Date of Hearing: July 9, 2019

ASSEMBLY COMMITTEE ON JUDICIARY
Mark Stone, Chair
SB 1 (Atkins) – As Amended July 1, 2019

SENATE VOTE: 28-10

SUBJECT: CALIFORNIA ENVIRONMENTAL, PUBLIC HEALTH, AND WORKERS DEFENSE ACT OF 2019

KEY ISSUES:

1) TO ENSURE THAT CLEAN AIR, CLEAN WATER, ENDANGERED SPECIES, AND WORKER SAFETY STANDARDS THAT HAVE BEEN IN PLACE FOR AS LONG AS 50 YEARS ARE NOT ROLLED BACK AS A RESULT OF THE CURRENT FEDERAL ADMINISTRATION, SHOULD MINIMUM STATE BASELINES FOR ENVIRONMENTAL, PUBLIC HEALTH, AND LABOR STANDARDS BE ADOPTED?

2) TO PRESERVE, PROTECT, AND ENHANCE THE ENVIRONMENT AND NATURAL RESOURCES IN CALIFORNIA, SHOULD THE PUBLIC BE ABLE TO ENFORCE BASELINE ENVIRONMENTAL STANDARDS THROUGH A CITIZEN SUIT PROVISION—SIMILAR TO ONES FOUND UNDER CURRENT FEDERAL ENVIRONMENTAL LAW—SO THAT THERE IS NO BACKSLIDING OF CALIFORNIA LAWS AND ENVIRONMENTAL PROTECTIONS?

SYNOPSIS

For decades the State of California has been a national leader in environmental stewardship and protecting the dignity and safety of workers. Despite California's efforts, the current federal administration is making it clear that it disagrees with California's values and is making every effort to undermine existing federal policies to protect the environment and workplace health, wage, and safety rules. However, thanks to the foresight of prior federal administrations, the state is not without recourse. By enacting many regulatory schemes that recognize cooperative federalism, California is able to step up to protect the environment and workers when the federal government tries to step back and undermine these policies. To that end, this bill sets a minimum baseline for environmental, public health, and labor standards based on existing federal standards and requires specified state agencies to review any federal actions to determine if the action adopts a rule that is less protective than the existing baseline. If such action would bring the standard below the established baseline, this bill empowers the state to step-up and restore critical environmental and worker protections. Additionally, this bill seeks to maintain several citizen lawsuit provisions that currently are in federal law should the current administration seek to undermine these provisions.

This bill is supported by a large and diverse coalition of environmental and labor organizations who argue that California must continue to set an example for the nation and protect critical environmental and workplace safety laws. They note that the current administration in Washington poses a threat to California's values and support this bill as a means of protecting California's values and way-of-life. This measure is opposed by a broad coalition of business interests, local governments, and water agencies. While these organizations note their

agreement with the premise of this measure, they express their opposition to several provisions of the bill, especially provisions related to the California Endangered Species Act and its application to certain water conveyance projects. This bill is similar to SB 49 (de Leon, 2017) that passed this Committee before ultimately being held on the Assembly Floor.

SUMMARY: Establishes a minimum baseline for environmental, public health, and labor standards based on existing federal standards and requires specified state agencies to review any federal action in those areas to determine if the action adopts a rule that is less protective than the existing baseline; and provides that if federal action results in the law being less protective than the existing standard, the state agency may adopt the baseline as a regulation under California law. Specifically, **this bill**:

1) Defines "federal baseline standards" as the federal standards in effect as of January 19, 2017, that were not otherwise permanently enjoined by a federal court as of that date.

2) Defines "federal standards" as federal laws or federal regulations implementing the federal Clean Air Act, the federal Safe Drinking Water Act and Federal Water Pollution Control Act, the federal Endangered Species Act, the federal Fair Labor Standards Act of 1938, Occupational Safety and Health Act of 1970, and Federal Coal Mine Health and Safety Act of 1969, as applicable.

3) Defines "state analogue statute" as the California Global Warming Solutions Act of 2006, Porter-Cologne Water Quality Control Act, the California Safe Drinking Water Act, and the Labor Code, including the California Occupational Safety and Health Act of 1973.

4) Requires the California Air Resources Board to regularly assess, and at least quarterly publish on its website and to the California Regulatory Notice Register, a list of changes made to the federal standards that may impact California and provide an assessment on whether a change made to the federal standards is less protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards.

5) Provides that if the California Air Resources Board determines that a change to the federal standards is less protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards, the Board shall consider whether it should adopt the baseline standard as a regulation in order to ensure that the state's protections are at least as stringent as the baseline federal standards.

6) Provides the list, assessment, and consideration of the California Air Resources Board must be posted on its internet website and open to public comment for at least 30 days prior to any vote to adopt a measure.

7) Provides that if the California State Air Resources Board adopts a measure it may do so by either adopting emergency regulations, or by promulgating or amending a state policy, plan, or regulation. Provides that any promulgation of or amendment to a state policy, plan, or regulation is deemed to be a change without regulatory effect.

8) Provides that if a citizen suit authorized pursuant to the Clean Air Act is amended to substantially restrict, condition, abridge, or repeal the ability to file such a suit, including

limiting the awarding of attorney's fees, a suit may be brought pursuant to 9) to enforce the baseline federal standards, state standards enacted pursuant to the federal Clean Air Act.

9) Provides that an action may be brought by a person in the public interest exclusively to enforce baseline federal standards adopted as a measure pursuant to 7) if citizen suit enforcement of the newly adopted standard is no longer available under federal law. Provides that an action may be brought by that person so long as notice is properly provided to the Attorney General, a district attorney, a city attorney, county counsel, counsel of the California Air Resources Board, counsel of an air district, or a prosecutor, as specified.

10) Requires the State Water Resources Control Board to regularly assess, and at least quarterly publish on its website and to the California Regulatory Notice Register, a list of changes made to the federal standards that may impact California and provide an assessment on whether a change made to the federal standards is less protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards.

11) Provides that if the State Water Resources Control Board determines that a change to the federal standards is less protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards, the Board shall consider whether it should adopt the baseline standard as a regulation in order to ensure that the state's protections are at least as stringent as the baseline federal standards.

12) Provides the list, assessment, and consideration of the State Water Resources Control Board must be posted on its internet website and open to public comment for at least 30 days prior to any vote to adopt a measure.

