

# 2017 Report Card

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October 2017

## A Year of Gifts to Polluters, Plus a Handful of Environmental Wins

This was the year of the two-thirds vote.

With firm hold of a two-thirds majority in both houses of the state legislature after the November 2016 election, the Democratic legislative leaders and the governor charged into the year ready to test that majority.

In April, they tested it on a bill to finance transportation. In July, they tested it on a bill to extend the cap-and-trade rules for containing climate pollution.

The result?

# When it became clear that not all Democrats were up for the votes, the governor and legislative leaders started negotiating with the industries that influence a lot of Republican and so-called "moderate" Democrats' votes in the legislature.

Those key industries, among the most polluting in the state, became the walk-away winners.

### **Bills Polluters Could Love**

To get the two-thirds for the transportation finance bill, SB 1, lawmakers and the governor's office gave the trucking industry an amendment that hinders air regulators' ability to cut toxic pollution spewing from old trucks still in service.

To grab the two-thirds for the cap-and-trade extension bill, AB 398, lawmakers and the governor negotiated language to remove oil industry opposition. The provisions the oil industry won weakened local air districts' power to control refinery climate pollution, forced the state air pollution control agency to abandon plans to ratchet down on refinery air pollution, and allowed oil and other businesses to hang onto a nifty tax cut.

Giveaways to oil and trucking industries set back progress on cutting local air pollution.

And all of that was done before the first half of the legislative year was completed.

#### **Environmental Justice Allies**

Sierra Club California and a broad range of environmental and environmental justice allies hung together to oppose the deal with the trucking industry in April. But by July, the environmental coalition split. Some environmental groups supported the cap-and-trade bill, arguing that it was the best deal that could be had. Sierra Club California aligned with environmental justice allies to oppose AB 398, arguing that the giveaways to the oil industry would set back progress on cutting climate change and local air pollution.

We lost that effort. And after the tension of that first six months, it seemed the rest of the year could only be better.

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# Governor's Signing Score Is *Not* Votes by New Class the Whole Story in Assembly Reveal

Governor Jerry Brown's score on bills included in this year's report card is pretty good.

Ten of the 15 bills made it to his desk. The governor agreed with us and signed or vetoed 9 of them as we requested. Just one of the scorecard bills that we supported, he vetoed. So he scores a 90 percent this year. But as we have noted before, scores in our annual report card don't adequately illuminate this administration's approach to policy.

## **Not So Transparent**

One of the most telling illustrations of how the Brown Administration operates occurred in the final week of the legislative session. The governor's office decided to push through a controversial bill related to the complicated electricity grid system. The administration essentially negotiated behind closed doors with a narrowly drawn group.

Together, they apparently decided a late-hour jam would avoid extended public hearing and debate, including about the potential environmental impacts of the proposed legislation.

That novel approach to democracy, a bit reminiscent of what we saw with the health care debate in DC, didn't work out. The bill was held.

Transparency is not this administration's strongest characteristic. This legislative year emphasized that.

(Cont, from front page)

#### Late Successes

In September, environmentalists helped pass a first-of-its-kind bill (AB 262) to force the state to take into account the greenhouse gas emissions embedded in the supply chain for certain construction materials, such as structural steel and rebar. Likewise, a long effort begun a few years ago to provide labels on cleaning products used at the workplace finally passed (SB 258).

But certain oil industry regulation reform bills lost or were significantly weakened, and an important wildlife protection bill (AB 1151) was pulled back by the author.

Early in the year, a triad of bills to beef up California's environmental protections as a Trump resistance measure were introduced. One was signed into law, one was vetoed, and one was held in the second house.

The lesson? Even in California it isn't easy to pass green policy.

# Votes by New Class in Assembly Reveal Environmental Champions

When the new class of Assembly members arrived this year, we were a little skeptical about whether those who claimed to be environmental champions would make us proud.

After all, previous newbies who came in with green credentials had disappointed us as they came face-to-face with the lobbying force of the oil industry, developers, the chemical industry, and big agriculture.

