



SWANA[®]

SOLID WASTE ASSOCIATION
of North America

September 9, 2005

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

gov.
AB
1125
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CALIFORNIA CHAPTERS

FOUNDING

SIERRA

GOLDRUSH

LEGISLATIVE TASK FORCE

www.swanacal-leg.org

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RE: AB 1125 (Pavley): Rechargeable Battery Recycling Act – URGE SIGNATURE

Dear Governor Schwarzenegger,

The Solid Waste Association of North America (SWANA) is composed of approximately 7000 public and private sector solid waste management professionals throughout North America dedicated to the development and enhancement of environmentally and economically sound practices and policies for the integrated management of municipal solid waste. There are approximately 900 members of SWANA in California, and on their behalf I am writing to **urge your signature of AB 1125 (Pavley).**

AB 1125 enacts the Rechargeable Battery Recycling Act of 2006, and requires retailers of rechargeable batteries to establish a system for accepting rechargeable batteries for reuse, recycling, or proper disposal.

According to a report cited by the California EPA there were 507,259,000 batteries sold in California in the year 2001. According to survey results published in the report, only 55% of these batteries were recycled. Batteries are a unique product comprised of heavy metals and other elements that make things "portable". Some of these toxic heavy metals include nickel cadmium, alkaline, mercury, nickel metal hydride and lead acid. It is these elements that can threaten our environment if not properly discarded.

This bill will make the recycling of rechargeable batteries much more convenient for citizens. This increased use of recycling will decrease the amount of recyclable batteries that go to landfills, thereby reducing the toxicity of the seepage from California's landfills. The Department of Toxic Substances Control states that a variety of rechargeable batteries account for 75% of the toxic cadmium found in landfills. This carcinogen is known to pose serious health risks.

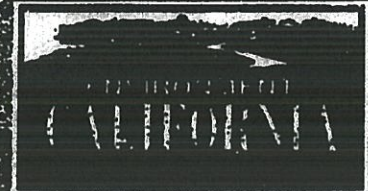
AB 1125 (Pavley) would provide a solution for properly disposing of used batteries. For these reasons, the California Chapters of SWANA **urge your signature of AB 1125 (Pavley).**

Sincerely,

Yvette Gomez Agredano
Legislative Advocate
SWANA, California Chapters

cc: Assemblymember Fran Pavley
Will Dickinson, Chair, SWANA California Chapters Legislative Task Force
Mark Urquhart, Secretary, SWANA California Chapters Legislative Task Force

AB1125 c



September 16, 2005

Governor Arnold Schwarzenegger
State Capitol, First Floor
Sacramento, CA 95814

RE: AB 1125 (Pavley) Used Battery Collection and Recycling Program—SUPPORT

Dear Governor Schwarzenegger:

On behalf of Environment California, I urge you to sign into law AB 1125 (Pavley). Environment California has long worked to protect Californians from exposure to toxic chemicals in our environment and in our bodies. AB 1125 is an important step in reducing this exposure by requiring retailers of toxic rechargeable batteries to take back used batteries for recycling at no cost to the consumer.

The California Department of Toxic Substances Control has determined that all discarded batteries are toxic and must be disposed of as hazardous waste. Under California's Universal Waste Rule, households were granted a temporary exemption from the current landfill ban on batteries. This exemption, however, expires on February 8, 2006 – less than 6 months from now.

The U.S. EPA estimates more than 350 million rechargeable batteries are purchased annually in the United States. According to the Rechargeable Battery Recycling Corporation (RBRC), the current recycling rate for rechargeable batteries is in the 11% to 16% range. This means that as many as 300 million rechargeable batteries are landfilled in California each year.

