 *business certification programs operated by local governments.*

25 (4) *Develop tools, templates, and outreach campaigns on behalf*
26 *of the green business certification programs operated by local*
27 *governments to encourage business participation and public*
28 *recognition of the certification as a reliable indicator of*
29 *sustainability.*

30 (5) *Support, through staffing and contacts, the funding for*
31 *on-the-ground professionals specializing in technical assistance*
32 *for small- and medium-sized businesses seeking green business*
33 *certification and for public involvement to recruit additional*
34 *participating businesses.*

35 (6) *Support, in collaboration with the Green Assistance Program*
36 *established pursuant to Section 12812.7, the provision of technical*
37 *assistance to small businesses and small nonprofit organizations*
38 *to develop project proposals for grant programs funded by the*
39 *Greenhouse Gas Reduction Fund.*

1 (7) Provide for collaboration between the green business
2 certification programs operated by local governments and state
3 agencies that operate small business efficiency and economic
4 development programs, including the Governor's Office of Business
5 and Economic Development and the Department of Community
6 Services and Development, and with the Public Utilities
7 Commission, the State Energy Resources Conservation and
8 Development Commission, the Department of Water Resources,
9 and the boards, offices, and departments within the California
10 Environmental Protection Agency pursuant to Section 12812. The
11 nature of the collaboration may include attempting to meet and
12 measure state-mandated conservation efforts at small- and
13 medium-sized businesses, developing methods to collect, measure,
14 and report on environmental outcomes, and using green businesses
15 as the early adopters of environmental initiatives that lead to
16 greenhouse gas emissions reductions.

17 (8) Maintain and enhance a common network database
18 integrating measurable pollution reductions and cost savings to
19 businesses seeking green business certification through the local
20 government programs and add participating businesses that receive
21 the certification to a directory of certified green businesses, that
22 would be used to promote the certified businesses both to other
23 businesses that are seeking to green their supply chain and to
24 consumers seeking to support sustainable businesses.

25 (9) Position certified green businesses as supply-chain partners
26 for state, national, and international companies seeking green
27 supply-chain partners.

28 (10) Solicit participation of additional local government
29 programs and facilitate the startup of new local programs,
30 including extra support and a specific prioritized focus on
31 assistance for disadvantaged communities that lack local funding
32 and resources to develop a program.

33 (11) Provide funding to local government programs for staff
34 support and provide additional resources and funding for direct
35 rebates and grants to certified green businesses.

36 (c) Notwithstanding Section 13340, the sum of _____ dollars
37 (\$_____) is hereby appropriated annually, without regard to fiscal
38 years, from the Greenhouse Gas Reduction Fund established
39 pursuant to Section 16428.8 to the Secretary for Environmental
40 Protection for purposes of the California Green Business Program.

1 *Notwithstanding this appropriation, the Department of Finance*
 2 *may elect to fund the program instead from moneys made available*
 3 *to the Affordable Housing and Sustainable Communities Program*
 4 *pursuant to subparagraph (C) of paragraph (1) of subdivision (b)*
 5 *of Section 39719 of the Health and Safety Code. Of the amount*
 6 *made available to the California Green Business Program, a*
 7 *minimum of 25 percent shall be used for local government*
 8 *programs benefitting disadvantaged communities pursuant to*
 9 *Section 39713 of the Health and Safety Code.*

10 SEC. 4. Section 25244.17.2 of the Health and Safety Code is
 11 amended to read:

12 25244.17.2. (a) ~~(1)~~—The department may provide pollution
 13 prevention training and resources to CUPAs, small business
 14 development corporations, business environmental assistance
 15 centers, and other regional and local government environmental
 16 programs so that they can provide technical assistance to businesses
 17 in identifying and applying methods of pollution prevention.

18 ~~(2)~~

19 (b) The activities conducted pursuant to ~~paragraph (1)~~
 20 ~~subdivision (a)~~ shall emphasize activities necessary to implement
 21 Sections 25244.17 and 25244.17.1.

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

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

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

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

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

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

13 ~~(e) The department may provide support and assistance to a~~
14 ~~local government program to enable the program to meet all of~~
15 ~~the following requirements:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~SEC. 2. Part 10 (commencing with Section 44480) is added to~~
31 ~~Division 26 of the Health and Safety Code, to read:~~

32

33 **PART 10. GREEN ASSISTANCE PROGRAM**

34

35 ~~44480. For purposes of this part, the following definitions~~
36 ~~apply:~~

37 ~~(a) "Fund" means the Greenhouse Gas Reduction Fund,~~
38 ~~established pursuant to Section 16428.8 of the Government Code.~~

39 ~~(b) "Secretary" means the Secretary for Environmental~~
40 ~~Protection.~~

- 1 ~~44481. The Green Assistance Program is hereby established~~
2 ~~and shall be administered by the secretary. The program shall do~~
3 ~~all of the following:~~
- 4 ~~(a) Provide technical assistance, including the development of~~
5 ~~competitive project proposals, to small businesses and small~~
6 ~~nonprofit organizations when applying for an allocation of moneys~~
7 ~~from the fund.~~
 - 8 ~~(b) Assist small businesses in applying for funding for energy~~
9 ~~efficiency upgrades to meet and exceed the greenhouse gas~~
10 ~~emission reductions established pursuant to Section 38560.~~
 - 11 ~~(c) Advise small businesses in complying with all applicable~~
12 ~~federal, state, and local air quality laws.~~
 - 13 ~~(d) Identify state agencies with appropriate grant programs.~~
 - 14 ~~(e) Coordinate existing local programs to reduce greenhouse~~
15 ~~gas emissions with new programs receiving moneys from the fund.~~