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SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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May 10, 2019

The Honorable Anthony J. Portantino, Chair
Senate Committee on Appropriations
State Capitol, Room 2206
Sacramento, CA 95814

Dear Senator Member Portantino:

**SUPPORT IF AMENDED – SENATE BILL 54 (ALLEN, SKINNER, STERN, AND WIENER)
AS AMENDED MAY 7, 2019 – CALIFORNIA CIRCULAR ECONOMY AND PLASTIC
POLLUTION REDUCTION ACT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **supports if amended** Senate Bill 54 (SB 54), as amended May 7, 2019, if further amended to address the following comments and recommendations in this letter.

If enacted, SB 54 would formulate the California Circular Economy and Plastic Pollution Reduction Act. The Act, among other things, would require the State Department of Resources Recycling and Recovery (CalRecycle), in consultation with the State Water Resources Control Board and the Ocean Protection Council (OPC), to adopt regulations on or before January 1, 2023 to achieve, by 2030, a 75 percent reduction by manufacturers and retailers of the waste generated from single-use packaging and products offered for sale or sold in California through combined source reduction, recycling and composting to the maximum extent feasible. Additionally, manufacturers and retailers must transition single-use packaging and products to be all reusable, recyclable or compostable by 2030. Prior to adoption of the regulations, the Act also requires CalRecycle, to develop a scoping plan to determine which types of single-use packaging or products are reusable, recyclable, or compostable, and to achieve the Act's other requirements.

The Task Force is supportive of the State's efforts to reduce, reuse, recycle, and compost waste. We also commend the bill's intent to promulgate California circular economics and plastic pollution reduction which will result in a packaging policy that is environmentally responsible. However, based on our experience with Assembly Bill 341 (AB 341) (2011) and Assembly Bill 1826 (AB 1826) (2014), and China National Sword policy, the proposed legislation needs to include provisions to make the proposal economically sustainable while providing necessary tools to provide for the needed infrastructures.

In addition, the State is in the process of implementing the ambitious organic waste recycling goals contained in Senate Bill 1383 (SB 1383) (2016) which requires Californians to reduce landfill disposal of organic waste by 50 percent below 2014 level by 2020 and 75 percent

below 2014 by 2025. CalRecycle's far-reaching SB 1383 regulation could cost in excess of \$20 billion to implement while posing many challenges for local governments and the waste industry. To further compound the issue, the CalRecycle's developed and implemented AB 341 and AB 1826 as well as the soon to be promulgated SB 1383 regulations, have and continuous to place the majority of the implementation and enforcement responsibility on local governments. This is an extremely heavy burden on local governments and waste haulers that we will struggle to bear.

We are told that it is not the authors' intent to place additional responsibility on local governments and haulers and very much appreciate that. It is our understanding that the intent is to focus on an Extended Producer Responsibility (EPR) approach on manufacturers of the packaging and products requiring them to implement and fund re-design of their packaging and products as well as entire processing costs for when they do not meet recycling or composting requirements. As such, the Task Force strongly recommends that the proposed legislation therefore explicitly incorporate mechanisms to limit CalRecycle from passing its responsibilities to local governments and waste haulers for implementation. Additionally, the legislation should incorporate provisions for local governments' reimbursement by CalRecycle in such cases.

Throughout the proposed legislation, terminologies such as "Business", "Entity", "Retailer", "Regrettable", "Compostable", etc., have been used. To avoid potential confusion and miss understanding, these terminologies need to be clearly defined. Also, to provide a greater clarity on the scope of the packaging and products subject to the requirements of the proposed legislation, the Task Force recommends that the proposed Section 42044 (a) of the bill be expanded to also exempt products used for sanitary purposes that are intended to facilitate disposal, such as garbage bags, diapers, etc., and those for which specific packaging types are required because of product characteristics.

In addition, this proposed legislation should address the question of what is compostable. What is compostable is a challenging matter due to composting facilities not wanting or able to take certain "compostable" products and increasing composting operating costs. This determination ought not to be left to CalRecycle alone but to should direct CalRecycle to utilize subject matter experts and stakeholders, specifically including composting operators and local jurisdictions.

Therefore, the Task Force **supports** the proposed legislation **if amended** to also include:

1. Require CalRecycle to not impose regulations on local governments and haulers.
2. Clarify definitions and terminologies to provide more clarity.
3. Clarify directions for CalRecycle to use subject matter experts, including composting operators and local jurisdictions to determine what is compostable.
4. Funding for CalRecycle to administer the Act.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939), 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

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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, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Based on the foregoing, the Task Force **supports** SB 54, **if amended** to include address the issues and the recommendations in this letter. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (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: Senator Allen
Senator Skinner
Senator Stern
Senator Wiener
Senator Wieckowski
Assembly Member Friedman
Assembly Member Gonzalez
Assembly Member Kamlager-Dove
Assembly Member McCarty
Each Member and staff of the Senate Appropriations Committee
California State Association of Counties
League of California Cities – Los Angeles County Division
Each member of the Los Angeles County Board of Supervisors
Sachi A. Hamai, 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 Coordinator in Los Angeles County
Each Member of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force