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SOLID WASTE MANAGEMENT COMMITTEE/
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September 1, 2011

The Honorable Bob Wieckowski
State Capitol Room 4162
Sacramento, CA 94249-0020

Dear Assemblymember Wieckowski:

**SENATE BILL 589 (AMENDED JUNE 21, 2011)
RECYCLING: HOUSEHOLD MERCURY CONTAINING LAMPS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **supports if amended** Senate Bill 589 (SB 589) but would **oppose if not amended** to address the key issues outlined below. If adopted, SB 589 would require a manufacturer of household mercury-containing household lamps, on or before April 1, 2013, individually or through a stewardship organization, to prepare and submit to CalRecycle a lamp stewardship plan to establish a recovery program for the end-of-life management of their lamps. The bill would also require the plan to include the payment of a stewardship fee at the point of sale as a separate line item listed on the receipt for every sale of a mercury-containing lamp.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), 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, 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, waste management industry, environmental groups, the public, and a number of other governmental agencies.

As an active member of the California Product Stewardship Council (CPSC), the Task Force supports Extended Producer Responsibility (EPR) legislation that acknowledges and promotes the importance and value of requiring manufacturers to have a direct

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connection and responsibility for the end-of-life management of their products. While SB 589 is most certainly a step in the right direction, it contains key aspects the Task Force finds problematic that do not fall within the scope of the EPR Framework set forth by the California Department of Resources Recycling and Recovery (CalRecycle) and moreover, would most likely prevent the bill from becoming law.

The EPR Framework is intended to guide results-based legislation that would relieve most of the burden of end-of-life management from consumers and government while providing an incentive for manufacturers to innovate more efficient and environmentally friendly mechanisms for reducing disposal, waste, and pollution that may be caused by their products. Legislation that adheres to these guidelines affords manufacturers the autonomy to make the best results possible by determining the most cost-effective measures to realize statutory objectives with as little government involvement as possible. This includes producers financing their stewardship programs as a general cost of doing business.

The EPR Framework discourages end-of-life fees or pre-disposal fees for a variety of reasons. However, as mentioned above, SB 589 requires consumers to pay a stewardship fee at the point of sale as a separate line item on their receipt whenever a mercury-containing lamp is purchased in order to finance their stewardship program. Additionally, the amount of the fee would need to be approved by CalRecycle. These stipulations run contrary to the true EPR Framework as established by CalRecycle and supported by CPSC and the Task Force. Requiring this fee places CalRecycle in the middle of an aspect of business that is best administered by manufacturers who know their business better than any government agency. Moreover, according to the Legislative Counsel's Digest, "this provision would constitute a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the state legislature" (referencing Proposition 26, 2010). As you are well aware, in today's political climate this would effectively render this bill impassable and will be a wasted opportunity to achieve EPR legislation for mercury-containing lamps. It will also prove costly to the local governments that will be forced to absorb the anticipated increased cost in coming years for end-of-life management of these lamps due to the phasing out of traditional incandescent lights on both the federal and state level in coming years.

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For these reasons, the Task Force recommends **supporting SB 589** if amended to adhere to true EPR legislation as outlined in CPSC's Product Stewardship Framework but would **oppose unless amended** to address the issues raised above. Should you have any questions regarding this letter, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147 or mikemohajer@yahoo.com.

Sincerely,



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

GAMS:

cc: Speaker of the Assembly John A. Perez
Each Member of the Assembly Committee on Environmental Safety and Toxic
Materials