



AB 1894
Assemblyman Tri Ta

Right To Cure Act

SUMMARY OF PROPOSED BILL:

AB 1894 would grant a person or business a minimum of thirty days and a maximum of sixty days to rectify an air pollution violation before being subject to civil penalties as overseen by the State Air Resources Board.

BACKGROUND:

Under current law, the California Air Resources Board (CARB) exercises primary jurisdiction over regulating air quality and pollution. Additionally, regulatory agencies such as CARB can penalize any person or business that does not immediately meet all of their standards.

Although taking responsibility for our environment is important, we must also balance the harmful impacts on California's struggling small businesses. In the aftermath of the devastation wrought by COVID-19 on the economy, we face the largest budget deficit in California's history. To recover from this budget deficit, we must protect our small businesses, many of which are owned by minorities and immigrants. Countless small businesses are struggling in a post-COVID California. Unnecessary fines without any warning might be the difference between whether small businesses remain open, close down, downsize staff, or relocate to another state. California's economy is built on its 4.25 million small businesses, which employ 48.5% of California's workforce and serve as a significant source of jobs and tax revenue. Simply put, California cannot afford to lose its small businesses.

AB 1894 would give small businesses a little breathing room to fix air quality violations before getting penalized—similar to the new driver who gets a warning from a police officer when getting pulled over for the first time instead of getting a speeding ticket. The only difference here is that most (if not all) small businesses do not know what the environmental "speed limit" is.

Small businesses do not have in-house legal and compliance officers. This is an opportunity to educate small businesses instead of fining them immediately.

AB 1894 would relieve small business owners and individuals who are unaware of the numerous environmental regulations that are difficult to keep track of. AB 1894 would provide a small business or a person a chance to fix an environmental violation before being issued any civil penalties. This "Right to Cure" policy would help our environment by getting air quality violations fixed quicker and would help the economy recover from our budget deficit by protecting small businesses.

If passed, AB 1894 would not grant small businesses immunity from the law or penal environmental statutes. If a business entity or person violated the environmental code in a manner that is a criminal offense, AB 1894 would not apply. AB 1894 is merely for business entities and individuals to have a thirty-to-sixty-day warning before being issued civil penalties by environmental regulatory agencies.

REASONS FOR THE BILL:

This bill aims to allow small businesses and individuals to have the chance to fix environmental regulation violations within thirty to sixty days of receiving a warning from a regulatory agency rather than facing fines without any previous warning or knowledge of California's environmental regulations. Finally, AB 1894 aims to keep small businesses open in California while successfully and fairly enforcing environmental regulations. It is critical, particularly during a budget crisis, to protect small businesses and keep them open.

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