13) Provides that if the State Water Resources Control Board adopts a measure it may do so by either adopting emergency regulations, or by promulgating or amending a state policy, plan, or regulation. Provides that any promulgation of or amendment to a state policy, plan, or regulation is deemed to be a change without regulatory effect.

14) Provides that if a citizen suit authorized pursuant to the Clean Water Act or Safe Drinking Water Act is amended to substantially restrict, condition, abridge, or repeal the ability to file such a suit, including limiting the awarding of attorney's fees, a suit may be brought pursuant to 15) to enforce the baseline federal standards, state standards enacted in accordance with existing state law, or otherwise available under federal law.

15) Provides that an action may be brought by a person in the public interest exclusively to enforce baseline federal standards adopted as a measure pursuant to 13) if citizen suit enforcement of the newly adopted standard is no longer available under federal law. Provides that an action may be brought by that person so long as notice is properly provided to the Attorney General, a district attorney, a city attorney, county counsel, counsel of the State Water Resources Control Board, counsel of a regional board, or a prosecutor, as specified.

16) Provides that in order to prevent backsliding as a result of any change to the baseline federal standards, the Fish and Game Commission shall determine whether to list, in accordance with 17), a species, subspecies, or distinct population segment under the California Endangered Species Act in the event either of the following occurs:

a) The federal delisting of the species, subspecies, or distinct population segment that is eligible for protection under the California Endangered Species Act and that is listed as endangered or threatened pursuant to the federal Endangered Species Act of 1973; or

b) A change in the legally protected status of the species, subspecies, or distinct population segment, including through a change in listing from endangered to threatened, the adoption of a rule pursuant to specified provisions the federal Endangered Species Act of 1973, or any amendment to the federal baseline standard.

17) Requires the Fish and Game Commission to list the affected species, subspecies, or distinct population segment identified in 16), no later than the conclusion of its second regularly scheduled meeting or within three months, whichever is shorter, after the occurrence of the event described in 16) unless either the Fish and Game Commission determines that listing the species, subspecies, or distinct population segment is not warranted because it does not meet the criteria provided by existing law for listing a species or the Department of Fish and Wildlife recommends that the species, subspecies, or distinct population segment undergo the regular listing process.

18) Provides that a decision by the Fish and Game Commission to list a species, subspecies, or distinct population segment without following the regular listing process becomes effective immediately, the Fish and Game Commission shall add that species, subspecies, or distinct population segment to the list of endangered or threatened species, and the addition of that species, subspecies, or distinct population segment to the list shall be deemed to be a change without regulatory effect.

19) Provides that provisions of the California Endangered Species Act are measures "relating to the control, appropriation, use, or distribution of water" within the meaning of the federal Reclamation Act of 1902 and shall apply to the United States Bureau of Reclamation's operation of the federal Central Valley Project.

20) Requires the Occupational Safety and Health Standards Board and the Department of Industrial Relations to regularly assess, and at least quarterly publish on its website and to the California Regulatory Notice Register, a list of changes made to the federal standards that may impact California and provide an assessment on whether a change made to the federal standards is less protective of worker health and safety than the baseline federal standards.

21) Provides that if the Occupational Safety and Health Standards Board or the Department of Industrial Relations determines that a change to the federal standards is less protective of public health and safety, the environment, natural resources, or worker health and safety than the baseline federal standards, the Board or Department shall consider whether it should adopt the baseline standard as a regulation in order to ensure that the state's protections are at least as stringent as the baseline federal standards.

22) Provides the list, assessment, and consideration of the Occupational Safety and Health Standards Board and the Department of Industrial Relations must be posted on the internet website and open to public comment for at least 30 days prior to any vote to adopt a measure.

23) Provides that if the Occupational Safety and Health Standards Board and the Department of Industrial Relations adopts a measure it may do so by either adopting emergency regulations, or promulgating or amending a state policy, plan, or regulation. Provides that any

promulgation of amendment to a state policy, plan, or regulation is deemed to be a change without regulatory effect.

24) Makes findings and declarations.

25) Provides that the emergency regulations adopted by a state agency under this title shall not be subject to review by the Office of Administrative Law and shall remain in effect until revised or repealed by the state agency, or January 20, 2025, whichever comes first, as long as the emergency regulations adopt the baseline federal standard without substantial modification.

26) Provides that the provisions proposed in this bill become inoperative on January 20, 2025, and, as of January 1, 2026, are repealed.

EXISTING LAW:

1) Establishes the federal Clean Air Act to regulate air emissions from stationary and mobile sources through the establishment of National Ambient Air Quality Standards to protect public health and public welfare and to regulate emissions of hazardous air pollutants. (42 U.S.C. Section 7401 *et seq*.)

2) Establishes the federal Clean Water Act to regulate discharge of pollutants into the waters of the United States and regulate quality standards for surface waters. (33 U.S.C. Section 1344 *et seq*.)

3) Establishes the federal Safe Drinking Water Act to set standards for drinking water quality and to oversee the states, localities, and water suppliers who implement those standards, as provided. (42 U.S.C. Section 300f *et seq*.)

4) Establishes the federal Endangered Species Act of 1973 to protect and recover imperiled species and the ecosystems upon which they depend, as provided. (16 U.S.C. Section 1531 *et seq*.)

5) Requires, pursuant to the federal Fair Labor Standards Act, the payment of minimum wage and overtime to workers and prohibits the use of child labor. (29 U.S.C. Section 201 *et seq*.)

6) Establishes, pursuant to the federal Occupational Safety and Health Act of 1970, standards and provides for the safety of workers on job sites. (30 U.S.C. Section 651 *et seq*.)

7) Provides, pursuant to the federal Coal Mine Health and Safety Act of 1969, minimum health and safety standards for workers at coal mines and a corresponding inspection regime. (30 U.S.C. Section 801 *et seq*.)

8) Provides, pursuant to the federal Clean Air Act, individual citizens the ability to enforce the laws by bringing suits in court as specified. (42 U.S.C. Section 7604.)

9) Provides, pursuant to the federal Clean Water Act, individual citizens the ability to enforce the laws by bringing suits in court as specified. (33 U.S.C. Section 1365.)

10) Provides, pursuant to the federal Endangered Species Act, individual citizens the ability to enforce the laws by bringing suits in court as specified. (16 U.S.C. Section 1540.)

