COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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August 5, 2025

TO: Each Supervisor

FROM: Mark Pestrella, PE
Director of Public Works

BOARD MOTION OF JANUARY 14, 2025, AGENDA ITEM 14
REGULATION OF HOUSEHOLD HAZARDOUS WASTE THROUGH EXTENDED PRODUCER RESPONSIBILITY

On January 14, 2025, the Board instructed Public Works in coordination with the Fire Department, Chief Sustainability Office, Department of Public Health, County Counsel, and Department of Consumer and Business Affairs, to report back within 120 days on the feasibility of creating an ordinance that would establish an Extended Producer Responsibility Program for the safe, convenient, and sustainably-financed collection and take-back of Household Hazardous Waste/E-Waste (HHW/E-Waste) not covered by State legislation.

Public Works prepared the attached report, which highlights increases in the generation of HHW/E-Waste, rising costs to manage HHW/E-Waste, and the limitations of current programs. Public Works is exploring the viability of certain HHW/E-Waste items to potentially be included in an Extended Producer Responsibility Program, studying other successful models that have been implemented, and considering the feasibility of enforcement mechanisms. The aim is primarily to shift the responsibility for the safe collection and end-of-life management of HHW/E-Waste to producers, thereby encouraging more sustainable product designs and reducing environmental impact.

If you have any questions, please contact me or your staff may contact Deputy Director Cid Tesoro at (626) 458-4016 or ctesoro@pw.lacounty.gov.

SA:em
P:\SEC\EP4\HHW REPORT BACK TRANSMITTAL MEMO 2025

Attach.

cc: Chief Executive Office; Chief Sustainability Office; Consumer and Business Affairs; County Counsel; Executive Office, Board of Supervisors; Fire; Public Health

ATTACHMENT

REGULATION OF HOUSEHOLD HAZARDOUS WASTE THROUGH EXTENDED PRODUCER RESPONSIBILITY
AGENDA OF JANUARY 14, 2025, ITEM 14

On January 14, 2025, the Board instructed Public Works in coordination with Fire, Chief Sustainability Office, Public Health, County Counsel, and Consumer and Business Affairs, to report back to the Board within 120 days on the feasibility of creating an ordinance for unincorporated communities of Los Angeles County that would establish an Extended Producer Responsibility (EPR) Program for the safe, convenient, and sustainably-financed collection and take-back of Household Hazardous Waste (HHW)/Electronic Waste (E-Waste) not covered by State Legislation. The report back also includes the following:

1. HHW/E-Waste products that are not covered under existing State or local EPR legislation or ordinances;
2. Examples of enacted EPR legislation and local ordinances that have successful take-back programs; and
3. Recommendations on how an HHW-EPR take-back ordinance would be enforced and whether the County should outright ban certain HHW/E-Waste items from sale.

County of Los Angeles Household Hazardous Waste Program Assessment

The U.S. Environmental Protection Agency (EPA) defines HHW as "leftover household products that can catch fire, react, or explode under certain circumstances, or that are corrosive or toxic" under its regulations implementing the Resource Conservation and Recovery Act (RCRA) at 40 CFR 261.4(b). Examples include paints, cleaners, oils, batteries, and pesticides. Similarly, California regulations classify a waste as hazardous under Title 22, Division 4.5, Chapter 11, Article 3 when it exhibits any of the four key characteristics—ignitability, corrosivity, reactivity, or toxicity. These are defined specifically in:

- Section 66261.21 (Ignitability)
- Section 66261.22 (Corrosivity)
- Section 66261.23 (Reactivity)
- Section 66261.24 (Toxicity)

The broader criteria confirming when a waste is considered hazardous are laid out in Section 66261.10, which references these four characteristics as the determining standard.

While most hazardous wastes in the U.S. are regulated by the EPA under Subtitle C of the Resource Conservation and Recovery Act (RCRA), Congress excluded HHW from these regulations. Instead, the EPA only provides guidance on how to safely manage and dispose of certain household products considered hazardous waste. Thus, HHW is primarily managed through local and State programs rather than the stricter Federal regulations that apply to industrial hazardous waste.

Under current California law, Public Works, in coordination with the Los Angeles County Sanitation Districts (CSD), provides Countywide HHW management. This includes self-hauling options for multi-item HHW to permanent and temporary collection sites. The County's HHW Management Program (Program) is partially funded by a small percentage of the landfill disposal tipping fees charged to waste haulers. These fees help support various HHW collection and disposal efforts throughout the County. The Program relies on these funds to organize and manage temporary HHW collection events, operate permanent collection centers, and ensure the safe disposal of HHW waste.

However, the funding to manage the existing program has not kept pace with the growing quantity and diverse types of HHW generated in the County. According to the "Los Angeles County Household Hazardous Waste Program Assessment Final Report," the existing program is unable to fully prevent illegal disposal of HHW. For Fiscal Year 2021-22, the cost to run the program was over $12 million and captured only about 20 percent of the HHW products. For Fiscal Year 2023-24, the cost to run the program increased to an estimated $13.9 million and is projected to increase in future years.