This year, though, has been different. Of the 13 scores of 100 percent in the Assembly, five came from the new members who promised to be strong on the environment.

(A 14th score of 100 percent went to Jimmy Gomez, who left the Assembly last summer to serve in the House of Representatives.)

The five were Laura Friedman from Glendale; Todd Gloria from San Diego; Ash Kalra from San Jose; Monique Limón from Santa Barbara; and Eloise Reyes from San Bernardino.

Often, it isn't until after the first re-election race before Assemblymembers begin leading on the environment. This new crew wasted no time demonstrating leadership.

They all authored at least one important environmental or environmental justice bill.

Kudos and thanks to them and all the other 100 percenters.

### 2017 Bill Summaries

Sierra Club California policy advocates select the bills that appear on the scorecard. The selection is based on factors that include a bill's overall importance to the state's environmental quality, the precedent it sets for good or bad impacts, and the bill's importance to fulfilling the Club's mission. We also consider what a bill's score reveals about environmental commitment in the legislature. This year, we scored 12 bills in each house, Assembly and Senate.

#### AB 262 (Bonta)

Employs the state government's massive purchasing power and supply-chain analysis to recognize manufacturers who produce less climate pollution than average. **SUP-**

**PORT: Signed** 

AB 313 (Gray)

Would have weakened the ability of regulators to stop illegal diversions of water. **OPPOSE: Vetoed** 

AB 378 (C. Garcia)

Would have made reforms to cap-and-trade regulations to ensure that local communities would not suffer greater local air pollution SUPPORT: Failed to achieve needed two-thirds vote on Assembly Floor

AB 523 (Reyes)

Will improve equity of distribution of state funds for clean energy and efficiency projects. **SUPPORT: Signed** 

AB 805 (Gonzalez Fletcher)

Changes voting at the San Diego Association of Governments (SANDAG) to better reflect the population of San Diego County, and increase transparency and oversight. **SUPPORT: Signed** 

AB 890 (Medina)

Would have limited the use of ballot initiatives in certain cases to prevent developers from abusing a loophole that allows projects to bypass the California Environmental Quality Act. **SUPPORT: Vetoed** 

AB 1151 (Gloria)

Would have helped prevent more Vaquita, a small endangered porpoise, from drowning by disincentivizing the use of dangerous gillnet fishing gear. **SUPPORT: Passed in Assembly, held in Senate** 

AB 1328 (Limón)

This bill originally required robust disclosure of all chemicals used in all oil industry activities to better protect Calfornia from these chemicals. We scored the first Assembly vote only as later votes on the bill reflect amendments that

weakened it to remove oil industry opposition.  ${\bf SUPPORT:}$   ${\bf Signed}$ 

AB 1414 (Friedman)

Helps make solar power systems more affordable by continuing protections put in place by the passage of SB 1222 (Leno) in 2012 against unchecked permitting fees. **SUP**-

**PORT: Signed** 

SB 57 (Stern)

Would prohibit SoCal Gas from injecting natural gas into the Aliso Canyon natural gas storage facility until a rootcause analysis of the leak from the facility is complete. SUPPORT: Failed to achieve needed two-thirds vote on Senate floor

SB 100 (de León)

Would accelerate the electricity sector renewable energy requirement to 60% by 2031 and set a state goal to reach 100% clean energy by 2046. **SUPPORT: Passed in Senate; held in Assembly** 

SB 231 (Hertzberg)

Helps clarify that water agencies can collect fees to implement stormwater cleanup and capture projects. **SUP-PORT: Signed** 

SB 258 (Lara)

Requires disclosure on the product label of chemical ingredients in cleaning products. **SUPPORT: Signed** 

SB 465 (Jackson)

Would have helped reframe the Division of Oil, Gas and Geothermal Resources as an agency that should regulate the oil industry, instead of maximizing oil production. **SUPPORT: Passed in Senate; held in Assembly** 