11) Provides, pursuant to the federal Safe Drinking Water Act, individual citizens the ability to enforce the laws by bringing suits in court as specified. (42 U.S.C. Section 300j-8.)

12) Provides, as a part of the federal Reclamation Act of 1902, that nothing in the federal act is to be construed as affecting or interfering with the laws of any state or territory relating to the control, appropriation, use, or distribution of water used in irrigation. (43 U.S.C. Section 372.)

13) Establishes, pursuant to the California Global Warming Solutions Act of 2006, a comprehensive regulatory program to reduce greenhouse gas emissions from all sources throughout California. (Health and Safety Code Section 42500 *et seq*.)

14) Establishes the Porter-Cologne Water Quality Control Act and regulates the discharge of pollutants into the waters of the state. (Water Code Section 13000 *et seq*.)

15) Establishes the California Safe Drinking Water Act and sets standards for drinking water and regulates drinking water systems. (Health and Safety Code Section 116270 *et seq*.)

16) Establishes the California Endangered Species Act and requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and generally prohibits the taking of those species. (Fish and Game Code Section 2050 *et seq*.)

17) Allows a court to award attorneys' fees to a successful party in any action which has resulted in the enforcement of an important right affecting the public interest under the following circumstances:

    a) A significant benefit, whether pecuniary or nonpecuniary, has been conferred on the general public or a large class of persons;

    b) The necessity and financial burden of private enforcement, or of enforcement by one public entity against another public entity, are such as to make the award appropriate; and

    c) Such fees should not in the interest of justice be paid out of the recovery, if any. (Code of Civil Procedure Section 1021.5.)

18) Provides that in an action involving a public entity, attorneys' fees applies to allowances against, but not in favor of, public entities, and no claim shall be required to be filed therefor, unless one or more successful parties and one or more opposing parties are public entities, in which case no claim shall be required to be filed as provided. (*Ibid*.)

19) Provides that costs or any portion of claimed costs shall be determined by the court in its discretion in a case other than a limited civil case, as provided, where the prevailing party recovers a judgment that could have been rendered in a limited civil case. (Code of Civil Procedure Section 1033 (a).)

20) Provides items of allowable costs that may be awarded to a prevailing party, which may include fees of expert witnesses ordered by the court. (Code of Civil Procedure Section 1033.5.)

21) Provides that a state agency may add to, revise, or delete text published in the California Code of Regulations without complying with the rulemaking process specified in the

> Administrative Procedure Act only if the changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulation provision. Such additions, revisions, or deletions are considered a change without regulatory effect. (1 C.C.R. Section 100.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: The current federal administration has made little secret of its intention to undermine or rollback as many existing federal regulations related to protection of the environmental, public health, and worker rights as possible. The federal government's actions are diametrically opposed to California's ongoing efforts to combat global warming, protect endangered species, and recognize and support the dignity of work. Accordingly, in the face of potentially calamitous rollbacks of federal law, this bill would, generally, require specified state agencies to review any federal action to change existing law in these areas and, if such an action presents a rollback in the protections afforded under those laws, decide if enacting the existing federal standard as a regulation in California is appropriate. In support of this measure to protect the progress made in California, the author states:

> California's geographic, population, and economic size make its impact global in nature. The state's vast size has also brought an enormous impact on the environment. California has long struggled with some of the most polluted air in the country, discharge of pollution into our water and soil has led to contamination that has degraded the environment and public health.
>
> Over 40 years ago, the federal clean air, clean water, safe drinking water, endangered species, and worker protection acts were all adopted on a bipartisan basis in the 1970's.
>
> Over the past 3 years, the President and Congress have weakened, eviscerated, and rolled back hundreds of these environmental and worker protections.
>
> SB 1 simply ensures those federal standards stay in place to protect everyday Californians -- even if the federal government rolls them back.

Existing law provides for overlapping state and federal protections. This bill implicates several federal laws, and associated regulations, that are at risk of rollback by the federal administration. Many of these laws were designed to provide for overlapping state and federal governance in order to best protect public health, workers, and the environment under the notion of cooperative federalism. At a minimum, the federal laws implicated by this measure recognized that many states were likely to have, or adopt, overlapping regulatory schemes.

The scheme of overlapping state and federal regulation provides both dangers and benefits to California during the term of the current administration. In many cases, California has simply relied on federal standards to protect workers and the environment. When the federal standards are sufficient, there is little risk for the state to defer to its federal partners to protect the general welfare. However, when an administration seeks to undermine federal law, the state's reliance on the federal government becomes more perilous. However, thanks to the overlapping regulatory structure provided by many of the federal statutes implicated by this bill, the state is able to step in and protect workers and the environment in the wake of federal retreat.

A brief primer on the relevant federal laws. As noted above, this bill involves state actions that would occur in the event changes at the federal level weaken seven existing federal laws, and the regulations, opinions, and decisions designed to implement those laws. Accordingly below is a brief summary of the history and intent of those federal statutes:

The Clean Air Act. The federal Clean Air Act governs air pollution emitted from both mobile and stationary sources. The Act was originally adopted in 1975 and established the National Ambient Air Quality Standards. These standards, along with state implementation plans, were designed to bring pollution levels down within specified timelines. When the majority of states failed to meet the original deadlines, the Act was amended in 1977 and again in 1990 to establish new compliance dates. In California the California Air Resources Board has primary authority for enforcing mobile source pollutants, while local air quality management districts regulate stationary source pollution.

The Clean Water Act. The federal Water Pollution Control Act of 1948 was the first national law to regulate water pollution. The modern iteration of federal anti-pollution law was enacted in 1972 when Congress amended the Water Pollution Control Act into the Clean Water Act. The federal Clean Water Act establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the federal Clean Water Act, the United States Environmental Protection Agency has implemented pollution control programs, including setting wastewater standards for industrial facilities, as well as setting water quality standards for all contaminants in surface waters. The federal Clean Water Act made it unlawful to discharge any pollutant from a point source into navigable waters without a permit. Industrial, municipal, and other facilities must obtain a permit under the National Pollutant Discharge Elimination System in order to discharge into surface water. In California, the State Water Resources Control Board has delegated authority to enforce the National Pollutant Discharge Elimination System.

