

April 17, 2024

The Honorable Senator Anna M. Caballero  
Chair, Senate Appropriations Committee  
1021 O Street, Suite 7620  
Sacramento, CA 95814

**Subject: SB 1143 (Allen): Household Hazardous Waste Producer Responsibility Act  
SUPPORT**

Dear Chair Caballero,

On behalf of the Board of the California Product Stewardship Council (CPSC), I write to express our **SUPPORT**, for **SB 1143 (Allen)**, which would establish an Extended Producer Responsibility (EPR) program for Household Hazardous Waste (HHW).

The California Product Stewardship Council (CPSC) was founded in June of 2007 with the mission to shift California's product waste management system from one focused on government-funded and ratepayer financing to one that relies on producer responsibility to reduce public costs and drive improvements in product design. CPSC has played an instrumental role in passing many of California's major EPR programs for HHW, including SB 212 (Jackson, 2018) for medicine and sharps, and most recently AB 2440 (Newman, 2022) for batteries. CPSC wants to ensure Product Stewardship and Extended Producer Responsibility (EPR) programs run well in California, to serve as a model for other states.

HHW materials are one of the highest cost wastes per pound for local governments to manage. These costs can easily exceed \$0.50/lb (\$1,000.00/ton) on average as compared to municipal solid waste at an average of \$100.00/ton, commingled recyclables at around \$150.00/ton, and organics averaging \$125.00/ton. Costs can be dramatically reduced if the producers were required to absorb these costs through EPR. They would be more likely to design their products to be less toxic and less costly if they bore this cost burden, rather than local governments. Based on CPSC's experience working on EPR programs for HHW and other products, we support SB 1143, but think several improvements should be made to strengthen the bill. Specifically, we recommend the following:

- The scope of covered products should be clarified to ensure that it includes everything that should be in the program. For instance, the current definition for "gas cylinders" in the bill is confusing and unnecessarily limits propane cylinders to 1 pound. More broadly, there are a variety of household products that are flammable, corrosive, toxic, ignitable, reactive, or pressurized that should be considered for inclusion in the bill.
- SB 1143 should be amended to clearly indicate whether there will be one or multiple PROs complying with the bill. Some portions of the bill, such as Section 47730 seem to imply that there will be a single PRO. Other portions, such as the definition contained in Section 47727, refer to "a PRO" instead of "the PRO". There is also no clear indication in the bill whether a

single or multiple PROs would be allowed, nor is there an approval process or timeline for the department to approve a PRO.

- CalRecycle should be the responsible department for the implementation of this program, not DTSC. CalRecycle has a good standing history of implementing and overseeing EPR programs, particularly for HHW. CalRecycle is far more experienced running an EPR program of this size, and we believe they should lead the implementation and administration the program in collaboration with DTSC.
- The plan portion of the bill contained in Section 47741 needs further development as it currently lacks important programmatic details typical of recent California EPR bills. For example, the plan portion should be expanded to include additional detail on the collection infrastructure, performance metrics, standards on safe management of collected covered products, and protections for collection sites. We believe these types of details are important in terms of giving CalRecycle clear direction on what details are needed in the plan in order to be approved.
- SB 1143 currently does not include a needs assessment whereby the PRO would, prior to developing and implementing a plan, evaluate current collection, infrastructure, and other key details that would help in determining the best path to implementing a complex EPR program. CPSC suggests incorporating a needs assessment into SB 1143 because the program will include such a diversity of product types and categories.

SB 1143 is a critical piece of legislation for creating an end-of-life solution for various problematic products that currently have no permanent collection and management program. For the reasons listed above, we are proud to **SUPPORT SB 1143**.

Respectfully,



Doug Kobold, Executive Director

### **CPSC Vision**

Producers have the primary responsibility to establish, fund, and manage end of life systems for their products with state government setting the performance goals and ensuring accountability and transparency.

### **CPSC Mission Statement**

To shift California's material economy from a linear model that subsidizes resource extraction, including ratepayer financed collection and disposal, towards a circular economy that relies upon producer-financed and managed recovery programs overseen by state agencies with all participants compensated for their contributions, while improving the health and well-being of all Californians.