Rechargeable batteries are largely made up of nickel-cadmium (Ni-Cds), lithium ion, or nickel metal hydride. Cadmium is toxic heavy metal that threatens fish and wildlife and can pass to humans through accumulation in the food chain. It has been associated with numerous human illnesses, particularly lung and kidney damage. Once absorbed in the body, cadmium increases the permeability of cells and can remain for decades. Lithium ion batteries contain lithium metal, which is highly reactive to water and is extremely susceptible to explosion, even in landfills. AB1125 would reduce the toxic waste threat posed by improperly discarded rechargeable batteries.

Battery manufacturers have recognized that the retailer take back approach represents the most convenient and cost effective model for recycling. But after 10 years, and less than 20% recycling, it's apparent that the 'voluntary' approach has proved to be insufficient. AB 1125 would require retailers who sell rechargeable batteries to have a collection system in place for used batteries, aiding taxpayer compliance with the upcoming implementation of hazardous waste laws.

We strongly urge your signature on AB 1125 to make rechargeable battery recycling a California state law.

Sincerely,

Rachel L. Gibson
Environmental Health Advocate & Staff Attorney

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SIERRA CLUB
CALIFORNIA

September 14, 2005

AB 1125
5

The Honorable Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

Re: AB 1125 (Pavley) Household Battery Recycling Act – Support

Dear Governor Schwarzenegger:

Sierra Club California supports AB 1125, which would require retailers of toxic rechargeable batteries to take back used batteries for recycling at no cost to the consumer.

The California Department of Toxic Substances Control has determined that all discarded batteries are toxic and must be disposed of as hazardous waste. Under California's Universal Waste Rule, households were granted a temporary exemption from the current landfill ban on batteries, but this exemption expires on February 8, 2006 – less than 5 months from now.

The U.S. EPA estimates more than 350 million rechargeable batteries are purchased annually in the United States. According to the Rechargeable Battery Recycling Corporation (RBRC), the current recycling rate for rechargeable batteries is in the 11% to 16% range. This means that as many as 300 million rechargeable batteries are landfilled in California each year.

Rechargeable batteries are largely made up of nickel-cadmium (Ni-Cds), lithium ion, or nickel metal hydride. Cadmium is a toxic heavy metal that threatens fish and wildlife and can pass to humans through accumulation in the food chain. It has been associated with numerous human illnesses, particularly lung and kidney damage. Once absorbed in the body, cadmium increases the permeability of cells and can remain for decades. Lithium ion batteries contain lithium metal, which is highly reactive to water and is extremely susceptible to explosion, even in landfills. AB 1125 will reduce the toxic waste threat posed by improperly discarded rechargeable batteries.

Battery manufacturers have recognized that the retailer take-back approach represents the most convenient and cost effective model for recycling. But experience has now shown that the 'voluntary' approach has proven to be insufficient. AB 1125 proposes to build on this voluntary effort by requiring retailer participation, and, as a result, substantially increasing consumer recycling opportunities.

Sincerely,
Bill Magavern
Bill Magavern
Senior Representative

Cc: Assemblymember Fran Pavley

FILE COPY

CITY OF

San Fernando
Historic & VisionaryAB
1125
S

May 23, 2005

Assembly Member Judy Chu
Assembly Appropriations Committee
State Capitol
Sacramento CA 95825

RE: AB 1125 (Pavley) Recycling Programs for Household Batteries—Support

Dear Assembly Chair Chu:

We strongly urge your support of AB 1125 (Pavley), which would require retailers who sell toxic household batteries to provide consumers with a no cost opportunity for take-back and recycling of used batteries. On May 16, 2005, the City of San Fernando City Council formed consensus in support of the Assembly Bill and approved this letter of support.

According to the United States Environmental Protection Agency, approximately three billion batteries are sold in the U.S. annually. Currently less than 5 percent of rechargeable batteries and less than 1 percent of one-time use batteries are recycled. The California Department of Toxic Substances Control currently recognizes all household batteries as a hazardous waste when discarded. A 'household generator' exemption to this ban expires on February 8, 2006. In 2003, a waste characterization study by the California Integrated Waste Management Board found that more than 34,000 tons of batteries were landfilled, making it one of the largest categories of household hazardous waste landfilled in California.