The Safe Drinking Water Act. The federal Safe Drinking Water Act was adopted by Congress in 1974 to protect public health against toxins in the water supply. The United States Environmental Protection Agency oversees the Act at the federal level and national health-based standards for drinking water to protect against both naturally-occurring and anthropogenic contaminants that may be found in drinking water. The national standards address a range of contaminants from agricultural run-off including pesticides and animal waste, to underground injection control protocols governing the oil and gas industry, to naturally occurring heavy metals and other toxic substances. The federal Safe Drinking Water Act provides a framework for coordination between the federal government, states, and local water agencies. In California the state has been granted primacy by the United States Environmental Protection Agency and several state agencies have delegated authority to implement and enforce various aspects of the law.

The Endangered Species Act. The Federal Endangered Species Act broadly seeks to protect species in the United States and governs import of endangered species in accordance with international treaties. The Act is administered by the United States Fish and Wildlife Service and the National Marine Fisheries Service. Of relevance to this bill the Act provides that species of plants and animals may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the

foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. In addition to the regulations that implement the law, the Endangered Species Act permits federal agencies to publish biological opinions that utilize scientific evidence to opine as to how government actions, and projects, may impact endangered species. These opinions then serve as scientific basis for agency actions including the issuance of species take permits.

The Fair Labor Standards Act of 1938. Originally proposed at the height of the Great Depression and enacted in 1938, the Act provides for the eight hour workday, forty-hour workweek, minimum wage, and the provision of time-and-a-half overtime pay for workers. Additionally, the Act dramatically limited the use of child labor. The Act has been amended numerous times since the 1930's to reflect increases in the minimum wage and attempts to ameliorate the gender wage gap.

The Occupational Safety and Health Act. Originally enacted in 1970, the federal Occupational Health and Safety Act establishes minimum safety and health standards for a variety of occupations and associated exposures to harmful toxins. The Act also established the federal Occupational Safety and Health Administration. The Act sets standards for a range of topics including asbestos, fall protection, cotton dust, trenching, machine guarding, benzene, lead and bloodborne pathogens. The Act requires employers to provide employees with a workplace that is free of serious hazards and requires employers to strive to eliminate hazards rather than simply mitigate their impact.

Coal Mine Health and Safety Act of 1969. The Act provided for the creation of the Mine Safety and Health Administration. That administration's powers, and many provisions of the Act, generally mirror the Occupational Safety and Health Act as adopted to the mining industry.

This bill. Seeking to prevent a backsliding of the federal regulatory structure as it existed prior to the current federal administration taking office, this bill establishes a minimum baseline for environmental, public health, and labor standards. The baseline is set as the federal standard that existed prior to the current federal administration assuming office. The bill provides that the California Air Resources Board, the State Water Resources Control Board, the Fish and Game Commission, the Department of Industrial Relations, and the Occupational Safety and Health Standards Board must review applicable standards every quarter to determine if federal action has resulted in a federal standard falling below the baseline. In the event that a federal action results in a federal regulation falling below the baseline, the bill enables the above mentioned agencies to enact the federal baseline as a regulation on an expedited basis. Additionally, because many of the above mentioned statutes contain so-called "citizen suit" provisions, whereby the public may step in and file a lawsuit to enforce the law, this bill provides that for certain federal statutes, should a federal citizen suit provision be substantially restricted, conditioned, abridged, or repealed, such a suit may be brought under California law.

In the context of the Endangered Species Act, the bill freezes certain permit conditions and biological opinions as they were in the prior administration. Further, the bill applies various provisions of the California Endangered Species Act to the Central Valley Project water conveyance system operated by the federal Bureau of Reclamation. Finally, this bill provides that the statutes and regulations adopted pursuant to this bill are to remain in effect until January

20, 2025, which happens to be the absolute late date in which the federal administration could be in office under current provisions of the United States Constitution.

State authority to adopt former federal regulations. As noted, the federal laws implicated by this bill, by design, envisioned a role for the state to play in furthering the policy goals of the federal government. Nonetheless, should the state attempt to take an action that conflicts with federal authority, Article VI of the Constitution and a lengthy body of case law provide that the state law would be preempted. The Supreme Court noted, "Under the Supremacy Clause, from which our pre-emption doctrine is derived, any state law, however clearly within a State's acknowledged power, which interferes with or is contrary to federal law, must yield." (*Gade v. National Solid Waste Management Association* (1992) 505 U.S. 88, 108.)

This bill provides a framework for state agencies to adopt former federal standards in the event that the current administration weakens the federal law and thereby leaves a void in the regulatory framework. Because many of these frameworks envisioned a role for the state, statutory authority for such actions is already present in the federal law. For example, the Safe Drinking Water Act states, "[n]othing in this title shall diminish any authority of a State or political subdivision to adopt or enforce any law or regulation respecting drinking water regulations or public water systems, but no such law or regulation shall relieve any person of any requirement otherwise applicable under this title." (42 U.S.C. Section 300g-3(e).) Most of the other statutes involved in the bill contain similar provisions. (*See, e.g.* 33 U.S.C. Section 1370, Clean Water Act; 29 U.S.C. Section 218(a), Fair Labor Standards Act; 30 U.S.C. Section 955, Federal Coal Mine Health and Safety Act; 29 U.S.C. Section 653(b)(4); Occupational Health and Safety Act.) Given that the regulatory process provided by this bill would only occur in the event that the federal government weakened its standards, the state would be free to step up and occupy the regulatory space previously held by the federal government.

The only statute that may present preemption issues is the Clean Air Act. The powers that the Act gives to states to adopt additional standards varies according to the source of the pollutant. As to fixed-point sources of air pollution, states retain the authority to set their own standards, so long as those standards are not less stringent than the federal law. (42 U.S.C. Section 7416.) By contrast, states are generally preempted from setting their own standards as to moving sources of air pollution. (42 U.S.C. Section 7543 (a).) California's Clean Cars program, and associated exemptions from the Clean Air Act permitting the state to set its own emission standards, are currently the subject of intense debate between the state and federal government. Additionally, states are unable to regulate non-road vehicles, particularly airplanes. Furthermore, unlike the other statutes involved in this bill, California's clean air rules are overseen at both the state and local level. The California Air Resources Board has authority to regulate mobile pollution sources (i.e. vehicles), while the regional air quality districts regulate stationary pollution sources. This bill would vest all authority to establish federal baseline rules in the state with the California Air Resources Board. Despite the existing delineation of authority, given the need for uniformity in adoption of the former federal rules, the California Air Resources Board appears to be the appropriate authority to carry out the regulatory duties specified in this bill.

