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LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
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April 23, 2015

Assembly Member Luis A. Alejo, Chair  
Environmental Safety and Toxic Materials Committee  
1020 N. Street, Room 171  
Sacramento, CA 95814

Dear Assembly Member Alejo:

**ASSEMBLY BILL 45 – OPPOSE  
SOLID WASTE: HOUSEHOLD HAZARDOUS WASTE**

The Los Angeles County Integrated Waste Management Task Force (Task Force) **opposes** Assembly Bill 45 (AB 45) as amended on April 13, 2015. Among other things, this bill would state the legislature's intent to enact legislation that would establish curbside household hazardous waste collection programs, door-to-door household hazardous waste collection programs, and household hazardous waste residential pickup serves as the principle means of collecting household hazardous waste (HHW). The bill would also require jurisdictions to develop a baseline for HHW collection and diversion, measure HHW disposal, and increase their collection and diversion of HHW by an unspecified rate.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended) and Chapter 3.67 of the Los Angeles County Code, the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

The Task Force would welcome the opportunity to work with Speaker Pro-Tempore Mullin, you and/or your staff, fellow committee members and/or their staff in order to address the following issues:

- The bill's "Findings and Declarations" disregard the cooperative efforts that jurisdictions have undertaken to collect, recycle/divert, treat and dispose of HHW as already required by AB 939.
- The bill implies that "curbside collection, door-to-door collection, and residential pick up services" are the most successful and inexpensive method of HHW collection.
- AB 45 proposes a return to the inefficient "bean counting" days of past, by establishing a new mandate on local governments for extensive HHW recycling/diversion measurement and reporting requirements.
- AB 45 disregards Extended Producer Responsibility (EPR) despite California Department of Resources Recycling and Recovery's (CalRecycle's) support of this principle as a key strategy to reach the 75 percent diversion goals of AB 341 (Chesbro, 2011).
- AB 45 effectively redefines pharmaceuticals to be HHW.

**Findings and declarations disregard cooperative efforts to divert HHW.**

Since the early 1990's local governments have been required to prepare, adopt, and provide the State with details regarding programs dedicated to the collection, recycling/diversion, treatment and disposal of residential HHW. It is a very costly effort which local governments have been mandated to undertake.

Los Angeles County's HHW program, which is operated on a Countywide basis, was created as a result of coordinated effort between the 88 cities of Los Angeles County and over 140 unincorporated communities in the County in response to Assembly Bill 939. The program is certainly not "piecemeal and truncated" as AB 45's Findings and Declarations assert. In fact, a collection of regional working groups created throughout the County considered many types of HHW collection systems and ultimately it was decided that an approach which incorporates mobile collection events was the most viable, efficient, and convenient type for Los Angeles County's vast geography and large population. The program also provides for HHW pickup services for the elderly and otherwise immobile residents within a seven-mile distance of each mobile collection event. The program was also enhanced with the establishment of several permanent HHW collection centers as a result of program evaluation.

The program currently hosts over 60 annual HHW mobile collection events throughout the County and now includes nine permanent collection centers established through public/private partnerships. The Countywide approach allows the 88 cities in Los Angeles County to effectively serve the needs of the Los Angeles County residents as well as complying with the State requirement in providing a convenient

program for the safe collection, recycling/diversion, treatment, and disposal of HHW. The program incorporates a vigorous outreach and education component for residents throughout the County. In 2012/2013, the program collected 13 million pounds of HHW at a cost of about \$0.80 per pound for a total cost of \$10.4 million.

AB 45 claims to be addressing the truncated nature of HHW collection; however, it would actually truncate cooperative efforts such as Los Angeles County's Countywide HHW program by requiring each city to develop their own program.

**The bill implies that "curbside collection, door-to-door collection, and residential pick up services" are the most successful and inexpensive method of HHW collection.**

AB 45 states that a number of cities have already implemented curbside/door-to-door/residential HHW collection programs and along with waste disposal companies have found them to be "successful and inexpensive." "Successful" would indicate high participation rate of residents and resulting high diversion rate of HHW. However, since the introduction of AB 45 in December 2014, the Task Force conducted a survey of such curbside/door-to-door/residential HHW collection programs across the state and the findings indicate that the participation rate for these programs are comparable to the participation rate of the Los Angeles County Countywide HHW program. "Inexpensive" would imply that these extra costs would not cause jurisdictions to reduce other critical services. However, the Task Force found that the costs of curbside/door-to-door/residential HHW collection programs were clearly higher, and as a result jurisdictions needed to reduce other services in order to support the new programs. Cost were sometimes twice as much as the Los Angeles County Countywide HHW program on a per pound basis. To put it simply: the extra costs involved in implementing curbside/door-to-door/residential HHW collection programs are not justified by a proportional increase in participation/diversion rates.