In 1992, the State of New Jersey adopted the Nation's first retailer 'take-back' and recycling requirement for rechargeable batteries. In response to that legislation, the manufacturers of rechargeable batteries and many of the product makers that use them formed and financed the 'Rechargeable Battery Recycling Corporation' (RBRC), a non-profit organization whose mission is to promote and facilitate a retailer-based takeback and recycling system for rechargeable batteries. Today, that program boasts that retailers representing more than 30,000 locations in the US and Canada have agreed to participate taking back of these batteries. According to an RBRC press release, approximately 2,300 tons of rechargeable batteries were collected for recycling through the RBRC program in 2004.

CITY ADMINISTRATION
117 MACNEIL STREET SAN FERNANDO, CALIFORNIA 91340-2993
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AB 1125-Support
Page 2

AB 1125 proposes to build on the relative success of the RBRC program by extending its focus to all toxic household batteries, and require that all retailers participate.

We urge your 'Aye' vote on AB 1125.

Sincerely,



Julie Ruelas
Mayor

cc. Nury Martinez, Mayor Pro Tem
Dr. José Hernández, Councilmember
Maribel De La Torre, Councilmember
Steven Vercs, Councilmember



City of Sebastopol

CITY HALL
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AB 1125 S
CITY COUNCIL
Larry Robinson, Mayor
Sarah Glade - Gurney, Vice Mayor
Linda Kelley
Craig Litwin
Sam Pierce

September 15, 2005

Dave Brennan, City Manager

Governor Arnold Schwarzenegger
California State Capitol
Sacramento, CA 95814

RE: AB 1125 (Pavley) Rechargeable Battery Collection and Recycling Program—SUPPORT

Dear Governor Schwarzenegger:

We urge your support of AB 1125 (Pavley), which would require retailers of toxic rechargeable batteries to take back used batteries for recycling at no cost to the consumer.

The California Department of Toxic Substances Control has determined that all discarded batteries are toxic and must be disposed of as hazardous waste. Under California's Universal Waste Rule, households were granted a temporary exemption from the current landfill ban on batteries, however, this exemption expires on February 8, 2006 – less than 6 months from now.

According to the Rechargeable Battery Recycling Corporation (RBRC), the current recycling rate for rechargeable batteries is in the 11% to 16% range. This means that as many as 300 million rechargeable batteries are landfilled in California each year.

According to the National Electrical Manufacturers Association (NEMA), the U.S. retail market for rechargeables is growing twice as fast as the retail market for primary batteries, with compound annual growth of nine percent from 1992 - 1994.

AB 1125 will reduce the toxic waste threat posed by improperly discarded rechargeable batteries. AB 1125 will require retailers who sell rechargeable batteries to have a collection system in place for used batteries, aiding taxpayer compliance with the implementation of hazardous waste laws.

Battery manufacturers have recognized that the retailer take back approach represents the most convenient and cost effective model for recycling. But after 10 years, and less than 20% recycling, it's apparent that the 'voluntary' approach has proven to be insufficient. AB 1125 proposes to build on this voluntary effort by requiring retailer participation, and as a result, substantially increasing consumer recycling opportunities.

We strongly urge your signature on AB 1125 to make rechargeable battery recycling a California state law.

Sincerely,

Larry Robinson, Mayor

C Sebastopol City Council



NATURAL RESOURCES DEFENSE COUNCIL

AB 1125 S

September 13, 2005

The Honorable Governor Arnold Schwarzenegger
Governor's Office
State Capitol
Sacramento, CA 95814

RE: AB 1125 (Pavley) Request Signature

Dear Governor Schwarzenegger:

On behalf of NRDC (Natural Resources Defense Council), which has 1.2 million members and activists, more than 250,000 of whom are Californians, we are writing to urge your signature on AB 1125 by Assemblywoman Pavley. This bill would require retailers of toxic rechargeable batteries to take back used batteries for recycling at no cost to the consumer.