It is important to stress that illegal disposal of HHW is a significant environmental and public health concern. Improperly discarded HHW can contaminate groundwater, soil, and air. EPR programs aim to shift the responsibility for managing end-of-life (EOL) products from consumers to the producers. By making producers financially responsible for the proper disposal of their products, EPR programs incentivize the clear labeling of the products for EOL management; the development of less toxic, refillable, and less costly to manage products; and safer products for people who work with them and the planet.

Motion Requests

HHW/E-Waste products that are not covered under existing State or local EPR legislation or ordinances (Directive 1a)

Enclosure 1 includes a working document titled "California HHW Program Stewardship Product Coverage". This document was developed by the members of the HHW-EPR working group and details a working list of current "EPR" covered products and non-covered products under existing State legislation and/or Regulations. An example of HHW/E-waste categories with no specific State run program or EPR coverage under current State legislation/regulations includes, but is not limited to:

1. Electronics not covered by existing programs.
2. Explosives.
   a. Ammunition
   b. Fireworks
   c. Marine Flares

At the local level, the County does not have a dedicated EPR ordinance specifically for any product that is not currently covered under existing State programs or EPR legislation. This includes the overlap of a State and a County take-back program for pharmaceuticals and sharps, which will be discussed in subsequent sections. While California has various EPR programs for specific electronics (such as batteries and some electronics and electronics with embedded batteries), a comprehensive County-level EPR program for all HHW/E-Waste does not exist. The County of Los Angeles' CleanLA website provides residents with a general list of items they can take to designated collection events or permanent collection centers to ensure they are disposed of safely and responsibly. These options include, but are not limited to:

- Temporary HHW collection events: Regularly scheduled events held at various locations throughout the County where residents can drop off a wide range of HHW materials.
- Permanent Collection Centers: Facilities where residents can drop off HHW year-round. These centers typically handle a limited range of materials.
- E-waste Drop-Off Locations: Many electronics retailers and other businesses accept e-waste for recycling.

<u>Examples of enacted EPR legislation and local ordinances that have successful take-back programs **(**Directive 1b)</u>

California has a strong history of pioneering EPR programs in the U.S., especially for HHW products. In these EPR programs, the producers, through a Producer Responsibility Organization (PRO), can cover all administrative and operational costs associated with establishing and implementing the program. This includes expenses related to program management, reporting, and compliance. The term "producer" encompasses entities involved in the manufacture, branding, import, sale, or distribution of products that become HHW. This includes businesses across various sectors such as, but not limited to:

- **Chemical and Cleaning Products:** Manufacturers of pesticides, adhesives, glues, cleaners, degreasers, and solvents that are ignitable, toxic, corrosive, or reactive.
- **Automotive Products:** Producers of lubricants, oils, antifreeze, and other automotive maintenance products.
- **Compressed Gases:** Companies producing or importing compressed gases like propane, helium, and oxygen.
- **Batteries and Electronics:** Manufacturers of lithium batteries and electronic delivery systems, including vaping devices.
- **Hazardous Materials:** Producers of products containing asbestos, mercury, or polychlorinated biphenyls.

Producers are responsible for the costs of collecting, transporting, and safely managing the disposal or recycling of covered products and effectively communicating the program to encourage consumer participation. This ensures that the products are properly managed throughout their lifecycle. Producers reimburse the government for its role in overseeing and regulating the EPR program. This includes costs associated with monitoring, ensuring a transparent program for the public, enforcement, and goal achievement. Some examples of successful EPR programs implemented include:

1) **Agricultural Pesticide Containers (AB 1723, 2008):** Pesticides are HHW that can contain hazardous ingredients and are subject to the Federal Universal Waste program, although not included in California's State Universal Waste program. This addresses hazardous, flammable, and poisonous HHW (pesticides). Success stems from aligning with the Federal Universal Waste program principles and preventing environmental and health risks associated with improper disposal in disaster situations and general consumer waste.

2) **Recalled Products (AB 1860, 2008):** These mandates require manufacturers take-back for safe disposal of recalled products, prohibits unsafe product sales, and requires prompt customer notification and online recall information. Success lies in shifting responsibility to manufacturers for managing potentially hazardous recalled items, preventing their unsafe re-entry into commerce, and ensuring consumer awareness.

3) **Mercury Thermostats (AB 2347, 2008):** This program, aligned with the Federal and State Universal Waste programs, manages mercury-containing thermostats, coupled with a Statewide ban on mercury lighting (AB 2208, 2022), to reduce management costs. Success is driven by leveraging existing Universal Waste frameworks and the cost-saving synergy with the mercury lighting ban, significantly decreasing overall management expenses.

4) **The PaintCare Program (AB 1343, 2010):** This established the initial framework for the PaintCare program, which achieved significant success in California. It mandated that paint manufacturers establish and fund a system for the collection, transportation, and processing of post-consumer architectural paint. Its success is due to the significant cost savings to the County. Paint was previously reported to be approximately 50 percent of HHW collected in local government programs when the bill passed in 2010, and its management is now essentially fully paid for by the PaintCare program.

5) **The PaintCare Expansion Act (SB 1143, 2024):** This law expands the scope of the paint stewardship program to a wide range of paint products not previously included in the program, such as non-industrial coatings and related products that ended up in HHW collection events. This EPR program for a broad range of paint products promotes reuse and proper disposal. Its success is primarily due to the significant cost savings for local governments, which previously bore the high cost of managing paint (reportedly 50 percent of HHW). The goal is to create a more universal and convenient system for consumers to dispose of virtually all leftover paint products through the existing PaintCare infrastructure, reducing confusion and potential improper disposal.

