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### Headline Summary

- SCAQMD Sued Again
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## Minimum Wage Hike

AB 10 (Alejo, D-Watsonville) would give the Golden State its first minimum wage increase since 2008. The bill would raise it 25 cents an hour next year, 50 cents in 2015 and an additional 50 cents to \$9.25 an hour in 2016. In 2017 and annually thereafter, hourly pay would be adjusted upward.

Raising the minimum wage "is about equity," Assemblyman Alejo told the Assembly Labor and Employment Committee.

California has one of the highest minimum wages in the nation, behind Washington state at \$9.19 an hour, Oregon at \$8.95, Vermont at \$8.60, and Connecticut, the District of Columbia and Illinois at \$8.25. Ten states peg their minimum wages to inflation.

# WatchDog

Guarding the Business of Print

May 2013

## SCAQMD Sued Again

The Natural Resources Defense Council and Communities for a Better Environment filed a lawsuit in the 9th Circuit challenging EPA's approval of South Coast Rule 317.

EPA had determined that South Coast's alternative fee-equivalent program under Rule 317 is not less stringent than a program required by Section 185 of the Clean Air Act (CAA), which requires fees on stationary sources of emissions—such as printers—when a region fails to meet federal air quality standards. The district rule is considered an "equivalent program" to Section 185 as provided for in Section 172(e) of the CAA, according to EPA.

Currently, the fee is nearly \$10,000 per ton of volatile organic compound (VOC) emissions per year. How is the fee calculated? First, a baseline is determined by taking a facility's 2010 emissions and discounting them by 20 percent. Then every ton of emissions over the new 80 percent baseline per year would be assessed the Section 185 fee.

In 2010 EPA issued a guidance to air districts on CAA fee rules. It indicated that districts would be allowed to design an alternative program under Section 172(e) of the CAA, as long as that program is equivalent to a CAA fee.

Environmentalists sued EPA over the guidance. In a 2011 decision by the U.S. Court of Appeals for the District of Columbia Circuit, the court ruled that EPA must issue the guidance as formal rulemaking subject to public comment. To comply with the ruling, EPA approved the San Joaquin and South Coast rules under the formal rulemaking process.

Now environmentalists are back in court to challenge the legality of the rules themselves. They filed on Feb. 12 to meet deadlines in the CAA to file challenges. The groups had filed a similar lawsuit last year over the San Joaquin air district's rule, which may be determined ahead of the South Coast case, so that it may be that resolution of the San Joaquin case will resolve both cases at once.

## Bill Targets Disposable Containers

SB 529 (Leno, D-San Francisco) mandates that specific "fast food facilities" provide customers with disposable food service packaging or single-use bags that are either "compostable" or "recyclable."

The latter two terms are defined as packaging that must be both:

- accepted back at the fast food facility for composting; and
- accepted for composting in a local curbside collection program available to at least 75% of residents in that jurisdiction.

The bill further establishes tiered composting and recycling targets for these materials of 25%, 50%, and 75% between 2016 and 2020.

PIC opposes this bill as unrealistic, from a collection and recycling point, since the goal is unrealistic and overly burdensome.

## Proposition 65

In recent months a number of small businesses have received threatening letters from an attorney claiming they have neglected to post Proposition 65 signs warning customers that some of the chemicals or products they use are known to the state to cause cancer or reproductive harm. The attorney proposes a settlement amount or the threat of legal action.

This activity spurred the introduction of legislation, SB 227 (Gatto, D-Burbank), that gives businesses two weeks to correct failures to warn without having to "pay an appropriate civil penalty." The bill won passage in the Assembly Judiciary Committee.

Approved by voters in 1986, Proposition 65 is titled the Safe Drinking Water and Toxic Enforcement Act. Proposition 65 has served an important function by helping to inform the public about chemicals that could cause them harm. Attorney General Kamala Harris relied on Proposition 65 in a suit last week seeking to force grocery chains to stop selling candy that contains lead.

Proposition 65 also is illustrative of a problem with initiatives. The measure has been on the books for 26 years. By its terms, the initiative can only be amended by a two-thirds vote of the Legislature, and only in ways that further the goals of the measure.

Gatto's bill would further the goal of the measure in a variety of ways, not the least of which would be to restore confidence in a law that is being abused.

### NLRB Poster Struck Down

On May 7, a federal Court of Appeals struck down a National Labor Relations Board (NLRB) rule requiring most companies to post a notice informing employees of their union rights.

The controversial poster rule required most private-sector employers to put up NLRB-created workplace posters entitled, *(cont.)*

## NLRB Poster Struck Down cont.

"Employee Rights under the National Labor Relations Act." The poster informs employees of their rights to organize a union, bargain collectively through representatives chosen by the employees, and make efforts to improve the terms and conditions of their employment.

The rule, according to the federal court, treats the failure to post the NLRA notice "as evidence of anti-union animus in cases involving, for example, unlawfully motivated firings or refusals to hire — in other words, because it treats such a failure as evidence of an unfair labor practice."

The posting requirement was initially scheduled for implementation in November of 2011. That deadline was first delayed until April 30, 2012, and then put on hold indefinitely pending the outcome of legal challenges.

In a separate lawsuit, a federal trial court in South Carolina also concluded in April 2012 that the NLRB lacked the authority to promulgate the posting rule. The NLRB challenged the decision and the case is pending before the U.S. Court of Appeals for the Fourth Circuit. The appeal was heard in March 2013, and a decision has yet to be published.

## Expanded Injury/Illness Prevention Program

We have just updated—and expanded—the PIC Injury and Illness Prevention Program. The program is a web-based program that provides instruction and link to PDF fill-in forms that allows you to create or update this government mandated program.

The program has an appendix which includes many other programs, including workplace security, hazardous communication, lockout/tagout to help you comply with all Cal/OSHA regulations. There are also safety sheets on topics such as back safety, electrical safety, and fire safety.

The program is on your association website under the Government Relations (PIASC) or Government Affairs (PIASD) tab.

## Designers Value Print

Gorden Kaye, Editor, *GD USA*; Ilana Greenburg, Creative Director, *GD USA*; Shell Haffner, Manager, Worldwide Product Marketing, Xerox; and Carlos Perez, Creative Director, Anderson Direct Marketing, participated in a Google Hangout on the future of print design and the value of design in business.

Google Hangout is a free video chat service that enables both one-on-one chats and group chats with up to ten people at a time. While somewhat similar to Skype, FaceTime and Facebook Video Chat, Google Hangouts focuses more on "face-to-face-to-face" group interaction as opposed to one-on-one video chats.

The participants agreed that print creates a human connection missing from the ephemeral and desensitizing media world of digital communications. Designers value print for its classic strengths – tangibility, sensuality, permanence.

To access the entire Hangout visit: [http://digitalprinting.blogs.xerox.com/2013/05/what-is-the-future-of-print-and-design-panel-of-experts-weigh-in/?goback=.gde\\_1969742\\_member\\_237610014](http://digitalprinting.blogs.xerox.com/2013/05/what-is-the-future-of-print-and-design-panel-of-experts-weigh-in/?goback=.gde_1969742_member_237610014).