The California Department of Toxic Substances Control has determined that all discarded batteries are toxic and must be disposed of as hazardous waste. Under California's Universal Waste Rule, households were granted a temporary exemption from the current landfill ban on batteries, however, this exemption expires on February 8, 2006 - less than 6 months from now.

Rechargeable batteries are largely made up of nickel-cadmium (Ni-Cds), lithium ion, or nickel metal hydride. Cadmium is toxic heavy metal that threatens fish and wildlife and can pass to humans through accumulation in the food chain. It has been associated with numerous human illnesses, particularly lung and kidney damage. Once absorbed in the body, cadmium increases the permeability of cells and can remain for decades. Lithium ion batteries contain lithium metal, which is highly reactive to water and is extremely susceptible to explosion, even in landfills. AB 1125 will reduce the toxic waste threat posed by improperly discarded rechargeable batteries.

Battery manufacturers have recognized that the retailer take back approach represents the most convenient and cost effective model for recycling. But after 10 years, and less than 20% recycling, it's apparent that the 'voluntary' approach has proven to be insufficient. AB 1125 proposes to build on this voluntary effort by requiring retailer participation, and as a result, substantially increasing consumer recycling opportunities.

NRDC urges you to sign AB 1125 as an important first step toward safe disposal of batteries. Thank you for your consideration.

Sincerely,

Darby Hoover
Specialist, Urban Resources

Victoria Rome
California Advocacy Associate

Cc: Assemblymember Fran Pavley

P. 01
AP
11/25/05



CITY OF SAN PABLO

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OFFICE OF THE MAYOR

September 16, 2005

⁴⁶³⁸
Via Facsimile Only 916.445.2844
Honorable Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

Subject: AB 1125 (Pavley) – Used Battery Collection and Recycling Program – SUPPORT

Dear Governor Schwarzenegger:

We strongly urge your support of Assembly Bill 1125 (Pavley), which would require retailers who sell household batteries to have collection and recycle programs for used batteries at no cost to consumers.

Laptops, walkman, toys, cell phones, calculators – these are just some of the things that need batteries to function in our daily lives. Batteries are a unique product comprised of heavy metals and other elements that make things "portable." Some of these toxic heavy metals include nickel cadmium, alkaline, mercury, nickel metal hydride, and lead acid. It is these elements that can threaten our environment and disposing of batteries in landfills is currently prohibited due to the toxicity of the elements they contain.

According to the US EPA, approximately three million batteries are sold in the United States annually. Currently, less than 5% of rechargeable batteries and less than 1% of one-time use batteries are recycled. This means that as many as 300 million batteries are illegally landfilled in California each year. Since batteries contain strong corrosive acids, when they begin to degrade in landfills, they expose the environment and water to lead and acid. This pollution endangers public health, as well as environmental health. Having a convenient and affordable system for returning used batteries would not only provide an efficient way to recycle these metals, but it would reduce our growing hazardous waste stream entering our landfills and alleviate the risks associated with illegal battery disposal.

This bill requires all retailers who sell household batteries to accept back used batteries from customers for reuse, recycling, or proper disposal at no charge.

For these reasons, we urge you to support AB 1125.

Sincerely,


Joseph M. Gomes
Mayor

ccs: Californians Against Waste (fax 916.443.3912)
San Pablo City Council



AFSCME®

in the public service

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September 21, 2005

The Honorable Arnold Schwarzenegger
Governor, California
State Capitol, First Floor
Sacramento, CA 95814

RE: Assembly Bill 1125 (Pavley)—AFSCME SUPPORT

The American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO, would like to inform you of our support to **Assembly Bill 1125**, as amended.

