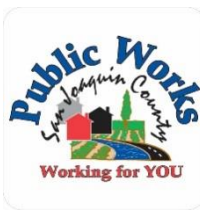




North American Hazardous Materials Management Association



Napa Recycling & WASTE SERVICES



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SANITATION DISTRICTS OF LOS ANGELES COUNTY



June 23, 2016

The Honorable Bob Wieckowski
Chair, Senate Environmental Quality Committee
State Capitol, Room 2205
Sacramento, CA 95814

RE: AB 45 (Mullin) – Household Hazardous Waste: OPPOSE

Dear Senator Wieckowski:

The cities, counties, solid waste agencies, waste haulers, and organizations identified above are respectfully **OPPOSED** to **AB 45** by Assemblymember Mullin (D – South San Francisco). While this letter is written based on the version currently in print and prior versions for that matter, we would also respectfully request that the spirit of this letter be applied to any amended version of the bill, as reasonable and appropriate.

AB 45 in any of its iterations runs counter to internationally recognized producer responsibility principles and California legislative precedent set by paint, mercury thermostats, carpet, mattresses, and more. Simply put, the proponents of AB 45 are the opponents of these other measures and they have largely refused to come to the table in good faith to share in the responsibility for their product waste. They should not be rewarded with the passage of legislation that helps them avoid a serious conversation about what role manufacturers should play in mitigating the negative end-of-life consequences of the products they make and sell.

AB 45 is touted as a “comprehensive approach” to improving California’s collection and processing of household hazardous waste (HHW) when, in reality, it has been nothing of the sort. The first substantive version of the bill was an expensive and unfunded mandate on local governments to increase the collection of HHW. Then, the bill shifted slightly to mandate on local governments combined with an incentive to enact a comprehensive local ordinance on HHW. Next, the bill shifted completely after being held on the Assembly Appropriations Suspense File; the local government mandate was removed and a completely new concept was amended into the bill. Now, we have heard, but cannot get confirmation, that the bill will once again be amended before the Senate Environmental Quality Committee.

The current version of the bill consists of a mandate on local governments to divert additional products (household batteries and home-generated sharps and pharmaceuticals) from disposal in landfills with no share of responsibility by product manufacturers. This is accomplished by expanding the definition of “household hazardous waste” to include these and other items. Local governments are required by law to divert HHW from landfill, so the expanded definition results in an expanded mandate. The bill creates a process by which CalRecycle drafts model ordinances for local governments (which locals don’t want or need). The bill also references a non-profit organization, that does not need to be created, that would give grants to local governments to educate consumers about proper disposal of HHW. If the nonprofit is not created, then the entire bill is inoperative by 12/31/2018. This is not comprehensive; nor would it accomplish much of anything relative to the improved collection and management of HHW.

The proponents of AB 45 all have one thing in common – they are opposed to efforts, at the state and/or local level, to pass ordinances and legislation that would use a producer responsibility model to collect and manage products such as household batteries, home-generated sharps, and home-generated pharmaceutical waste. So it makes sense that nearly every version of AB 45 has either shifted more

responsibility to local governments, preempted local authority, or undermined ongoing efforts on the local level.

The signatories to this letter want to speak with one voice:

1. We OPPOSE any efforts to undermine or preempt local regulatory authority relative to the collection and disposal/recycling of HHW. Local agencies are currently mandated by state law to ensure that HHW is diverted from disposal and properly recycled or managed. Cities and counties need flexibility in order to meet the state mandate.
2. We OPPOSE any new mandates on local governments to divert more HHW, or home-generated sharps or pharmaceutical waste. Local governments and rate payers do enough with brick and mortar collection points, curbside collection for some populations, and other events. We firmly believe that a producer responsibility paradigm should be enacted, not just to assist with the collection of dangerous products but also because it has been shown to result in source reduction.
3. We OPPOSE any efforts to undermine producer responsibility on the local and state levels. Many local agencies are passing producer responsibility ordinances on sharps and pharmaceuticals, and local and state jurisdictions have already passed similar ordinances and laws on other products.

It is for these reasons, and more that we strongly **OPPOSE AB 45** and respectfully urge you to **VOTE NO** when the bill is heard in the Senate Environmental Quality Committee.