Citizen lawsuits and delegated authority. All of the environmentally focused federal laws implicated by this bill contain provisions authorizing a so-called "citizen suit," whereby a citizen can step into the place of a government regulator to enforce the law. (Safe Drinking Act (42 U.S. Code § 300j–8); Clean Water Act (33 U.S.C. Sec 1365); Clean Air Act (42 U.S.C. § 7604); and Endangered Species Act (16 U.S.C. § 1540 (g).) After significant negotiations between the

stakeholders supporting and opposing this measure, a compromise was recently reached regarding the citizen suit provisions. This compromise is reflected in the current in-print version of this measure. As originally drafted this bill would have permitted the state agencies charged with implementing this bill to authorize state-level citizen suits should the federal suit provisions be undermined, utilizing the agencies' authority under either state or federal law. These provisions may have provided citizen suit authority to enforce state environmental laws where none previously existed. Accordingly, the compromise proposal authorizes a state-based citizen suit to seek enforcement of federal laws should the citizen suit provisions in those laws be undermined, but does not create a new tool for enforcing existing state laws.

The compromise also appears to solve issues related to the state's delegated authority and the citizen suit provisions. As noted above, some state agencies operate under agreements with the federal government to carry out federal law. For example, the National Pollutant Discharge Elimination System is enforced by the State Water Resources Control Board under delegated authority from the federal government. Had the Board been required to adopt the citizen suit via its delegated authority, the door would have been opened for the current administration to seek to revoke such a delegation. This bill now automatically triggers the new state-level cause of action without agency action. Thus, as a result of the compromise, the risk of losing delegated authority would seem to be diminished.

The citizen suit provisions reflect most existing state laws authorizing non-governmental enforcement of environmental laws. In viewing the origins of the citizen suit provisions in federal environmental laws, legal scholars have noted, "Congress knew that despite the cooperative federalist regulatory scheme, government would never be fully able to enforce the law. Congress knew that effective enforcement of environmental law would require government to have, as two scholars have described it, the 'friendship of the people.'" (Reisinger, Dougherty, & Moser, *Environmental Enforcement and the Limits of Cooperative Federalism: Will Courts Allow Citizen Suits to Pick Up the Slack?* 20 Duke Envtl. L. & Policy 9-10 (2010).) Although California has not adopted similar provisions in the environmental laws implicated by this bill, the state has provided private rights of action for other environmental laws. For example, the Safe Drinking and Toxic Enforcement Act of 1986, better known as Proposition 65, authorizes citizens to stand-in for the government and file lawsuits. That Act recognizes that government authorities should be afforded an opportunity to enforce the law prior to a citizen commencing suit. Accordingly, that Act requires plaintiffs to notify certain government law enforcement officials prior to commencing a citizen lawsuit.

Recognizing the government's role in enforcing environmental laws, this bill appears to be modeled on many of the notice requirements provided in the Safe Drinking and Toxic Enforcement Act of 1986. This bill requires that a 60-day notice be provided to the Attorney General and the counsel for applicable state agency, a district attorney, county counsel, counsel of the local agency, and prosecutor, prior to the commencement of a lawsuit. This bill provides that independent citizens are only authorized to pursue their claims if the government does not act. This provision appears wholly appropriate in light of the existing legal framework.

The Administrative Procedure Act and the public's right to participate in governmental decisions. California's Administrative Procedure Act is designed to enhance transparency and the public's ability to participate in government. Accordingly, most regulations enacted by a state agency are subject to a formal rulemaking process. The process requires a proposed regulation to be published to the California Regulatory Notice Register and be subject to a 45-

day public comment period. Before a regulation can be formally adopted, the agency must respond to the comments received from the public. (https://oal.ca.gov/rulemaking_process/.) Recognizing that a 45-day timeline may be too lengthy in the event of an emergency, the Administrative Procedure Act also provides for emergency rulemaking that may be utilized by an agency to avoid serious harm to the public peace, health, safety, or general welfare, or if a statute deems a situation to be an emergency. (Government Code Section 11342.545.) Emergency regulations, however, are only permitted to remain in effect on a temporary basis until the emergency has subsided, or permanent regulations are adopted. The emergency rulemaking process provides the public with five days to comment on the proposed regulation; however, the agency is not required to respond to those comments. (Title 1, C.C.R. Section 55.)

At the core of this bill is an extensive legislative directive for state agencies to conduct, or at a minimum consider, rulemaking. However, unlike regular rulemaking in which an agency can commence the process at any time, this bill necessitates state action only after the federal government acts. Accordingly, this bill provides a modified process for agency rulemaking. First, this bill requires an agency to publish to the California Regulatory Notice Register a list of all changes to relevant federal standards that may impact California, and the agency's assessment of whether that change lessened the prior standard. That assessment must be online for at least 30 days prior to any additional agency action, and the agency must receive comment from the public regarding the assessment. If an agency chooses to initiate a rulemaking, the agency may then proceed in utilizing the emergency regulation process, or by promulgating or amending a state policy, plan, or regulation. Under existing law, promulgating or amending a state policy, plan, or regulation without proceeding through the formal rulemaking process would be considered an unlawful underground regulation. This bill, however, deems such actions to be a change without regulatory effect, thereby permitting the agency to bypass the rulemaking process entirely.