6) **Pharmaceutical and Sharps Waste Stewardship (SB 212, 2018):** Established a Statewide take-back program for pharmaceuticals and sharps. This law requires manufacturers to fund safe disposal systems for drugs and home-generated sharps. Its success is attributed to the significant cost savings for the County, building upon the foundation of successful local EPR programs and advocacy efforts. Convenient collection options at pharmacies and medical facilities further contribute to its effectiveness.

California became the first and only State in the U.S. with a Statewide program requiring producers to fund the collection of medications and needles, but these programs have operated for 30 years in Canada and Europe. Furthermore, in 2023, Vermont made history by becoming the first State to enact legislation establishing an EPR program for HHW. This groundbreaking law mandates that producers of covered HHW are responsible for funding and operating accessible collection systems, ensuring the proper management of these hazardous materials.

In 2024, Senator Allen introduced SB 1143, which was a full EPR for HHW bill, but was later amended to only expand the PaintCare program to cover all remaining paint products like furniture and marine paint. In February 2025, Senator Allen reintroduced HHW EPR as SB 501 – the Household Hazardous Waste Producer Responsibility Act. This bill would create a producer responsibility program for the most costly, dangerous, and operationally burdensome HHW products not currently covered by an existing program. It will require safe and convenient collection and management of products at no cost to consumers or local governments.

Recommendations on how an HHW-EPR take-back ordinance would be enforced and whether the County should consider an outright ban on certain HHW/E-Waste items from sale (Directive 1c).

In coordination with various County departments, Public Works determined that implementing an outright ban on certain HHW/E-Waste, such as single use/disposable electronic vapes or propane cylinders in the unincorporated communities of Los Angeles County requires additional study. While the County should begin the process of drafting the HHW-EPR ordinance to develop a take-back program, it should carefully study the impacts of banning HHW products from sale in the unincorporated communities of Los Angeles County. This recommendation is based on monitoring existing funding and recognizing the following recent developments and trends:

1) The amount of new HHW products sold and waste disposed of in the municipal solid waste stream is steadily increasing as consumers purchase more products that have harmful elements and chemicals. (For Example: nitrous oxide cannisters used for events and “disposable” helium tanks).

2) The cost of managing the existing program is increasing rapidly while public participation at HHW events remains the same. The County captures a very small amount of the HHW that is generated in the County, estimated at 5-9 percent in Fiscal Year (FY) 2021-22, which is self-hauled by 2 percent of households that

participate in the County's multi-stream collection program, primarily at temporary locations. At the same time, the amount that is collected has been steadily decreasing over the last two FYs, while the annual cost of the program has increased by over $3 million per year. The program's costs fluctuated between approximately $8.2 million and $13.9 million from FY 2018-19 to FY 2023-24 as noted below:

- FY 2018-19, the program's cost was over $9.4 million.
- FY 2019-20, the program's cost was over $8.2 million.
- FY 2020-21, the program's cost was over $8.6 million.
- FY 2021-22, the program's cost was over $12.2 million.
- FY 2022-23, the program's cost was over $12 million.
- FY 2023-24, the program's cost was over $13.9 million.

3) Policy No. 20-01 of the Policy Recommendations Report dated June 30, 2022, from the Statewide Commission on Recycling Markets and Curbside Recycling recommends that California pass EPR framework legislation to establish and maintain a convenient and fully funded recovery system for all hazardous products.

4) The Los Angeles County Sustainability Plan - Goal 9 Action 108 of the County of Los Angeles Sustainability and Zero Waste Initiatives "Adopt and advocate for producer and manufacturer responsibility requirements."

5) Priority Issue No. 2: EPR and Product Stewardship of the Los Angeles County Zero Waste Plan 2022 states that "Encouraging EPR in manufacturing consumer products is crucial since approximately 75 percent of the County's waste stream comes from manufactured products, including HHW products. For the County to reach its sustainable waste management goals, these materials must be targeted for reduction, reuse, and recycling."

6) Los Angeles County Household Hazardous Waste Program Assessment Final Report (Report) includes strategies to implement a successful HHW-EPR program, which includes steps for introducing, implementing, operating, enforcing, and evaluating the program for future improvements and expansion. The Report emphasizes that the implementation of the HHW-EPR program in unincorporated communities of Los Angeles County would be a considerable improvement to the existing HHW Management Program.

7) The success of the County's local pharmaceuticals and sharps EPR take-back programs combined with the stakeholder meetings and drafting the ordinance and having hearings at the Board of Supervisors on potentially implementing an ordinance if the state failed to act, led to the Statewide enactment of similar legislation SB 212 (2008) by Senator Hannah Beth Jackson within a year.

8) The success of passing two statewide bans on the sale of two products will dramatically reduce costs to manage mercury-containing lighting (AB 2208

banning the sale of all mercury lighting by January 1, 2025, and SB 1280 banning the sale of one pound single-use propane gas cylinders by January 1, 2028.

