

CONCURRENCE IN SENATE AMENDMENTS

AB 2032 (Ransom)

As Amended August 13, 2026

2/3 vote. Urgency

SUMMARY

Exempts a public or private agency that operates a water supply system from certain California Department of Fish and Wildlife (CDFW) invasive mussel permitting requirements until CDFW approves or denies the agency's control plan and requires the California Department of Food and Agriculture and the State Water Resources Control Board to quickly and efficiently respond to the threat of golden mussels.

Senate Amendments

Make technical and clarifying changes.

COMMENTS

On October 17, 2024, Department of Water Resources staff discovered golden mussels in the Port of Stockton. Soon after the initial discovery, the golden mussel was quickly found at additional sites within the Sacramento-San Joaquin Delta (Delta). The golden mussel is a freshwater bivalve native to the rivers and creeks of China and Southeast Asia, but it has established itself outside of its native range in several countries. The discovery in Stockton was the first detection of the species in the United States. The Fish and Game Commission quickly took emergency action to add "*Limnoperna fortunei* (golden mussel)" to the list of restricted species [species that cannot be imported, transported, or possessed within the state, except by a restricted species permit (RSP)]. Since then, the golden mussel has been detected throughout the Delta and the State Water Project. The presence of the species poses a significant and immediate threat to the ecological health of the Delta and all waters of the state, water conveyance systems, infrastructure, and water quality.

CDFW and the Commission maintain a list of species that are unlawful to import, transport, or possess except through a RSP [14 California Code of Regulations (CCR) Section 671]. CDFW is authorized to issue permits for the take or possession of wildlife, including mammals, birds (and their nests and eggs), reptiles, amphibians, fish, certain plants and invertebrates for scientific, educational, and propagation purposes, through a scientific collecting permit (14 CCR Section 650). Considering the nuance, novelty, and uniqueness of every water manager's system and goals for the permits, it is difficult to provide hard-and-fast rules on which, if either, of these permits are needed for water managers coping with golden mussel infestation.

As noted above, water managers receive liability protection from the restricted species standards for golden mussel upon CDFW's approval of their control plan. According to regulations, this liability protection currently only extends to the passive possession of the invasive mussels and the handling of mussels for monitoring purposes. It is not unlikely that water managers are, by necessity, having to perform activities that may require an RSP and are not currently protected under the liability coverages of an approved control plan. This likely stems from several core issues.

First, very few water managers have updated their control plans to include golden mussels. Possession of an updated and approved control plan is what grants liability protection, so without

approved control plans, a water manager is exposed. According to CDFW, only two control plans have been updated or newly generated to include golden mussels and those control plans are currently under review. Sponsors indicate that the lack of guidance on how to produce a control plan has prevented them from submitting, or even developing, a control plan. CDFW is currently working on guidelines for control plans, which it estimates will be available in a matter of months.

Second, current regulations were drafted to reflect the hazards of quagga and zebra mussels, which are not as aggressive as golden mussels. As such, currently, regulation does not afford restricted species liability protections for certain activities, like operations and maintenance. CDFW has expressed that it is currently working to update regulations to reflect recent authority expansions in AB 149 (Committee on Budget, Chapter 106, Statutes of 2025) and expand the liability coverage to additional activities necessary to effectively manage a water system.

Finally, there is stress among water agencies that they are not protected from restricted species violations until they have an approved control plan. This is true. That lack of protections without an approved control plan, however, is intended to encourage water agencies to submit control plans quickly so that they could enjoy those protections. CDFW does appear to understand that no water agency intentionally possessed golden mussels and has not, to date, penalized a water agency under restricted species authorities.

According to the Author

"Current law requires a multitude of permits across state agencies, creating barriers for local water agencies to respond quickly and effectively [to the threat of golden mussels]. This ongoing crisis must be addressed with urgency. [This bill] would expedite onerous and lengthy permitting processes across state agencies to ensure local water agencies can effectively respond to prevent, mitigate, control, and eradicate golden mussels from California's waterways."

Arguments in Support

A coalition of organizations write in support of this bill, which they claim will "strengthen California's ability to rapidly prevent, mitigate, and control invasive golden mussels in water supply systems and public waterways." They note that "current regulatory pathways were not designed for the speed required to respond to an invasive aquatic species spreading through interconnected water systems," so permitting delays of even a few months can be catastrophic. These organizations believe this bill will "provide critical tools by streamlining rapid response actions, allowing essential maintenance and operational activities to proceed without unnecessary delay, directing consistent interim guidance through the state task force, improving statewide infestation mapping, and supporting pilot studies and scientific research."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill has the following fiscal impact:

- 1) CDFW estimates ongoing annual General Fund costs of about \$224,000 for one new position to develop the required guidance and update its spatial distribution maps quarterly but notes this estimate is contingent on the passage of its budget change proposal, submitted as part of the Governor's fiscal year (FY) 2026-27 budget, requesting eight permanent positions to

increase CDFW's capacity to prevent the spread of golden mussels from infested waters. The administration intends to fund these positions for three years from \$20 million appropriated to CDFW in the 2025 Budget Act.

- 2) [The Department of Pesticide Regulation (DPR)] contends the specifics and scope of work required of DPR under this bill is unclear; therefore, DPR estimates its ongoing annual General Fund costs may range from minor and absorbable to the low hundreds of thousands of dollars.
- 3) The State Water Board and Regional Water Boards anticipate minor and absorbable costs and note the boards are actively engaging on this issue via the draft "Statewide National Pollutant Discharge Elimination System General Permit for Discharges from Pest Control Applications to Waters of the United States," which provides regulatory coverage for the point source discharge of chemical and biological residual pesticides and other nonpesticidal products to waters of the United States from aquatic animal invasive species control applications.

VOTES:

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-0-0

YES: Connolly, Ellis, Bauer-Kahan, Castillo, Lee, McKinnor, Papan

ASM WATER, PARKS, AND WILDLIFE: 13-0-0

YES: Papan, Jeff Gonzalez, Alanis, Alvarez, Ávila Farías, Bains, Bennett, Boerner, Caloza, Gallagher, Hart, Muratsuchi, Rogers

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 78-0-2

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Muratsuchi, Celeste Rodriguez

UPDATED

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