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January 4, 2015

The Honorable Richard Gordon, Chair  
Assembly Select Committee on Waste Reduction and Recycling in 21<sup>st</sup> Century  
California  
P.O. Box 94849  
Sacramento, CA 94249

Dear Assembly Member Gordon:

**COMMENTS ON NOVEMBER 4, 2015 HEARING: HOUSEHOLD HAZARDOUS  
WASTE MANAGEMENT AND “CRADLE TO GRAVE” PRODUCER  
RESPONSIBILITY (EPR)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates this opportunity to comment on the important topics of household hazardous waste (HHW) management and “cradle to grave” producer responsibility, also known as “Extended Producer Responsibility” (EPR). The Task Force appreciates the important work of the Assembly Select Committee on Waste Reduction and Recycling in 21<sup>st</sup> Century California (Committee) in creating a dialogue regarding these critical issues. To that end, the Task Force would also like to offer the following:

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 from 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 management of HHW is an expensive and resource demanding service for local governments. Despite these efforts, much HHW is still being disposed of in landfills. Manufacturers of HHW containing products, more than any other type of entity, are capable of addressing this problem. Elizabeth Wagner of the Department of

Resources Recycling and Recovery (CalRecycle) conveyed during her presentation at the Committee's November 4 Hearing, the State has long promoted the principle of EPR as a viable mechanism towards environmental sustainability. 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. CalRecycle further expressed its support for EPR in its *State of Recycling in California* report which was released in March 2015. It is clear to CalRecycle and we concur with their sentiment that local governments cannot keep up with the amount of HHW produced from products sold to California's consumers without some help from manufacturers of these products.

EPR simultaneously provides local governments relief from resource demanding programs while increasing the collection and proper disposal of items. Moreover, EPR affords residents with more convenient and safe access to properly dispose of items at the end of their useful life. A number of State legislative proposals to create EPR programs for HHW products such as batteries, sharps, and pharmaceuticals have been proposed in recent years but were not able to pass the legislature. Industry strongly opposed these EPR proposals which influenced their defeat. Unfortunately, some manufacturers of these difficult to manage products insist on spending millions to defeat such proposals rather than sharing in the responsibility to manage their own products at the end of their useful life. Fortunately, there have been EPR legislative proposals which have become law.

Assembly Bill 1343 (Huffman, 2010), which required the paint industry to develop an EPR program, has saved millions for jurisdictions across the State while collecting more paint than local government-ran programs were collecting before the Statewide program. The program's 2015 annual report identifies over 733 permanent collection sites throughout the State. Urban and rural residents have convenient access to properly dispose of unwanted paint as a result. Paint manufactures are now active participants in the management of their unwanted product while local governments are now able to utilize the savings provided through the EPR program for other essential services.

Consistent with these facts regarding the paint program, former director of the Department of Toxic Substances Control and current director of the Department of Environment for San Francisco, Debbie Raphael, pointed out during her presentation during the November 4<sup>th</sup> Hearing's first panel, that it is clear EPR programs work. However, despite EPR's successful track-record and CalRecycle's support for this proactive waste management approach, legislative proposals such as Assembly Bill 45 (AB 45, Mullin) would instead absolve manufacturers from responsibility by increasing mandates on local government. As noted above, HHW programs are highly expensive and local jurisdictions resources are already stretched thin.

The second panel at the Committee's November 4<sup>th</sup> Hearing was made up of industry representatives, two of them from very successful stewardship organizations which administer EPR programs (including California's paint program), and a third panelist who represented the Pharmaceutical Research and Manufacturers Association (PhRMA). Both stewardship organization panelists detailed collection data and program successes while the representative from PhRMA expressed the organization's support for AB 45 which for all intents and purposes is the antithesis of EPR. It was striking to hear the PhRMA representative explain that EPR would not work for pharmaceuticals despite the fact that numerous EPR programs encompassing home-generated medical sharps and pharmaceuticals around the world are very successful and are administered by many of the same pharmaceutical companies which are represented by PhRMA. It is also interesting to hear about their support for AB 45 for the reason that it encourages curbside service for increasing the rate of collection of HHW. Unfortunately, AB 45 fails to address that leaving pharmaceuticals on curbsides for pick-up would create numerous liabilities and in the case of controlled substances, which include many pain medications, would be against Federal law.

EPR for pharmaceuticals and sharps is the most sensible solution to address the issue before Californians. However, due to lack of proper action by State, numerous local jurisdictions around California have either enacted ordinances which require EPR ordinances for pharmaceuticals/home-generated medical sharps or are in the process of adopting such ordinances.

The November 4<sup>th</sup> Hearing's third panel, which presented the waste hauling industry's perspective, was also very compelling. Three representatives from the waste industry expressed their support for EPR, in particular support for Assembly Bill 1159, which was initially introduced by you. This bill, as you are well aware, would establish Statewide pilot EPR programs for the collection of batteries and sharps waste. Far too many solid waste industry employees are injured by sharps and other hazardous waste. Moreover, these representatives have seen the data from existing EPR programs and know that implementing an EPR programs for hazardous waste would reduce injuries in their industry. The Task Force supports AB 1159 and is hopeful it will be brought back for consideration and ultimately passed by the legislature in 2016.

Considering the State's robust recycling goal established under Assembly Bill 341 (Chesbro, 2011) much more solid waste is being sorted at facilities, thereby increasing the likelihood of injuries due to hazardous waste that is improperly disposed by residents and businesses. It is imperative to support measures which are effective at reducing these incidences. Local governments need partners to significantly decrease the improper disposal of HHW. It is time for manufacturers to take some responsibility for their products at the end of their useful life and Statewide approaches do this most effectively.

Again, the Task Force appreciates the Committee's work towards establishing a dialogue for these important issues and would welcome working with you, members of the Committee and involved stakeholders to formulate a sensible solution which works and most importantly is protective of public health, our environment and, needless to say, sustainable.

Thank you again for the opportunity to offer comments. 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, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Mayor, City of Rosemead

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cc: Each Member of the Assembly Select Committee on Waste Reduction and Recycling in the 21<sup>st</sup> Century California  
California State Association of Counties  
League of California Cities & its Los Angeles Division  
California Product Stewardship Council  
Each member of the Los Angeles County Board of Supervisors  
Los Angeles County Chief Executive Officer  
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 Cordinator 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