The recommendation to pursue an HHW-EPR take-back program is further explained in Subsections 2a through 2d below:

2a. An outright ban on certain HHW items requires further study.

The primary objective of the HHW-EPR program is to encourage the adoption of sustainable product alternatives while phasing out hazardous materials. By fostering innovation and market adaptation, the program aims to support economic resilience and long-term environmental benefits.

The Statewide Commission on Recycling Markets and Curbside Recycling report specifically recommends within Policy #20-01, that "some products are just toxic and unnecessary and have safer, cheaper alternatives." The policy proposes implementing an EPR framework to eliminate hazardous items from the market. These items may also be replaced with safer economical alternatives.

Examples of bans on products that pose significant environmental or health risks and are difficult to manage safely include certain toxic pesticides that have been linked to severe environmental damage; single-use plastics with hazardous additives, which contribute to pollution and are challenging to recycle; and certain solvents and degreasers that release volatile organic compounds (VOCs) into the air.

Banning the sale of certain HHW products offers benefits like reduced public exposure to harmful chemicals, improved recycling efficiency through less contamination, and cost savings in waste management, as fewer resources are needed for safe transportation, treatment, and proper disposal of HHW. For example, products like Marine Flares are not made in California, have a Coast Guard approved electronic signal alternative that can use rechargeable batteries, and have only one disposal location in Alameda County for all California boaters.

However, a ban could also result in job and other economic losses, particularly in sectors that manufacture or sell specific HHW products or chemicals for HHW products. Economic and job loss analyses should be conducted in coordination with comprehensive stakeholder engagement to communicate the potential impacts of a ban.

2b. The County should establish an HHW-EPR program for unincorporated communities of Los Angeles County.

As an alternative to sales bans of HHW products, an HHW-EPR program requires producers of HHW products to be responsible for EOL management of their products. A producer-run HHW-EPR program would shift the financial burden from local governments to the product producers, who can create a more efficient and cost-effective system for preventing illegal disposal of HHW into the residential waste stream. A successful HHW-EPR program would require producers of specific products to fund and operate a system to take-back their products from the consumer. When producers are required to manage their products at EOL, they have a business reason to reduce costs and make different design choices to reduce EOL costs, including the elimination of toxic chemicals.

Implementing a successful local HHW-EPR program requires establishing an HHW-EPR ordinance that defines covered products and producer. Typically, a producer refers to any entity that manufactures, imports, sells, or distributes an HHW product that becomes part of the waste stream. The producers must be required in the HHW-EPR ordinance to develop a stewardship plan that is approved by the County and operate the program either individually or as members of a Producer Responsibility Organization (PRO) or several PROs that can be organized by groups such as “lubricants” which currently has their own PRO and wants to run the program with their unique product sales, return and refining process. A Stewardship plan will lay out how the PRO will take primary responsibility for a product's environmental impact throughout its lifecycle, including design, production, sale, use, and recovery.

The producer/PRO would be required to implement the HHW-EPR program according to the approved Stewardship Plan and reimburse the County for oversight/enforcement expenses. The Stewardship Plan should stipulate:

- How the producer/PRO will implement the HHW-EPR ordinance.
- How funds will be allocated to producers, collected, and used to make EOL improvements, and reimburse the County for its oversight expenses.
- How the producer/PRO plans to incentivize the production of alternative non-toxic or non-hazardous products certified by organizations such as: MADE SAFE, EcoLogo, Green Seal, UL Environment, and the EPA.

Typically, the increased costs incurred by the Producer in implementing an HHW-EPR program are modest and can be passed on to the consumer at the point of sale. A statewide program can increase efficiency by standardizing public education materials and collection systems. To further reduce costs, Producer/PRO can establish targets for source reduction, reuse/refill, and requiring the eco-modulation of fees to further encourage green design. EPR uses the best of the free-market system to reduce overall costs and increase program convenience and effectiveness.

Implementing a successful local HHW-EPR program is achievable by using existing EPR policies and collaborating with stakeholders to find resolutions to address obstacles, and includes the following:

1) Ensure the producer/PRO invests in existing infrastructure and expands and creates new infrastructure for collection, transportation, and recycling or disposal of HHW. This includes setting up convenient collection points, ensuring safe handling, processing, and management of hazardous materials. The producer/PRO must fully fund the HHW-EPR program, potentially increasing costs, which incentivizes consumers to choose fewer toxic alternatives and ensures fair cost allocation, and avoiding a general subsidy for products they do not use.

2) Recognize the potential challenge of cost distribution in implementing a local HHW-EPR ordinance. While the fee could be hidden rather than visible, it remains unclear how extensively the small surcharge would be internalized, whether it would be absorbed locally, regionally, statewide, nationally, or even globally by manufacturers and retailers. If producers spread the costs broadly across a larger market, the financial impact on individual consumers in unincorporated communities of Los Angeles County may be negligible. However, if the cost internalization is localized, retailers within the regulated area could still experience a competitive disadvantage, potentially influencing consumer purchasing behavior.

3) Facilitate meetings among various stakeholders, including manufacturers, retailers, waste management companies, other cities, and local governments, to ensure all parties are coordinated and committed to the HHW-EPR program goals.