SB 801 (Stern)

Directs electric utilities to deploy additional energy storage capacity as an emergency procurement to address nearterm electric grid needs due to the limitations at the Aliso Canyon Gas Storage Facility. **SUPPORT: Signed** 

## Now that you know the score, take action!



<u>Tell your legislators you know the score.</u> Call their district offices and thank them if they scored well, or express disappointment if they didn't. Let them know you care about California's environment. You can find phone numbers for legislators at <a href="https://www.senate.ca.gov">www.senate.ca.gov</a> or <a href="https://www.senate.ca.gov">www.senate.ca.gov</a>.

You can find out who your representatives are at: findyourrep.legislature.ca.gov/.



<u>Make your voice heard</u> and take action on key legislation when the 2018 legislative session begins by watching for news at: <u>www.sierraclubcalifornia.org</u>.



Become a Sierra Club California member and keep up on the latest news at www.sierraclubcalifornia.org, where you can also sign up for activist updates.

means anti-environment vote means pro-environment vote

means legislator was present, but chose not to cast a vote in support of a pro-environment bill | \$ \$

means legislator was present, but chose not to cast a vote on an anti-environment bill

means excused absence (does not count toward total score)

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

ASSEMBLY							SUPPORTE	SUPPORTED MEASURES	ES					OPPOSED
REPORT CARD	COUNT	SCORE	AB 262 Buy Clean	AB 378 Cap & Trade reform	AB 523 Clean energy allocation	AB 805 SANDAG reform	AB 890 Close CEQA loophole	AB 1151 Protect the Vaquita	AB 1328 Disclose oil chemicals	AB 1414 Solar permit affordability	Stormwater financing	SB 258 Cleaning product labels	SB 801 Energy storage	AB 313 Weaker water law enforcement
Acosta, Dante (R-38)	2/12	17%	+	_   	'				NV-			NV-	+	ı
Aguiar-Curry, Cecilia (D-4)	8/12	%19	+	-AN	NV-	+	+	+	+	+	+	NV-	+	
Allen, Travis (R-72)	3/12	25%		-	ı		1			+	-	+	+	·
