



January 22, 2016

1100 K Street
Suite 101
Sacramento
California
95814Telephone
916.327.7500Facsimile
916.441.5507The Honorable Kevin Mullin
State Capitol Building, Room 3160
Sacramento, CA 95814**RE: AB 45 (Mullin) – Household Hazardous Waste
As Amended on January 21, 2016– OPPOSE –UNLESS- AMENDED**

Dear Assembly Member Mullin:

On behalf of the California State Association of Counties (CSAC), I write to regrettably express our oppose-unless-amended position on your AB 45. CSAC appreciates the striking of the household hazardous waste (HHW) diversion mandate on local government that was included in the April 30th version of the bill. However, we have several remaining concerns with the approach outlined in this measure.

First, this bill would require the Department of Resources, Recycling and Recovery (Cal Recycle) to create one or more model ordinances for HHW collection programs for adoption by local governments, if they so choose. Current law already requires cities and counties to prepare, adopt, and submit to Cal Recycle a Household Hazardous Waste Element, which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes that are generated by households. The Household Hazardous Waste Element (HHWE) specifies how HHW must be collected, treated, and disposed. In addition, local jurisdictions are required to report to Cal Recycle how much HHW they collect annually. Thus, jurisdictions across the state have developed comprehensive ordinances to collect and manage HHW, each tailored to the needs of their respective community. We question the need for a general HHW model ordinance when locals are required to have them in place already. In addition, there is little guidance within the legislation to indicate the types of ordinances that might be developed.

Second, the bill includes a new, broader definition of HHW, which includes home-generated pharmaceutical waste (HGPW), such as prescription or non-prescription drugs. This would ban the disposal of these drugs without a comprehensive plan in place to collect this material. Counties recognize the additional public health and safety hazard posed by pharmaceutical waste. We believe that a specific collection model is necessary for these types of materials, as a typical local collection event, or curbside program is not appropriate for dangerous substances. CSAC supports a product stewardship model for pharmaceutical waste, which incentivizes the industries that profit from these products to have a significant stake in their proper management and disposal.

Third, the role of industry, or other stakeholder participation outlined in the bill lacks critical detail. AB 45 requires the department to determine whether an “appropriate non-profit organization has been created and funded for the purpose of making grants to local governments.” Cal Recycle currently runs an HHW grant program. There are no findings in the bill indicating why such a move could, or would be an improvement over the current system. In addition, there is lack of criteria, specific qualifications, or process as to how these non-profits would operate. Finally, the bill arbitrarily identifies the amount of five million dollars as a sufficient amount for grants to local governments. HHW management is a very

expensive process as these toxic products require very specific handling. We question how this number was deemed sufficient.

Local governments currently bear the burden of managing HHW, and we welcome the opportunity to work with you to develop a workable solution that will aid in the safe collection and disposal of household hazardous waste. Should you have any questions regarding our position, please feel free to contact me at 916-327-7500, ext. 504, or cmartinson@counties.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cara B. Martinson', written in a cursive style.

Cara B. Martinson
Legislative Representative