



COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

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June 3, 2016

The Honorable Kevin Mullin
State Capitol, Room 3160
P.O. Box 942849
Sacramento, CA 94249-0022

Dear Assemblymember Mullin:

We are writing to respectfully express our opposition to AB 45, which would require CalRecycle to adopt one or more model ordinances for comprehensive household hazardous waste (HHW) programs, authorize local jurisdictions to adopt one of the model ordinances, and revise the definition of HHW to include pharmaceutical waste and home-generated sharps waste.

Local jurisdictions have historically been authorized to develop and implement HHW collection, recycling, and educational programs which reflect local needs. AB 45 would instead create a one-size-fits-all approach which may not reflect local conditions and would do little to support efforts to reduce HHW generation.

AB 45 would discourage and undermine efforts by local governments to implement extended producer responsibility (EPR) programs for uniquely problematic wastes, such as HHW, pharmaceutical waste, and sharps waste. Many jurisdictions in California have adopted pharmaceutical take-back ordinances, and our Board is considering the adoption of a pharmaceutical and sharps waste EPR ordinance, in which manufacturers would provide safe, convenient and sustainably financed take-back programs for their products at the end of their useful life.

AB 45 does not provide a source of funding to sustainably collect and process waste, and limits the industry's role in managing HHW to outreach only, which is contrary to Los Angeles County's support for EPR policies that place shared responsibility for end-of-life product management on all entities involved in a product chain, including producers.

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Further, redefining HHW to include pharmaceutical waste is problematic since HHW is prohibited from being disposed with trash or recyclables and jurisdictions do not have the resources to prevent pharmaceutical waste from entering the waste stream.

For these reasons, the County of Los Angeles opposes AB 45. We respectfully urge you to instead consider an EPR approach to managing HHW rather than creating a significant and unfunded mandate that requires local jurisdictions to be responsible for managing these wastes.

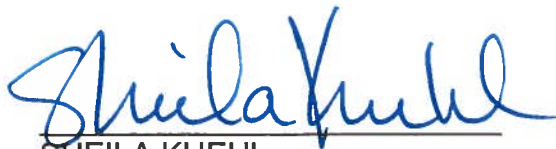
Sincerely,



HILDA L. SOLIS
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Supervisor, First District



MARK RIDLEY-THOMAS
Supervisor, Second District



SHEILA KUEHL
Supervisor, Third District



MICHAEL D. ANTONOVICH
Supervisor, Fifth District

c: The Los Angeles County Legislative Delegation



COUNTY OF LOS ANGELES

Sacramento Legislative Office

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DONNA SEITZ
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May 5, 2016

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The Honorable Bob Wieckowski, Chair
Senate Environmental Quality Committee
State Capitol, Room 3086
Sacramento, CA 95814

**RE: AB 45 (Mullin), As Amended January 26, 2016 – OPPOSE
Relating to Household Hazardous Waste
Awaiting Hearing in Senate Environmental Quality Committee**

Dear Senator Wieckowski:

The Los Angeles County Board of Supervisors opposes AB 45 (Mullin).

AB 45 would require the California Department of Resources Recycling and Recovery (CalRecycle) to adopt one or more model ordinances for a local comprehensive program for the collection of household waste (HHW) and would authorize a local jurisdiction to adopt one of the model ordinances. It would require CalRecycle to determine whether an appropriate nonprofit organization has been created and funded for the purpose of providing grants to local governments to assist with consumer education efforts and to defray the costs of HHW programs. If CalRecycle determines that a nonprofit organization has not been created, provisions of this measure would be repealed on January 1, 2019.

The Los Angeles County Department of Public Health (DPH) indicates that while AB 45 does not expressly preempt local jurisdictions from adopting ordinances to address HHW collection that are different from those adopted by CalRecycle, it also does not explicitly permit local jurisdictions to adopt stricter ordinances. DPH also notes that the intent language of AB 45 does not sufficiently describe the industry's role in managing HHW in a way that is consistent with Board-adopted policy related to extended producer responsibilities (EPR). Additionally, DPH indicates that AB 45 defines HHW to include pharmaceutical waste, which might obligate local governments to manage this waste through a comprehensive collection plan. This would increase the burden on local jurisdictions to address the disposal of these products.

The Los Angeles County Department of Public Works (DPW) reports that AB 45 defines HHW to include, but not be limited to, automotive products, household and garden

chemicals, paint products, consumer electronics, household batteries, home-generated sharps waste, and home-generated pharmaceutical waste (including prescription and nonprescription drugs). DPW indicates that including pharmaceutical waste in the definition of HHW is problematic because it would prevent the household disposal of pharmaceutical waste without a comprehensive plan. Further, the bill does not provide a source of funding to sustainably collect and process pharmaceutical waste.

DPW reports that as a condition for receiving approval from CalRecycle to provide consumer education and to offer grants to local governments to defray the costs of implementing HHW programs, the nonprofit organization needs \$5 million dedicated for grants. Sufficient funding must be allocated for grants to local governments statewide for five years. DPW indicates that the \$5 million minimum is a small percentage of what would be needed to fund the implementation of locally-sponsored collection sites, drop-off events, and consumer education programs.

According to DPW, consumer outreach and education is an important component in dealing with the end-of-life management of HHW. Limiting the role of the industry to outreach is contrary to well-established EPR-based policies adopted by the County and other jurisdictions statewide. DPW further indicates that AB 45 could discourage and could undermine efforts by local jurisdictions to enact innovative EPR programs that would shift the burden from local governments to pharmaceutical or other industries for the management of the waste created by their products.

I urge your vote "NO" on AB 45. Please contact me at (916) 441-7888, if you have any questions.

Sincerely,


Ed Berends
Legislative Representative

c: Assembly Member Kevin Mullin
Each Member, Senate Environmental Quality Committee