Arambula, Joaquin (D-31)	8/12	%19	+	1	+	+	+	+	•	+	-	+	+	
Baker, Catharine B. (R-16)	5/12	42%	+	1	1		ı	+		+	1	+	+	ı
Berman, Marc (D-24)	10/12	83%	+	+	NV-	+	+	+	+	+	+	+	-AN	NV+
Bigelow, Frank (R-05)	0/12	%0	-	-	-	-	-	-	-	-	-AN	-	-AN	•
Bloom, Richard H. (D-50)	11/12	%76	+	+	+	-AN	+	+	+	+	+	+	+	+
Bocanegra, Raul (D-39)	9/12	75%	+	-	+	+	+	+	NV-	+	+	+	+	
Bonta, Rob (D-18)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Brough, William P. (R-73)	0/12	%0	-	-	-	-	-	-	-	-	-	-	-	•
Burke, Autumn R. (D-62)	11/12	95%	+	+	+	+	+	+	+	+	+	+	+	-
Caballero, Anna (D-30)	7/12	28%	+	-	+	-	+	+	-	_	+	+	+	-
Calderon, Ian C. (D-57)	11/12	95%	+	+	+	+	+	+	+	+	+	+	+	-
Cervantes, Sabrina (D-60)	6/12	%09	+	-	+	-AN	NV-	+	NV-	+	-	+	+	
Chau, Ed (D-49)	11/12	%76	+	+	+	+	+	+	+	+	+	+	+	
Chávez, Rocky (R-76)	2/12	17%	-	-	-	-	-	-	-	-	-	+	+	•
Chen, Phillip (R-55)	4/12	33%	+	-	+	-	-	NV-	-	-	-	+	+	-
Chiu, David S. (D-17)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Choi, Steven Ph.D. (R-68)	6/1	11%		H	-	-		E	E	-	-	NV-	-AN	+
Chu, Kansen (D-25)	9/12	75%	+	NV-	+	+	+	+	NV-	+	+	+	+	
Cooley, Ken (D-08)	9/12	75%	+	+	+	-AN	+	+	+	+	+	-	+	-
Cooper, Jim (D-09)	6/12	20%	+	-	+	+	NV-	+	NV-	NV-	+	NV-	+	-
Cunningham, Jordan (R-35)	4/12	33%	+	-	-	-	-	-	NV-	+	-	+	+	-
Dababneh, Matthew M. (D-45)	10/12	83%	+	NV-	+	+	+	+	+	+	+	+	+	-
Dahle, Brian (R-01)	2/12	17%	+	-	-	-	-	-	-	-	-	-	+	-
Daly, Tom E. (D-69)	7/12	28%	+	-	+	+	NV-	+	NV-	+	NV-	+	+	-
Eggman, Susan Talamantes (D-13)	01/6	%06	+	+	+	+	+	E	E	+	+	+	-AN	NV+
Flora, Heath (R-12)	2/12	17%	+	-	-AN	-	-	-	-	NV-	-	-	+	•
Fong, Vince (R-34)	2/12	17%	NV-	-	-	-	-	-	-	+	-	-	+	-
Frazier, Jim L. Jr. (D-11)	3/12	25%	-	1	1	+	-	+	NV-	NV-	-	NV-	NV-	NV+
Friedman, Laura (D-43)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Gallagher, James M. (R-03)	1/12	8%	+	-	-	-	-	-	-	NV-	-	-	-AN	-
Garcia, Cristina (D-58)	11/12	95%	+	+	+	+	+	+	+	+	-AN	+	+	+
Garcia, Eduardo (D-56)	11/12	95%	+	+	+	+	+	+	+	+	+	+	+	
Gipson, Mike A. (D-64)	8/12	%19	+	NV-	+	+	+	+	NV-	+	+	NV-	+	