By permitting a state agency to bypass the formal rulemaking process, this bill would significantly limit the public's ability to engage with state agencies on the adoptions of regulations pursuant to this bill. The proponents of this bill note that the bill provides for 30 days of comment on the agency's list and associated assessment of the federal action, however, there is no formal requirement that agencies solicit comment on the regulations themselves. It should be noted, as well, that there is little on-point case law to provide guidance as to whether the Legislature can preemptively deem the adoption of a prior federal standard in the California Code of Regulations to be a change without regulatory effect without impermissibly delegating legislative authority to a state agency. Under California law, the Legislature may not confer upon an administrative agency *unrestricted* authority to make fundamental policy decisions. (*People v. Wright* (1982) 30 Cal.3d 705, 712.) However, "after declaring the legislative goals and establishing a yardstick guiding the administrator, it may authorize the administrator to adopt rules and regulations to promote the purposes of the legislation and to carry it into effect." (*Ibid.*)

By providing that the state agency may only utilize the streamlined regulatory process when adopting the baseline federal standards without substantial modification, this bill appears to provide a sufficient "yardstick" to the administrative agency. *However, given that the regulations passed by the state agencies are critical to carrying out the intent of the bill, the author may wish to clarify these provisions to better mirror existing state laws.* As this bill progresses, the author and proponents of this bill may accomplish this clarity through one of two ways. First, an amendment could be taken to substitute the language deeming certain actions to be changes without regulatory effect with a full Administrative Procedure Act exemption. Such

an exemption is well within the authority of the Legislature. Secondly, to ensure the public may participate in the process, the author and proponents may also chose to simply utilize the emergency regulation process and amend out the second method for promulgating regulations. As noted above, the Legislature is well within its authority to deem any situation to be an emergency, thereby permitting an agency to proceed with emergency rulemaking without the need to make any finding of that nature. In fact, this bill already makes such a finding and provides the timelines for which the regulations would remain in effect, thereby preserving the emergency regulations in law beyond the timeline traditionally provided to emergency regulations.

The Endangered Species Act and California's water conveyance systems. After the stakeholders supporting and opposing this measure reached agreement regarding the citizen suit provisions of the bill, the most contentious issue remaining involves the interplay between the state and federal endangered species acts and the state and federal water projects. Both endangered species and water conveyance are well outside the boundaries of this Committee's traditional jurisdiction, therefore, this Committee is not proposing any amendments to address the issues raised by the stakeholders. Nonetheless, the topic presents significant issues regarding federalism and the state's ability to impose conditions on a federal project, and thus will be analyzed in more detail below.

Unlike the provisions of this bill related to air, water, and labor law standards, the provisions of this bill related to the Endangered Species Act go beyond simply the statute and implementing regulations. For the purposes of the Endangered Species Act, this bill sets the baseline standard to also include any incidental take permits, incidental take statements, or biological opinions in effect as of January 19, 2017. The bill additionally calls upon the California Fish and Game Commission to consider listing species as endangered under the California Endangered Species Act should they be delisted from the federal act. As noted above, a biological opinion is issued any time a project may impact an endangered species. The opinion then serves as the scientific foundation for take permits issued to projects and other operational parameters necessary to protect species and their habitat. One such project subject to biological opinions is the Central Valley Project, the federally operated water conveyance project in California that provides critical water resources to, among others, California's agricultural industry in the Central Valley. After years of litigation regarding the impact of the Central Valley Project, and the state-run California State Water Project, on fish and other species that rely on habitat in the Sacramento-San Joaquin River Delta, the state and federal government and water users are embarking on a series of voluntary agreements to restore habitat and protect the Delta. These voluntary agreements are based on the scientific evidence provided in the biological opinions and are designed to evolve as scientific understanding of the Delta and California's river ecosystems evolve.

This bill proposes to freeze these biological opinions. Opponents to this bill, including agricultural interests and some of California's largest urban water districts, argue that freezing biological opinions as they stood in January 2017, undermines evolving science and makes protecting the Delta difficult. They note that new biological opinions are being drafted related to California's water projects to reflect new science. The proponents of this measure, however, note that the current federal administration has a long track record of ignoring science in favor of politically motivated decision making, especially as it relates to environmental protections. (Lisa Friedman, *E.P.A. Announces a New Rule. One Likely Effect: Less Science in Policymaking.* NY Times (Apr. 24, 2018).) Accordingly, in keeping with this bill's goals of preventing the current

federal administration from undermining environmental policy, preserving existing biological opinions appears warranted, in light of the fact that there is no guarantee the current United States Fish and Wildlife Service will be permitted to utilize proper science when updating the biological opinions.

Beyond seeking to preserve existing biological opinions, permits, and empowering the Fish and Game Commission to protected species under California law that were previously protected by federal law, this bill also deems provisions of the California Endangered Species Act to be measures "relating to the control, appropriation, use, or distribution of water" within the meaning of the Reclamation Act of 1902, and applies the California Endangered Species Act to the United States Bureau of Reclamation's operation of the federal Central Valley Project. The opponents of this measure fear that this an unlawful state encroachment into federal affairs and that such encroachment will derail the cooperative efforts to maintain voluntary agreements to protect the Delta as the parties may have to litigate the impacts of this bill. The proponents contend that the state is well within its authority under federal law to dictate conditions on federal water projects.

The state's ability to dictate conditions to the federal Central Valley Project turns on an interpretation of Section 8 of the Reclamation Act of 1902 which provides, in part, that, "nothing in th[e] Act shall be construed as affecting…or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use or distribution of water used in irrigation, or any vested right acquired thereunder…the Secretary of the Interior in carrying out the provisions of this Act, shall proceed in conformity with such laws." (43 U.S.C 372.) The Reclamation Act was enacted at a time when the federal government was highly deferential to evolving state water laws and envisioned cooperative federalism to be critical to western irrigation projects. Representative of the sentiment of the time, then-President Theodore Roosevelt, while discussing western water law, stated, "the distribution of the water, the division of the streams among irrigators, should be left to the settlers themselves in conformity with state laws and without interference in those law." (H.R Doc. No. 1, 57th Congress, 1st Session, XXVII (1901).)

The federal government and the State of California have litigated the provisions of Section 8 several times, particularly debating the meaning of the term "control" in the statute. In upholding the State Water Resources Board's ability to condition permits on the construction of the reservoirs necessary to supply the Central Valley Project, the Supreme Court noted that the Bureau of Reclamation's guidance to the Project has stated, "reclamation law recognizes state water law and rights thereunder," and that, "Congress [has] consistently reaffirmed that the Secretary should follow state law in all respects not directly inconsistent with [federal] directives." (*California v. United States* 438 U.S. 645, 676, 678.) Building on that seminal case, the courts have also upheld state fish and wildlife regulations in relation to federal water projects holding that "absent displacement by another federal statute, Section 8 requires the Bureau of Reclamation to comply," with state laws. (*Natural Resources Defense Council v. Patterson* (2004) 333 F.Supp 2d 906, 914.) However, when a separate federal statutes provides for what is considered a, "broad and paramount federal regulatory role," Section 8 of the Reclamation Act does not necessarily preserve state control in relation to protecting fish and other endangered species. (*California v. Federal Energy Regulatory Commission et al.* (1990) 495 U.S. 490, 499.)