Assembly Bill 1125 will require every retailer who sells household batteries to develop a system for accepting and collecting used household batteries for reuse, recycling or proper disposal.

AFSCME is in support of this legislation, which will encourage Californians to become more efficient recyclers. Currently, the amount of consumers who recycle batteries is very low and this legislation will increase recycling by mandating retailers to provide free drop-off locations at their stores. Encouraging recycling in order to curb the large amount of batteries in solid waste landfills in California will be an important aspect of larger policy goals intended to improve our surroundings for generations to come.

We ask you to join us in encouraging the conservation of precious resources by signing Assembly Bill 1125.

Should you have any questions regarding our position on this matter, you may contact me at your earliest convenience.

Sincerely,

Joshua P. Golka
Political Action Representative

cc: Richard Costigan, Legislative Secretary



September 22, 2005

Governor Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

RE: AB 1125 (Pavley) Rechargeable Battery Collection and Recycling —SUPPORT

Dear Governor Schwarzenegger;

We urge your signature on Assembly Bill 1125 (Pavley), which would require specified retailers of toxic batteries to take back used rechargeable batteries for recycling at no cost to the consumer.

The California Department of Toxic Substances Control (DTSC) has determined that all discarded household batteries are toxic and must be managed as hazardous waste. Under DTSC's Universal Waste Rule regulations for toxic electronics, households and small businesses were granted a temporary exemption from the current landfill ban on batteries; however, this exemption expires on February 8, 2006 – less than 6 months from now.

Eight other states have already enacted legislation establishing virtually identical battery take-back and recycling requirements. Without the enactment of AB 1125, most California residents and businesses will have no safe and convenient option for managing these hazardous devices.

The AB 1125 take-back and recycling requirements are virtually the same as those for toxic cell phones contained in last year's AB 2901 (Pavley), which you signed into law. In fact, most retailers will be able to collect used batteries in the same containers and send them to the same recyclers they use for cell phone recycling.

The U.S. EPA estimates more than 350 million rechargeable batteries are purchased annually in the United States. According to the Rechargeable Battery Recycling Corporation (RBRC), the current recycling rate for rechargeable batteries is in the 11% to 16% range. This means that as many as 300 million rechargeable batteries are landfilled in California each year.

According to the National Electrical Manufacturers Association (NEMA), the U.S. retail market for rechargeables is growing twice as fast as the retail market for primary batteries, with compound annual growth of nine percent from 1992 - 1994.

Rechargeable batteries are largely made up of nickel-cadmium (Ni-Cds), lithium-ion, or nickel metal hydride. Cadmium is toxic heavy metal that threatens fish and wildlife and can pass to humans through accumulation in the food chain. It has been associated with numerous human illnesses, particularly lung and kidney damage. Once absorbed in the body, cadmium increases the permeability of cells and can remain for decades. Lithium batteries contain lithium metal, which is highly reactive to water and is extremely susceptible to explosion, even in landfills.

921 11th

301

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The Lithium-ion (Li-ion) batteries used in most portable computers contain the same toxic electrolytes as most other household batteries. Overcharging of Li-ion batteries can cause the cell to heat up. If left unattended, the cell could vent with flame. Earlier this year, Apple Computer was forced to recall more than 120,000 laptop computers due to public health and environmental concerns over Li-ion.

AB 1125 will require non-food retailers who sell rechargeable batteries to provide their customers with a free and convenient system for the collection and recycling of used rechargeable batteries. The good news is that a recycling model for used batteries already exists, it is just underutilized.

Battery manufacturers have recognized that the retailer take back approach represents the most convenient and cost effective model for recycling. For more than a decade, product makers and battery manufacturers have funded the Rechargeable Battery Recycling Corporation (RBRC), to provide retailers with a 'turn-key' program for battery recycling. But after 10 years, and less than 20% recycling, it's apparent that the 'voluntary' approach has proven to be insufficient. AB 1125 proposes to build on this voluntary effort by requiring retailer participation, and as a result, substantially increasing consumer recycling opportunities.