Signed:

1. Alameda StopWaste, Wendy Sommer, Executive Director
2. Alameda County Meds Coalition, Supervisor Nate Miley
3. Alameda County Hazardous Materials Facility, Bill Pollock
4. California Association of Retired Americans (CARA), Nan Brasmer, President
5. California Environmental Health Directors, Justin Malan, Executive Director
6. California Hepatitis C Task Force, Bill Remak, Chairman
7. California Refuse Recycling Council, Kelly Astor & Josh Pane
8. California Resource Recovery Association, John Dane, Executive Director
9. Californian's Against Waste, Nick Lapis, Legislative Coordinator
10. California Product Stewardship Council, Heidi Sanborn, Executive Director
11. City of Claremont, Sam Pedroza, Mayor
12. City of Clovis, Eric Zetz, Solid Waste Manager
13. City of Cupertino, Timm Borden, Public Works Director
14. City of Mountain View, Michael A. Fuller, Public Works Director
15. City of Palo Alto, Chuck Muir, Manager, Environmental Control Programs
16. City of Roseville, Carol Garcia, Mayor
17. City of Stockton, Gretchen Olsen, Solid Waste Manager
18. City of Sunnyvale, Glenn Hendricks, Mayor
19. City of Torrance, Mayor Patrick J. Furey
20. County of Santa Barbara, Joseph Toney, Deputy County Executive Officer
21. County of Marin, RxSafe Marin, Dr. Matt Willis, MD, MPH, Public Health Officer
22. Del Norte Solid Waste Management Authority, Tedd Ward, Director & Ron Gastineau, Mayor, City of Crescent City
23. Delta Diablo, Gary W. Darling, General Manager

24. Goodwill Industries of San Francisco, San Mateo and Marin, Linda Pratt, Director of Sustainability
25. Green Sangha of Marin, Stuart Moody, Board President
26. Hope2gether Foundation, Sherrie L Rubin, Founder / Director
27. Kern County Public Works Department, Craig M. Pope, Public Works Director
28. Los Angeles County Integrated Waste Management Task Force, Mike Mohajer
29. Los Angeles County Department of Public Works, Coby Skye
30. Los Angeles County Division, League of California Cities® Carol Chen, President
31. Marin Household Hazardous Waste Facility, Kathy Wall, Household Hazardous Waste Coordinator
32. Marin County Pharmacist Association, Aglaia Panos Pharm D
33. Marin Sanitary Service, Patty Garbarino, President
34. Mojave Desert and Mountain Recycling Authority, John Davis, Administrator
35. Napa Recycling and Waste Services, Tim Dewey-Mattia, Public Education Manager
36. Upper Valley Waste Management Agency (Napa), Steven Lederer, Manager
37. Napa County, Alfredo Pedroza, Chairman, Board of Supervisors
38. National Coalition Against Prescription Drug Abuse, April Rovero, Executive Director
39. National Association of Hazardous Materials Managers, Brandon Nelson-Zarrahay, President Gold Rush Chapter
40. National Association of Hazardous Materials Managers California Chapter, Ken Pereira
41. Napa Sanitation District, Timothy Healy, General Manager
42. Pharmacy Planning Service Inc., Fredrick S. Meyer, R.Ph. MPH, FACA
43. Pharmacy Defense Fund, Heidi Meyer
44. Peninsula Sanitary Service, Inc., Julie Muir
45. Recology, Eric Potashner, Vice President & Sr. Director of Strategic Affairs
46. Riverside County Department of Waste Resources, Hans Kernkamp, General Manager-Chief Engineer
47. Russian River Watershed Association, Andy Rodgers, Executive Director
48. Salinas Valley Recycles, Patrick Mathews, General Manager/CAO
49. Sanitation Districts of Los Angeles County, Sharron Green, Legislative & Regulatory Liaison
50. San Joaquin County Department of Public Works, Kris Balaji, Director
51. Santa Clara County, Recycling and Waste Reduction Commission, James R., Griffith, Chair
52. Seventh Generation Advisors, Leslie Tamminen
53. Solid Waste Association of North America, Jason Schmeltzer, Legislative Affairs and Board
54. Sonoma County Waste Management Agency, Patrick Carter, Executive Director
55. Stanislaus County, Jami Aggers, Director of Department of Environmental Resources and Parks & Recreation
56. Surfrider Foundation, Staley Prom, Staley Prom, Esq. Legal Associate
57. Teamsters Local 396, Ron Herrera, Secretary-Treasurer
58. Tuolumne County, Board of Supervisors
59. Waterkeeper, Robert F. Kennedy Jr.,
60. Western Placer Waste Management Authority, Bill Zimmerman, P.E. Deputy Executive Director
61. Yolo County, Jim Provenza, Chair, Board of Supervisors
62. Zero Waste Marin, Marin County, Steve Devine, Program Manager