4) Educate the public about the HHW-EPR program, encourage participation, and effectively inform residents about proper and safe take-back procedures. Ensure there are public education metrics in the ordinance. Plan that public education campaigns are culturally appropriate, offered in multiple languages, etc.

5) Ensure that customers, store clerks, certified professionals, or anyone who handles the HHW waste are properly trained to handle, store, and dispose of hazardous waste safely to minimize risks to their health and the environment.

6) Enforce and monitor the HHW-EPR program performance. The County would focus its resources on conducting regular assessments of the producers/PRO take-back HHW management practices and adherence to the Stewardship Plans.

7) Collect data to track collection rates, illegal disposal incidents, what kinds of HHW are performing better or worse for collection, etc.

2c. What are the key enforcement entities, laws, and regulations to consider in drafting an ordinance to establish an HHW-EPR program in the County unincorporated areas?

Los Angeles County has unique geographical and ecological terrains that require special consideration. According to the 2020 Census, unincorporated communities of Los Angeles County are comprised of 120 to 125 unique and decentralized communities with a total population of just under 1 million, covering more than 60 percent of the County's land area. The diverse range of communities includes both small rural areas and urban centers, which the producers will be required to address equally and fairly in their Stewardship Plan.

Regional Planning is responsible for implementing the land use policies and zoning regulations to improve environmental conditions and public health in unincorporated communities of Los Angeles County. The Green Zones Ordinance (GZO) aims to enhance public health and land use compatibility in unincorporated communities of Los Angeles County that experience a disproportionate pollution burden. The GZO includes land use policies and zoning regulations to address land use incompatibility and reduce exposure to toxic pollutants near residential neighborhoods and schools. Specific areas, known as Green Zones, have stricter development standards for facilities near sensitive uses like homes, schools, and parks.

The GZO includes specific regulations for HHW facilities (including retail stores accepting HHW under a potential EPR ordinance) near sensitive uses such as homes, schools, parks, and hospitals. These commercial retail stores must meet specific development standards and permitting requirements, including ensuring proper storage and handling of HHW to prevent leaks, spills, and other environmental hazards.

The County may have to review the existing conditional use permits and conduct site plan reviews of facilities that will participate in the HHW program. After the facility is approved to take back specific HHW products, the County would need to ensure that facilities comply with the GZO development standards, setback requirements, and air purification measures.

Per Assembly Bill 939 (1989), each city and county must prepare, adopt, and submit to the California's Department of Resources Recycling and Recovery (CalRecycle), a Household Hazardous Waste Element that identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes generated by households, ensuring they are diverted from the solid waste stream.

California State law, Public Resource Code §47203; Health and Safety Code (H&SC) §25218.10, further requires CalRecycle and the Department of Toxic Substance Control (DTSC) work jointly in maintaining a database of all HHW events, facilities, and take-back programs within the state and make that information available to the public upon request. CalRecycle relies on all the jurisdictions, or local governments, within the state to provide this information.

To ensure the well-being, health, and safety of workers, California has specific regulations regarding workers who handle hazardous waste. Chapter 6.5 of the H&SC, Division 20, focuses on Hazardous Waste Control. This includes rules on training, safety protocols, and exposure limits to ensure the safety and health of workers handling hazardous substances. The California Code of Regulations, Title 8, Section 5192, provides guidelines for hazardous waste operations and emergency response, outlines occupational safety and health programs that must be implemented at hazardous waste sites, and the certification and training requirements for employees involved in hazardous waste operations and emergency response.

Hazardous waste sites require comprehensive worker safety programs. Workers handling hazardous waste typically need 40-hour Hazardous Waste Operations and Emergency Response training (plus 8-hour annual refreshers) and may need to use appropriate personal protective equipment. While Hazardous Waste Operations and Emergency Response certification is usually required for regular handling/storage/disposal, employees with limited HHW handling may not need it.

California law requires hazardous waste disposal at permitted treatment, storage, and disposal facilities. In many cases, a store selling and/or storing returned HHW could be considered a "hazardous waste site" depending on the quantity and nature of the waste stored. If a store accumulates HHW above certain thresholds, it may need to comply with hazardous waste management regulations and obtain necessary permits.

If a store sells an HHW product, the local government can require the store to follow RCRA regulations. This includes ensuring that the HHW products for sale and the EOL HHW products are stored and handled in compliance with RCRA standards to prevent spills, contamination, and exposure, and maintaining records and documents related to the sale, storage, and disposal of HHW products.

Currently, the DTSC administers a streamlined permitting process for HHW collection facilities. DTSC oversees treatment, storage, and disposal facilities, ensuring compliance with laws and promoting safe waste management practices. They also provide resources and assistance to hazardous waste generators, transporters, and facilities. The Enforcement and Emergency Response Division within DTSC monitors and ensures compliance, conducts inspections/investigations, and pursues enforcement actions for serious violations of H&SC, Section 25180.

The majority of HHW collected and managed in Los Angeles County is being sent to incineration out of state, which makes the cost to manage very expensive, simply due to transportation costs of hazardous and explosive waste, which is much higher than solid waste. California law further requires that hazardous waste be transported by a registered hazardous waste transporter and that the waste be identified on a hazardous waste manifest, as specified by the US Department of Transportation Hazardous Materials Regulations.