As it related to the Central Valley Project, both the federal Endangered Species Act and the 1992 Central Valley Project Improvement Act (43 Pub. Law. 102-575 Section 3401 *et seq*.) play a role in the determination of whether or not the state may impose its own endangered species law onto

the project. Of note to this bill Section 3406 of the Central Valley Project Improvement Act states:

> The Secretary, immediately upon the enactment of this title, shall operate the Central Valley Project to meet all obligations under state and federal law, including but not limited to the federal Endangered Species Act, 16 U.S.C. 1531 et seq., and all decisions of the California State Water Resources Control Board establishing conditions on the applicable licenses and permits for the project. (43 Pub. Law. 102-575 Section 3406.)

It should be noted that this statutory language cites the federal Endangered Species Act and the State Water Resources Control Board's authority regarding water rights. However, the statute does not cite the California Endangered Species Act. Accordingly, it is unclear whether or not federal Endangered Species Act specifically governs the project and fully occupies the regulatory space. Courts generally permit states to carve out stricter endangered species regulations than the federal government (*see, e.g. Palladio, Inc. v. Diamond* (1970) 321 F.Supp. 630, and *Cresenzi Bird Importers, Inc. v. State of New* York (S.D.N.Y.1987) 658 F.Supp. 1441), however, it is less clear if the state can dictate those regulations to the federal government itself. If a court were to deem the federal Endangered Species Act to be sufficiently "broad and paramount" in protecting species as it relates to the Central Valley Project, following the Supreme Court's holding in *California v. Federal Energy Regulatory Commission*, those provisions of this bill would be preempted. However, the proponents of this bill point to a 2008 memorandum from the United States Bureau of Reclamation recognizing the need to protect the longfin smelt, a species listed under the California Endangered Species Act. They contend that this memo, in addition to prior court decisions applying state fish and wildlife laws to the federal project, demonstrates that this bill is a permissible exercise of state authority under Section 8 of the Reclamation Act of 1902.

Needless to say, the existing case law is varied on the subject, and thanks to voluntary cooperation regarding Delta restoration, no case has directly opined on the applicability of the California Endangered Species Act to the federal Central Valley Project. As this bill has progressed through the Legislature, the stakeholders supporting and opposing this bill have already reached agreement on several highly technical, and controversial, aspects of this bill. Given the ambiguity of the existing law, the importance of the ecological health of the Sacramento-San Joaquin River Delta, and the significant implications of the bill on the future of the voluntary agreements for California's water conveyance system, it would likely behoove all stakeholders to the bill to continue to negotiate these provisions as this bill advances beyond this Committee.

The current federal administration is not the first to contest California's progressive policies. The present administration is not the first to attack California's progressive policies, and while many people may express that the current administration is the best in history at exaggerating its accomplishments, the administration has shown a remarkable inability to properly use the tools of the regulatory state. A recent study by the Sabin Center for Climate Change Law at Columbia University notes that the current administration has yet to win a major court challenge to any of its attempts to undo Obama-era environmental regulations. (Dena Adler, *U.S. Climate Change Litigation in the Age of Trump: Year Two*, Columbia Law School- Sabin Center for Climate Change Law (June 2019) available at: http://columbiaclimatelaw.com/.) In fact, the administration's inability to adhere to basic principles of administrative law and procedure resulted in a recent rebuke from the Supreme Court and the denial of the administration's attempt

to place a question regarding immigration status on the 2020 Census. (*Department of Commerce v. New York*, (U.S. Jun. 27, 2019).) No. 18-966.)

Despite the administration's numerous failures in court, it continues to threaten California's existing policies and future priorities. Accordingly, this bill is certainly justified. However, the bill provides an existing sunset date that appears directly aimed at the present administration. As noted, this is not the first time a Presidential administration has tried to undermine environmental and worker protections. After the Bush Administration rolled back a provision of the Clean Air Act called "new source review," which was a set of rules that required industrial facilities like refineries and power plants to install modern pollution control equipment, the Legislature enacted SB 288 (Sher, Chap. 476, Stats. of 2003) which prohibited air quality management districts from amending or revising its new source review rules or regulations to be less stringent than those rules or regulations that existed on December 30, 2002. In fact, many provisions of this bill can trace their origins to that legislation. However, despite that bill, the Legislature is again confronting an attack on California policy. In order to ensure that the Legislature is not forced to enact future legislation should another, perhaps more effective, administration again take aim at California's policies, the author may wish to eliminate the sunset date provided in this bill. Nonetheless, California and its forward thinking policies face a critical threat from the federal government. This bill is a worthy measure to ensure that California's environmental and labor goals are not undermined.

ARGUMENTS IN SUPPORT: This bill is supported by an expansive coalition of environmental and labor organizations. The support coalition states:

> While California has long been a leader in protecting our natural resources, many of our environmental protections are built on a foundation of federal standards. Similarly, when it comes to enforcement of worker safety, we rely on a patchwork of state and federal rules to protect workers from catastrophic injuries. SB 1 is designed to strengthen that foundation by incorporating into state law existing federal protections for clean air, clean water, endangered species, worker safety, and safe drinking water when federal standards dip below certain baseline protections.
>
> SB 1 adopts common-sense measures to allow California to continue on a path to economic and environmental sustainability – and reject the false choice that economic progress must come at the expense of public health, the vitality of our natural surroundings, and a healthy environment for all. For these reasons, we strongly support SB 1.

ARGUMENTS IN OPPOSITION: This measure is opposed by a large coalition of business, agricultural and water interests as well as some local governments. The coalition states:

> SB 1 threatens to undermine current state efforts to utilize science-based decision making to manage and provide reliable water supplies for California and protect, restore, and enhance the ecosystems of the Bay-Delta and its tributaries. As drafted, the bill handcuffs the California Department of Fish and Wildlife from being able to apply new science, new adaptive management practices and or consider new on the ground conditions when issuing Biological Opinions (BiOps), Incidental Take Permits or Incidental Take Statements pursuant to the Endangered Species Act by effectively freezing all permits to the January 19, 2017 date certain. In many cases, these permits rely on decades old science and now outdated on the ground conditions.