The Task Force survey also indicated that most of the State's curbside/door-to-door/residential HHW collection programs either require a person to be home when the HHW is collected or for the waste to be placed on the curb exposed to various elements. Both of these limitations present a number of problems. Many families throughout the State are not home throughout the day, they are working, going to school, or a number of other activities and places. This reality may explain why many of the curbside/door-to-door/residential HHW collection programs surveyed had low participation rates. Additionally, leaving HHW on curbsides for pickup may subject jurisdictions to health and safety and/or environmental liabilities, as these items would be exposed to children, animals, and the environment. Moreover, the collection and transportation of medications classified as controlled pharmaceuticals requires special permitting, which waste haulers do not necessarily have. In such instances, controlled substances placed on the curb are left there endangering the community

**AB 45 proposes a return to the inefficient “bean counting” days of past, by establishing extensive new recycling/diversion measurement and reporting requirements.**

Implementing these types of programs would include costs beyond operational costs as jurisdictions would be required to establish baselines and focus on diversion rates which are both very costly and time consuming to measure. This type of outdated bean counting system was eliminated in 2008 (SB 1016) in order to allow jurisdictions to focus on program implementation instead of number crunching. AB 45 reverts to this old bean counting system despite its obvious deficiencies. These provisions would effectively discount years of HHW program implementation and enhancement.

**AB 45 disregards Extended Producer Responsibility (EPR) as a key strategy to reach the 75 percent diversion goals of AB 341.**

Manufacturers of HHW products, more than any other industry, are capable reducing the amount of difficult to manage HHW. The State has long promoted the principle of EPR as viable mechanism towards environmental sustainability. EPR requires manufacturers to share in the responsibility of managing their products and thus incentivizes them to produce easier to manage products with less HHW. The former California Integrated Waste Management Board established Strategy Directive 5, which identified EPR as a core value for the State’s landfill diversion efforts. CalRecycle, which replaced the Board, reinforced the support for EPR in the *Update on AB 341 Legislative Report* as a key concept for reducing the landfilling of difficult to manage products. Moreover, CalRecycle further expressed its support for EPR in its *State of Recycling in California* report which was released just weeks ago in March 2015. It is clear to CalRecycle, the State agency responsible for setting Statewide policies for the management of solid waste, that local governments cannot keep up with the amount of HHW produced in the State without some help from manufacturers of these products.

A number of legislative proposals to create EPR programs for HHW products such as batteries, sharps, and pharmaceuticals have been proposed in recent years only to be defeated by industry associations for these products. Manufacturers of these difficult to manage products insist on spending millions to defeat such proposals rather than sharing in the responsibility of their own products. Fortunately, not all EPR legislative proposals have been defeated. Assembly Bill 1343, (Huffman, 2010) which required the paint industry to develop an EPR type program, has already saved millions for jurisdictions across the State while providing a convenient mechanism for consumers of their products to properly dispose of unwanted paint. CalRecycle has identified over 670 permanent collection sites as a result of this program. Paint manufacturers are still profiting from their products, and local governments are now able to utilize the savings providing through the EPR program for other needed services. Proposals such as AB 45 would be a step backwards, increasing the burden on local governments while avoiding real solutions of sharing the responsibility with product manufacturers.

**AB 45 effectively redefines pharmaceuticals as hazardous waste.**

Local governments are presently not required to collect and divert home-generated pharmaceutical waste from landfills as home-generated pharmaceutical waste is not considered hazardous in Federal or State Code. Many jurisdictions, including Los Angeles County, include the collection of home-generated pharmaceutical waste as an added benefit for its residents due to a variety of reasons including protecting the health and safety of its residents and in order to preserve water quality. AB 45 would classify home-generated pharmaceutical waste as an HHW and thus make local governments responsible for managing this waste with no help from the pharmaceutical industry which is regarded as the most profitable industry in the world.

In the last several years, there have been several legislative proposals from the State's legislature to enact an EPR program for home-generated pharmaceutical waste only to be defeated by the pharmaceutical industry. Several local jurisdictions have implemented local EPR programs for home-generated pharmaceuticals and have been sued (unsuccessfully) by the pharmaceutical industry. It is no wonder why this industry is in full support of AB 45. Despite successful EPR programs run by the same pharmaceutical manufacturers in Canada and Mexico, the industry argues that EPR will drive prices up and would stifle innovation. The pharmaceutical industry must take some responsibility for the management of their home-generated pharmaceutical waste. Retailers of their products provide the most convenient and sensible outlet to collect home-generated pharmaceutical waste. EPR is a real solution that is fair for consumers and for local governments. Rest assured, the pharmaceutical industry will remain highly profitable if the State enacts EPR for home-generated pharmaceutical waste. We implore your support for such measures.

Based on the foregoing, the Task Force is **opposed** to AB 45. The Task Force believes the safe and effective management of HHW is an important issue and would be pleased to discuss with Speaker Pro-Tempore Mullin, you, members of your staff, or other members of your committee, other potential policies or efforts which would increase the diversion of HHW from landfills.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at [MikeMohajer@yahoo.com](mailto:MikeMohajer@yahoo.com) or (909) 592-1147.

Sincerely,

*Margaret Clark*

Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Mayor, City of Rosemead

Assembly Member Alejo

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cc: Speaker Pro-Tempore Kevin Mullin  
Each member of the Assembly Environmental Safety and Toxic Materials Committee  
California State Association of Counties  
League of California Cities, Los Angeles Division  
California Product Stewardship Council  
Each member of the Los Angeles County Board of Supervisors  
San Gabriel Valley Council of Governments  
South Bay Cities Council of Governments  
Gateway Cities Council of Governments  
Westside Cities Council of Governments  
Each City Mayor and City Manager in the County of Los Angeles  
Each City Recycling Coordinator in Los Angeles County  
Each Member of the County Sanitation Districts of Los Angeles County  
Each Member of the Los Angeles County Integrated Waste Management Task Force