2d. What are the logistics to consider in planning, implementing, and enforcing an HHW-EPR program in unincorporated communities of Los Angeles County?

Prior to completing this 120-day report, the County worked closely with consultants and stakeholders to evaluate the existing Countywide HHW program and to prepare the Los Angeles County Household Hazardous Waste Program Assessment Final Report. In the process of drafting a local HHW-EPR ordinance, it is recommended that the County, among other considerations:

1. Compare similarities of a proposed HHW-EPR program to the existing HHW Management program.
2. Engage stakeholders for review of the HHW-EPR ordinance and provide feedback.
3. Stipulate how the producer/PRO will prepare their stewardship plan and invest in a convenient take-back of their HHW products.

Concepts for preparing a local HHW-EPR ordinance would come from knowledge and experience in managing the existing program and learning about how these programs are already operating successfully in Canada and being developed in Vermont, and consulting with affected stakeholders. In summary, the program has:

- Two permanent facilities, Environmental Disposal Concepts (EDCO) and Antelope Valley Environmental Collection Center (AVECC). EDCO is open every other Saturday from 9 a.m. to 2 p.m., and AVECC is open every other Saturday from 9 a.m. to 3 p.m.

- Temporary events are held weekly in various cities and unincorporated communities of Los Angeles County, typically operating on Saturdays from 9 a.m. to 3 p.m. The number of temporary facilities utilized each year fluctuates.

- Approximately 180 "Take-it-Back Partners" such as retailers or manufacturers also provide single-stream take-back collection. Most of the take-back partners collect single-stream HHW products such as household batteries.

In addition, Countywide residents are encouraged to use the City of Los Angeles S.A.F.E. (Solvents/Automotive/Flammable /Electronics) Centers to dispose of waste.

Public Works contracts with CSD and its contractors to operate its multi-stream HHW program. Advertising of the temporary or permanent events is conducted by an advertising company. CSD, Public Works, and the contractors review reporting information on the HHW types collected at permanent and temporary collection facilities and events. Subcontractors sort and label the diverse HHW materials for transport according to the Department of Transportation regulations. Public Works completes CalRecycle worksheets/reports and other associated documentation. An HHW-EPR program would shift these responsibilities to the producer/PRO and eliminate the 24-hour set-up/operation/vacation requirement for temporary events.

HHW products that require incineration for safe disposal must be sent out of state. The average transportation distance is 500 miles, with the farthest being approximately 1,800 miles from Los Angeles County. To reduce public health or environmental risks in other States or Nations, the HHW-EPR ordinance could set limits and/or restrictions on exporting EOL HHW products. Additionally, the County should ensure that producers/PROs prioritize HHW reduction at the source, encouraging product redesign and other strategies to minimize waste generation. While redesigning certain hazardous products may be challenging, some HHW components could be recovered and reused to promote a more sustainable lifecycle. Excessive transportation distances introduce issues such as higher emissions, increased costs, logistical inefficiencies, and reduced oversight of disposal practices, which can ultimately hinder the effectiveness of a circular economy. The County will consult the producers/PROs throughout the engagement process to receive comments and feedback on the selection of the best course of action for setting limits and/or restrictions on exporting of HHW products. Jurisdictions will not be responsible for funding the development of new facilities.

The proposed HHW-EPR ordinance should define violations (by producers and non-compliant retailers) and establish enforcement with incentives and penalties.

Producer violations could include improper labeling, inaccurate or late reporting, failure to provide the necessary take-back services, or improper management or tracking of HHW. Store violations could include misinformation, improper storage, non-participation in the take-back programs, or disposal of HHW products in the regular waste streams. The County will consult the producers/PROs throughout the engagement process on the best course of action for engaging retailers, specifically small, non-chain retailers, for participation in the take-back program and the proper disposal of HHW products.

Currently, County residents store HHW indefinitely or improperly dispose of HHW into one of the many curbside bins not meant for HHW. In addition, inconvenient locations, few operating days, and limited operating hours are among the factors that discourage residents from participating in HHW self-haul activities. An HHW-EPR program could rely on a network of stores centrally located that operate daily within normal business hours.

DTSC has authority over certain aspects of an HHW program, but not all violations proposed in an HHW-EPR ordinance fall under its jurisdiction. Since DTSC's role remains unchanged and will not expand beyond its current scope, Los Angeles County should establish its own enforcement mechanisms. A structured system of fines and penalties, including escalating fines for repeated offenses, is necessary to ensure accountability beyond DTSC's purview.

EPR places responsibility on the producer/PRO to implement the HHW-EPR ordinance, provide community awareness, develop eco-modulation to incentivize good product and packaging design and disincentivize poor design, and provide comprehensive EOL management of the HHW products they sell. To ensure compliance, the producer/PRO would also be responsible for working with waste haulers to route any HHW items unintentionally collected through the curbside collection programs to designated take-back locations for proper EOL management. The County will oversee the PROs implementation of their approved Stewardship Plan.

An essential step in planning for an HHW-EPR ordinance includes stakeholder engagement meetings with the producers, retailers, local governments, waste management companies, and the public. Public hearings and comment periods on the draft HHW-EPR ordinance would allow stakeholders to actively participate in the process and provide feedback on the draft HHW-EPR ordinance. This engagement ensures that the program is comprehensive and addresses the needs and concerns of all parties.