SB 1's rigid approach to water management is counterproductive to the historic suite of integrated actions under the voluntary plan envisioned by the Brown and Newsom administrations. Voluntary agreements are essential to advancing a comprehensive approach of flow and non-flow measures to provide reliable water supplies for all of California. SB 1 prevents their full implementation by preventing the Department of Fish and Wildlife from allowing any changes to the BiOps or incidental take permits that may be included in the voluntary agreements.

REGISTERED SUPPORT / OPPOSITION:

Support

350 Bay Area Action
350 Sacramento
350 South Bay Los Angeles
American Sportfishing Association
Audubon California
AZUL
Breast Cancer Prevention Partners
California Association of Local Conservation Corps
California Association of Professional Scientists
California Catholic Conference
California Coastal Protection Network
California Coastkeeper Alliance
California Environmental Justice Alliance
California Interfaith Power & Light
California Labor Federation, AFL-CIO
California League of Conservation Voters
California Professional Firefighters
California ReLEAF
California State Association of Electrical Workers
California State Parks Foundation
California State Pipe Trades Council
Californians Against Waste
Central Valley Air Quality Coalition
Clean Water Action
Coachella Valley Waterkeeper
Coalition for Clean Air
Community Action to Fight Asthma
Defenders of Wildlife
East Bay Municipal Utility District
Environment California
Environmental Defense Center
Environmental Defense Fund
Environmental Water Caucus
Environmental Working Group
Eric Garcetti, Mayor of Los Angeles
Fossil Free California

Friends Committee on Legislation of California
Heal the Bay
Health Officers Association of California
Humboldt Baykeeper
Latino Outdoors
League of Women Voters of California
Los Angeles Waterkeeper
Midpeninsula Regional Open Space District
Mono Lake Committee
Monterey Bay Aquarium
Monterey Coastkeeper
Natural Resources Defense Council
Nextgen California
Orange County Coastkeeper
Planning and Conservation League
Protect American River Canyons
Restore The Delta
Russian Riverkeeper
San Diego 350
San Diego Coastkeeper
Santa Barbara Channelkeeper
Save Our Shores
Save The Bay
Seventh Generation Advisors
Sierra Club California
South Coast Air Quality Management District
State Building & Construction Trades Council of California
Surfrider Foundation
The 5 Gyres Institute
The Nature Conservancy
The Otter Project
The Trust for Public Land
UDW/AFSCME Local 3930
Voices for Progress
Western States Council Sheet Metal, Air, Rail and Transportation
Wildcoast
Yuba River Waterkeeper
Zero Waste USA

Opposition

African American Farmers of California
Almond Alliance of California
American Coatings Association
American Pistachio Growers
Antelope Valley East Kern Water Agency
Association of California Water Agencies
Auto Care Association
Bizfed Central Valley

Brea Area Chamber of Commerce
Byron-Bethany Irrigation District
Building Owners and Managers Association
California Agricultural Aircraft Association
California Association of Relators
California Association of Winegrape Growers
California Building Industry Association
California Business Properties Assocaiton
California Chamber of Commerce
California Citrus Mutual
California Construction and Industrial Materials Association
California Cotton Ginners and Growers Association
California Farm Bureau Federation
California Forestry Association
California Fresh Fruit Association
California Grain and Feed Association
California League of Food Producers
California Manufacturers and Technology Association
California Metals Coalition
California Paint Council
California Poultry Federation
California Restaurant Association
Camarillo Chamber of Commerce
CAWA – Representing the Automotive Parts Industry
Central Coast Water Authority
Chemical Industry Council of California
Coachella Valley Water District
Construction Employers Association
Desert Water Agency
Dudley Ridge Water District
El Dorado County Chamber of Commerce
El Dorado Irrigation District
Elk Grove Chamber of Commerce
Family Business Association of California
Far West Equipment Dealers Association
Folsom Chamber of Commerce
Forest Landowners of California
Fresno; County of
Friant Water Authority
Greater Coachella Valley Chamber of Commerce
Greater Conejo Valley Chamber of Commerce
Greater San Fernando Valley Chamber of Commerce
Household and Commercial Products Association
International Council of Shopping Centers
Kern; County of
Kern County Water Agency
Kern County Hispanic Chamber of Commerce
Kings; County of

Madera; County of
Merced; County of
Mojave Water Agency
Murrieta Wildomar Chamber of Commerce
NAIOP of California
National Federation of Independent Business
Nisei Farmers League
Northern California Water Association
North of the River Chamber of Commerce
Oxnard Chamber of Commerce
Palmdale Water District
Rancho Cordova Chamber of Commerce
Regional Water Authority
Roseville Chamber of Commerce
Rowland Water District
San Bernardino Valley Municipal Water District
San Gabriel Valley Municipal Water District
San Joaquin; County of
San Joaquin River Exchange Contractors Water Authority
San Luis Delta-Mendota Water Authority
Santa Clarita Valley Water Agency
Santa Maria Valley Chamber of Commerce
Stanislaus; County of
State Water Contractors, Inc.
Southwest California Legislative Council
The Metropolitan Water District of Southern California
Torrance Chamber of Commerce
Tulare; County of
Tulare Chamber of Commerce
United Ag
United Water Conservation District
Valley Ag Water Coalition
Valley Industry and Commerce Association
Walnut Valley Water District
West Coast Lumber & Building Material Assocaiton
Western Agricultural Processors Association
Western Growers Association
Western Independent Refiners Association
Western Plant Health Association
Western States Petroleum Association
Western Wood Preservers Institute
Westlands Water District

Oppose Unless Amended

Association of California Cities- Orange County
City of Compton- Water Department
Cucamonga Valley Water District
El Monte/South El Monte Chamber of Commerce

Foothill Municipal Water District
Glendora Chamber of Commerce
Greater West Covina Business Association
Inland Empire Utilities Agency
La Verne Chamber of Commerce
Los Angeles Area Chamber of Commerce
Orange County Business Council
North Orange County Chamber of Commerce
Santa Clara Valley Water District
The Metropolitan Water District of Southern California
Regional Chamber of Commerce San Gabriel Valley
San Gabriel Valley Economic Partnership
San Joaquin River Exchange Contractors Water Authority
Southern California Water Coalition
Three Valleys Municipal Water District
Western Municipal Water District

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