							SUPPORTED MEASURES	D MEASUR	ES					OPPOSED
REPORT CARD	VOTE COUNT	SCORE	AB 262 Buy Clean	AB 378 Cap & Trade reform	AB 523 Clean energy allocation	AB 805 SANDAG reform	AB 890 Close CEQA loophole	AB 1151 Protect the Vaquita	AB 1328 Disclose oil chemicals	AB 1414 Solar permit affordability	SB 231 Stormwater financing	SB 258 Cleaning product labels	SB 801 Energy storage	AB 313 Weaker water law enforcement
Gloria, Todd (D-78)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Gomez, Jimmy (D-51)*	3/3	100%	E	+	E	E	E	+	+	E	E	E	E	E
Gonzalez Fletcher, Lorena (D-80)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Gray, Adam (D-21)	7/12	%89	+		+	+	1	+		+	+	NV-	+	
Grayson, Timothy (D-14)	6/12	%05	+		+	+	NV-	+	NV-	NV-	+	NV-	+	
Harper, Matthew (R-74)	1/12	%8				-	-			1			NV-	NV+
Holden, Chris (D-41)	10/12	83%	+	+	+	+	+	+	+	+	NV-	+	+	
Irwin, Jacqui V. (D-44)	8/12	%19	+	+	+	-	1	+	+	+		+	+	
Jones-Sawyer, Sr., Reginald Byron (D-59)	11/12	95%	+	+	+	+	+	+	+	+	+	+	+	
Kalra, Ash (D-27)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Kiley, Kevin (R-06)		8%	+	-	1	-	-	-			-	-	NV-	-
Lackey, Tom W. (R-36)		33%	+	-	-		-	-		+		+	+	-
Levine, Marc B. (D-10)	11/12	95%	+	+	+	+	-	+	+	+	+	+	+	+
Limón, Monique (D-37)		100%	+	+	+	+	+	+	+	+	+	+	+	+
Low, Evan (D-28)	10/12	83%	+	+	+	+	+	+	NV-	+	+	+	+	
Maienschein, Brian (R-77)		%09	+		+		-	+		+		+	+	•
Mathis, Devon J. (R-26)	2/12	17%			-		-			-		+	+	ı
Mayes, Chad J. (R-42)	1/12	%8	NV-	•	-		-	-		-AN		+	-AN	
McCarty, Kevin (D-07)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Medina, Jose (D-61)	10/12	83%	+		+	+	+	+	+	+	+	+	+	
Melendez, Melissa (R-67)	1/11	%6	-	-	-	-	-	E	NV-	-		-	+	-
Mullin, Kevin (D-22)	10/12	83%	+	+	NV-	+	+	+	+	+	+	+	+	-
Muratsuchi, Al (D-66)	10/12	83%	+	+	+	NV-	+	+	+	+	NV-	+	+	+
Nazarian, Adrin (D-46)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Obernolte, Jay P. (R-33)		%0	-	-	-	-	-	-		-	-	-	NV-	1
O'Donnell, Patrick (D-70)	8/12	%19	+	NV-	+	+	+	+	NV-	+	NV-	+	+	-
Patterson, Jim (R-23)	2/12	17%	NV-		-		-			+			+	
Quirk, Bill (D-20)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Quirk-Silva, Sharon (D-65)		25%	+	1	+	-	+	+	NV-	+	H	'	+	1
Rendon, Anthony (D-63)		83%	+	+	+	+	+	+	+	NV-	+	+	+	-
Reyes, Eloise Gómez (D-47)		100%	+	+	+	+	+	+	+	+	+	+	+	+
Ridley-Thomas, Sebastian (D-54)	5/11	45%	+	-	+	NV-	-	+	-	+	E	-	+	-
Rodriguez, Freddie (D-52)		83%	+	-	+	+	+	+	+	+	+	+	+	1
Rubio, Blanca E. (D-48)		%29	+	-	+	+	+	+	NV-	+	NV-	+	+	•
Salas, Jr., Rudy (D-32)		%85	+	-	+	+	+	+		+		,	+	•
Santiago, Miguel (D-53)		95%	+	+	+	+	+	+	+	+	+	+	+	-
Steinorth, Marc (R-40)	5/12	42%	+	-	+	-	-	NV-		+	•	+	+	-
Stone, Mark (D-29)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Thurmond, Tony (D-15)		100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Ting, Phillip Y. (D-19)	11/12	%76	+	+	-	+	+	+	+	+	+	+	+	NV+
Voepel, Randy (R-71)	1/12	8%	-	-	_	-	_	-	-	-	•	NV-	+	-
Waldron, Marie (R-75)	3/12	25%	-	-	-	-	-	+	-	-	-	+	+	-
Weber, Shirley N. (D-79)	11/12	95%	+	+	+	+	+	NV-	+	+	+	+	+	NV+
Wood, Jim (D-02)	11/12	92%	+	+	•	+	+	+	+	+	+	+	+	NV+
* Imms the Account the the Account the terms	+ aioi o+ vo ca	0311011 04+	of Doroca	2001HC+00										