As previously stated, the ordinance defines targets and goals, while producers/PROs are responsible for developing the program structure and execution within their Stewardship Plans. The program will be entirely funded through fees collected from producers/PROs. This funding will cover all administrative and operational costs associated with establishing and implementing the EPR plan. This includes expenses related to program management, including staffing, reporting, auditing, and compliance. The funding will also cover the costs for public education campaigns designed to inform consumers about the proper disposal of EOL HHW products.

Given that Los Angeles County comprises over 120 distinct unincorporated communities spread across the county's far-reaching borders, rather than being centralized, the ordinance may need to stipulate a phased implementation. An equitable distribution of collection sites is important, including communities that are low-income, rural, etc. This approach ensures effective administration and oversight, allowing the County to refine strategies based on stakeholder feedback and optimize program efficiency.

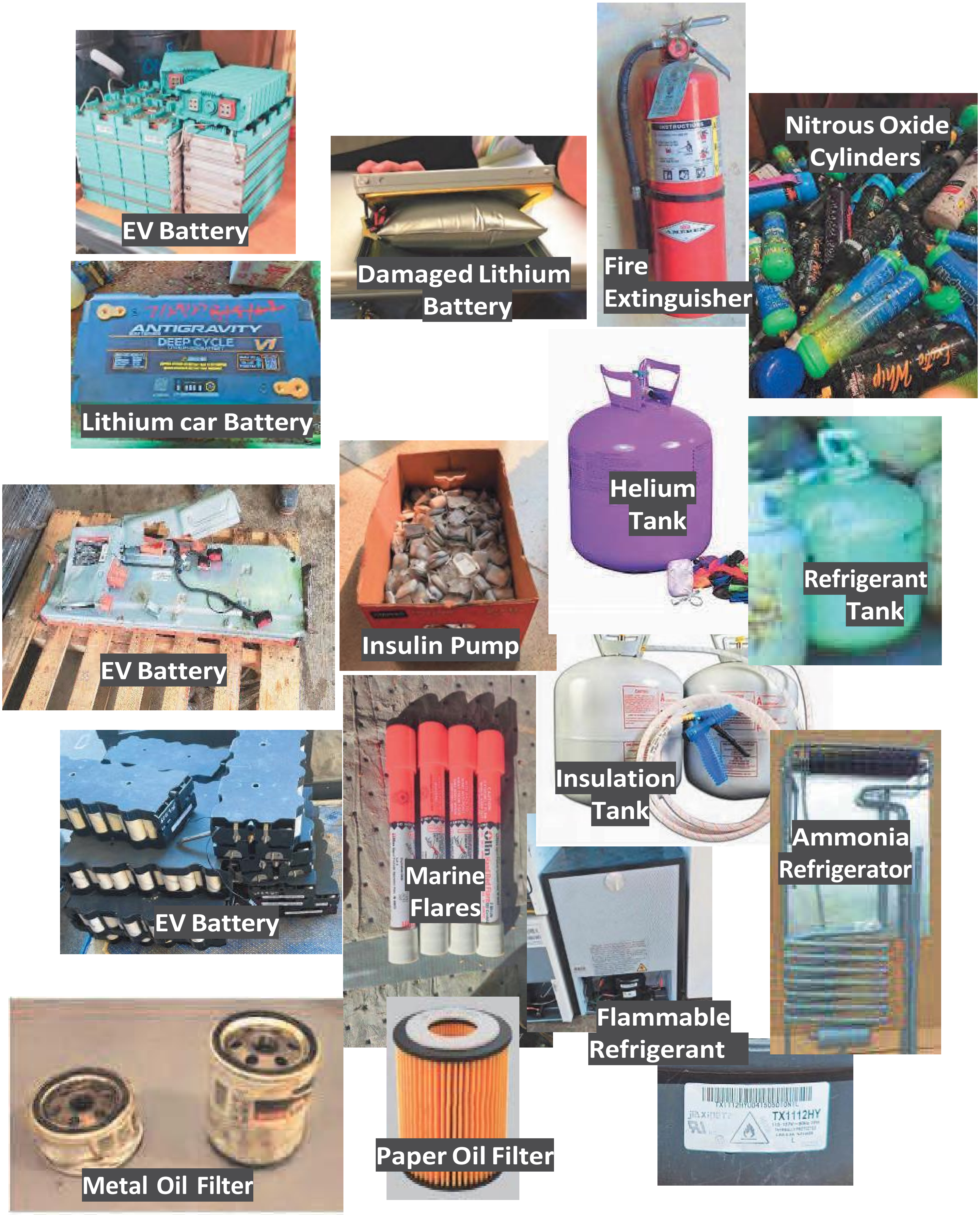
Following stakeholder engagement and hearings, the local HHW-EPR ordinance is ready to be heard and adopted by the Board. Once adopted, the County can begin working with the producers/PROs and stakeholders to implement the local HHW-EPR program in unincorporated communities of Los Angeles County in accordance with the HHW-EPR ordinance and stewardship plans. The HHW-EPR program would be implemented throughout all unincorporated communities of Los Angeles County communities as stipulated in the stewardship plans. County departments would coordinate responsibilities for conducting regular inspections and audits of facilities handling HHW to ensure compliance.