AB 1125 is a top priority bill for the environmental community and is supported by a broad coalition of stakeholders, including: Environment California, California Alliance for Consumer Protection, California League of Conservation Voters, Clean Water Action, Planning Conservation League, Sierra Club, Central Contra Costa Solid Waste Authority, City and County of San Francisco, City of Azusa, City of Concord, City of Maywood, City of Pico Rivera, City of San Fernando, City of San Pablo, City and County of Santa Cruz, City of Sebastopol, and Toxco.

We strongly urge your signature on AB 1125 to make rechargeable battery recycling a reality throughout California.

Sincerely,



Mark Murray
Executive Director

c.c. Assembly Member Fran Pavley
Secretary Alan Lloyd, Cal EPA
Leonard Robinson, Director DTSC
Rosario Marin, Chair, CIWMB



County of Santa Cruz

COUNTY ADMINISTRATIVE OFFICE

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SUSAN A. MAURIELLO, J.D., COUNTY ADMINISTRATIVE OFFICER

September 26, 2005

GOVERNOR ARNOLD SCHWARZENEGGER

State Capitol
Sacramento, CA 95814

**RE: SUPPORT FOR AB 1125 (PAVLEY, HOUSEHOLD BATTERY
RECYCLING)**

Dear Governor Schwarzenegger:

On behalf of the County of Santa Cruz, I am writing to urge you to sign Assembly Bill 1125 by Assembly Member Fran Pavley.

The California Department of Toxic Substances Control has determined that all discarded rechargeable batteries are toxic and must be disposed of as hazardous waste. Batteries are a concentrated source of toxic heavy metals.

Assembly Bill 1125 would require retailers who sell batteries to have a collection system in place for used rechargeable batteries so the residents of our great state will have someplace safe to take them for disposal. This bill both helps consumers comply with the law and keeps California cleaner.

On behalf of the County of Santa Cruz, I respectfully urge you to sign AB 1125, now on your desk awaiting consideration. Thank you in advance for your consideration of this request.

Very truly yours,

SUSAN A. MAURIELLO
County Administrative Officer

SAM:mt

Copy to: Californians Against Waste



September 27, 2005

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

RE: AB 1125 (Pavley) - REQUEST FOR SIGNATURE

Dear Governor Schwarzenegger:

The California League of Conservation Voters (CLCV) is the bipartisan political watchdog for the California environmental community. CLCV publishes the annual California Environmental Scorecard, which tracks the voting record of legislators on key environmental legislation.

CLCV urges your signature on AB 1125 (Pavley), which requires retailers who sell rechargeable batteries to take back used batteries for reuse, recycling, or proper disposal. Under current state law, rechargeable batteries are a hazardous waste when they are discarded. As of February 2006 even the "household generator" exemption will expire, making anyone who improperly disposes of a rechargeable battery a hazardous waste generator subject to enforcement penalties.

According to the Integrated Waste Management Board, rechargeable and other household batteries are one of the largest categories of household hazardous waste going to California landfills. A battery take-back and recycling system is essential to comply with existing law and reduce the illegal disposal of hazardous wastes in landfills. New Jersey has implemented a successful system to take back rechargeable batteries at retail sites. Today more than 30,000 retail locations are participating in the program. California should implement a similar program consistent with its designation of the discarded batteries as hazardous waste.

CLCV also believes the late opposition to AB 1125 declared by two product manufacturers is unfounded. The amendment to the definition of "rechargeable battery" was technical, taken to conform to the current federal definition. It is our understanding that at least one of the companies has now removed its opposition.

CLCV respectfully urges you to sign AB 1125 into law.

Sincerely,

PETE PRICE
Governmental Affairs Representative
(916) 448-1015

cc: Assemblywoman Pavley
Mr. Dennis Albani, Deputy Legislative Secretary