 $<sup>^{*}</sup>$  Jimmy Gomez left the Assembly in the summer to join the House of Representatives.

							SUPPO	SUPPORTED MEASURES	ŒS					OPPOSED
SENATE REPORT CARD	VOTE	SCORE	AB 262 Buy Clean	AB 523 Clean energy allocation	AB 805 SANDAG reform	AB 890 Close CEQA loophole	AB 1414 Solar permit affordability	SB 57 Extend Aliso Canyon moratori- um	SB 100 100% renewable energy by 2046	SB 231 Stormwater financing	SB 258 Cleaning product labels	SB 465 DOGGR reform	SB 801 Energy storage	AB 313 Weaker water law enforcement
Allen, Benjamin (D-26)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Anderson, Joel (R-38)	0/12	%0		-			•	-	•					•
Atkins, Toni G. (D-39)	11/12	%76	+	+	+	+	+	+	+	+	+	+	+	
Bates, Patricia C. (R-36)	0/12	%0					-	-				-		
Beall, Jim (D-15)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Berryhill, Tom (R-08)	2/11	18%	NV-				+	-		E		-		NV+
Bradford, Steven (D-35)	10/12	83%	+	+	+	+	+	+	+	+	+	NV-	+	
Cannella, Anthony J. (R-12)	3/12	25%	+	+				NV-				-	+	
de León, Kevin (D-24)	11/12	%76	+	+	+	+	+	+	+	+	+	+	+	
Dodd, Bill (D-03)	10/12	83%	+	+	+		+	+	+	+	+	+	+	1
Fuller, Jean (R-16)	71/0	%0	-	-			-	•	-	•			-	ı
Gaines, Ted (R-01)	2/12	17%	+	•				-				-		NV+
Galgiani, Cathleen (D-05)	7/12	%85	+	+	NV-	+	+	NV-	+	NV-	+	NV-	+	
Glazer, Steven M. (D-07)	8/12	%19	+	+	-	-	+	+	+	+	+	-	+	-
Hernandez, Ed, O.D. (D-22)	9/12	75%	+	+	+	+	+	NV-	+	+	+	NV-	+	
Hertzberg, Robert M. (D-18)	11/12	%76	+	+	+	+	+	+	+	+	+	+	+	-
Hill, Jerry (D-13)	11/12	95%	+	+	+	+	+	+	+	+	+	+	+	
Hueso, Ben (D-40)	10/12	83%	+	+	+	+	+	+	+	NV-	+	+	+	-
Jackson, Hannah-Beth (D-19)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Lara, Ricardo (D-33)	11/12	%26	+	+	+	+	+	+	+	+	+	+	+	•
Levya, Connie M. (D-20)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
McGuire, Mike (D-02)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Mendoza, Tony (D-32)	10/12	83%	+	+	+	+	+	+	+	+	+	NV-	+	
Mitchell, Holly J. (D-30)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Monning, Bill (D-17)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Moorlach, John (R-37)	0/12	%0	-	-	-		-	-	-	-	•	-	-	•
Morrell, Mike L. (R-23)	0/12	%0					-	NV-	•			-	-	•
Newman, Josh (D-29)	9/12	75%	+	+	+	+	+	NV-	+	NV-	+	NV-	+	NV+
Nguyen, Janet (R-34)	2/12	17%		+	•		+	NV-	-					'
Nielsen, Jim W. (R-04)	0/12	%0		•	NV-		-	-	•		•	•		•
Pan, Richard M.D. (D-06)	10/12	83%	+	+	+	N.	+	+	+	+	+	+	+	'
Portantino, Anthony (D-25)	9/11	82%	+	+	+	NV-	+	+	NV-	E	+	+	+	+
Roth, Richard D. (D-31)	7/12	28%	+	+	+	NV-	+	NV-	NV-	NV-	+	+	+	•
Skinner, Nancy (D-09)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Stern, Henry (D-27)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	+
Stone, Jeff E. (R-28)	0/12	%0	-	-	-	-	-	-	-	-	-	-	-	-
Vidak, Andy (R-14)	1/11	%6	-	+	-	-	-	-	-	E	-	-	-	1
Wieckowski, Bob (D-10)	11/12	95%	+	+	+	+	+	+	+	+	+	+	+	1
Wiener, Scott D. (D-11)	12/12	100%	+	+	+	+	+	+	+	+	+	+	+	NV+
Wilk, Scott (R-21)	5/12	42%	+	+			-	+	•	+		-	+	•

Sierra Club California, founded in 1986, is the legislative and regulatory advocacy arm of the Sierra Club's 13 California chapters. This report was developed by Sierra Club California Director Kathryn Phillips, policy advocates Edward Moreno and Kyle Jones, and operations staff Meg Gunderson and Geraldine Alava.

Sierra Club California