California HHW Program Stewardship Product Coverage

Program	HHW included	HHW not included or questionable
Current		
Lead-Acid Batteries	• Core charge reimbursed at point of sale. State fee applies.	• Sealed lead acid (gel cell) batteries (not covered under AB 2440)
Used Oil	• Funded by $0.24 per-gallon fee on lubricating oil. • Reimbursement of $0.40 per gallon at certified used oil centers.	• Used oil filters
Covered Electronic Waste	• Video display greater than four inches.	• Motor vehicle displays • Medical devices, • Appliance displays, • Universal waste electronics not defined
Thermostats	• Mercury containing thermostats. $30 rebate upon return of collected thermostats.	Electronic thermostats
Sharps/Pharmaceuticals, SB 212	• Free sharps containers provided and free drop-off and envelopes for pharmaceuticals.	• Vitamins or supplements & herbal • Cosmetics & Personal care products, • Animal medications, • Dialysate drugs, • Biological drugs,
Architectural Paint Stewardship	• Architectural paint and paint aerosols	• Architectural paint larger than 5 gallons containers. • Refillable paint aerosols. • Non-architectural paint like stains
Pending		
Fluorescent Lamps (Ballasts), AB 2208	• Compact (1/1/24) and linear fluorescent lamps (1/1/25) • Added benefit that ballasts not needed	• image capture and projection • Ultraviolet lamp • Medical or veterinary • Pharmaceutical product manufacturing or quality control • Spectroscopy and photometric applications • Academic and research institutions
Propane, OnePound, SB 1280	• Prohibits sale of one-pound propane disposable cylinders after 1/1/28	• Disposal costs not covered. • Tall propane height-to-width ≥3.55 to 1
Battery, AB 2440	• Loose batteries, • Motorized scooter, skateboard, and hoverboard • Device intended to propel or move upon a highway only one individual person or property. • Collection sites not required to collect covered batteries that are damaged, defective, or recalled batteries.	• Primary batteries over 4.4 pounds, • Rechargeable batteries over 11 pounds and more than 300Wh., • Lead-acid, • Motor vehicle, • Fuel cell facility, • Health care, • Recalled batteries
Covered Battery-Embedded Product, SB 1215	• Video display greater than 4 inches. • Products containing batteries not designed to be easily removed by the use of commonly household tools. • Empty cannabis vapes not excluded	• Medical device, • Energy storage system, • Nicotine delivery system even if empty, • Motor vehicle and appliance displays,
Paint products, SB 1143, AB 1526	• Interior and exterior architectural coatings, sold in containers of five	• Health and beauty products

Program	HHW included	HHW not included or questionable
	gallons or less for commercial or homeowner use, but does not include coatings purchased for industrial or original equipment manufacturer use. • "Aerosol coating product" means a pressurized coating product containing pigments or resins dispensed by means of a propellant and packaged and sold in a disposable aerosol container for handheld application, or for use in specialized equipment for ground traffic or marking applications. • "Coating-related product" means a product used as a • Paint thinner, • Paint colorant, • Paint additive, • Paint remover, • Surface sealant, • Surface preparation, or • Surface adhesive and sold for **home improvement** (unclear how to determine at facility) • Nonindustrial coatings and coating-related products sold in containers of five gallons or less for commercial or homeowner use, original equipment manufacturer use including: • arts and crafts paint, • automotive refinish paint, • driveway sealer, • faux finish or glaze, • furniture oil, • furniture paint, • lime wash, • lime paint, • marine paint, • antifouling paint, • road and traffic marking paint, • two-component paint, • wood preservative, • fire retardant paint, • dry fog paint, • chalkboard paint, and • conductive paint.	• Aerosol coating product" does not include • Paint thinner & paint remover, • Graffiti remover, • Caulking compounds that contain **no appreciable level of opaque fillers or pigments**, • Other non-aerosol coating products in Title 17, Div. 3, Chap. 1, Articles 1,2, & 3. • Coating-related products for non-home improvement, e.g. business, commercial, government, non-profit • Nonindustrial coatings purchased for industrial or original equipment use or greater than five gallons. (unclear how to determine at facility) • Title 17 excluded aerosol coating products: • Antiperspirant or deodorants • Colorants • **High and medium volatility organic compounds (propellants and ingredients in aerosols)** • Aerosol adhesives • Adhesive remover • Cooking spray • **Aerosol product** • **Architectural coating** • Air fresher • Automotive products • Brake cleaner • Bathroom & tile cleaners • Bug and tar remover • Carpet/upholstery cleaner • Consumer products • Insecticides • Lubricants • Wood cleaner • **Paint & paint thinner**

Problem HHW


EV Battery
Damaged Lithium Battery
Fire Extinguisher
Nitrous Oxide Cylinders
Lithium car Battery
ANTIGRAVITY
DEEP CYCLE
V1
Helium Tank
Refrigerant Tank
EV Battery
Insulin Pump
Insulation Tank
Ammonia Refrigerator
EV Battery
Marine Flares
Flammable Refrigerant
TX1112HY
Metal Oil Filter
Paper Oil Filter