



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** June 28, 2016
From: Jennifer Heim, Special Projects Manager **Item No:** 6
Town Manager's Office
Subject: **OPPOSE UNLESS AMENDED LETTER - AB 45 (MULLIN): HOUSEHOLD HAZARDOUS WASTE**

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council authorize an "Oppose Unless Amended" Letter for AB 45 (Mullin): Household Hazardous Waste.

SUMMARY:

AB 45 (Mullin): Household Hazardous Waste was introduced in 2015 in an effort to coordinate local governments, producers of HHW products and CalRecycle for the purpose of drafting and adopting model ordinances as part of a comprehensive statewide program for the collection of household hazardous waste (HHW).

AB 45 requires the Department of Resources Recycling and Recovery (CalRecycle) to adopt one or more model ordinances for the collection of household hazardous waste, thereby preempting local jurisdictions' ability to do so. The bill requires CalRecycle to determine the adequacy of a non-profit organization to make local government grants for educational and program costs with at least \$5 million in funding for five years. AB 45 also redefines HHW to include pharmaceutical and sharps waste, burdening local agencies with the responsibility for the costly disposal and/or recycling of these products.

It is unclear what criteria CalRecycle must follow in preparing the model HHW collection ordinance, and it is also unclear how it will determine the adequacy of the non-profit. Additionally, it is ambiguous whether or not adopting the model ordinance is a requirement for qualifying or receiving future grant funding.

San Bernardino County communities currently spend over \$5 million annually for existing HHW programs; therefore, \$5 million in funding for 5 years is not sufficient to offset education or operation costs. The California Product Stewardship Council calculates that

each California county would receive only \$17,241 (\$2,074 per city) if the non-profit funds were distributed equally.

It is anticipated that AB 45 may soon be amended to prevent local governments from passing ordinances that establish Extended Producer Responsibility (EPR) programs for pharmaceuticals and sharps. EPR programs require manufacturers to participate in the funding of programs which provide for the safe disposal of these items. Should AB 45 be enacted including the aforementioned provision, it would severely impede the ability of local agencies to hold manufacturers responsible for funding product disposal or recycling programs.

The Mojave Desert and Mountain Integrated Waste Joint Powers Authority, of which the Town is one of nine member agencies, provided Senator Wieckowski, Chair of the Senate Environmental Quality committee, with an "Oppose Unless Amended" letter in April 2016.

The League of California Cities has also taken an "Oppose Unless Amended" position on AB 45 and continues its ongoing efforts to work with Assemblyman Mullin and staff to improve the overall process for collection of HHW. Continued collaboration between the League and the author will hopefully result in an amended version of AB 45 which local agency stakeholders find acceptable.

BACKGROUND:

AB 45 was introduced in December 2014, amended on January 21, 2016, and voted out of Assembly Appropriations Committee that same day. It passed the Assembly on January 26, and was scheduled to be heard by the Senate Environmental Quality committee first on May 16 and then June 8; both hearings were cancelled by the author. The bill was rescheduled for June 29 committee meeting; however, at the time of this staff report preparation, that hearing had been cancelled. Should the July 1 committee meeting deadline pass without a hearing, AB 45 will be considered a "dead" bill.



Town of Apple Valley

A Better Way of Life

June 28, 2016

Senator Bob Wieckowski
State Capitol, Room 3086
Sacramento, CA 95814

RE: AB 45 (Mullin): Household Hazardous Waste - Oppose Unless Amended

Dear Senator Wieckowski:

On behalf of the Town of Apple Valley, I am notifying you of the Town's opposition to the current version of AB 45 (Mullin) - Household Hazardous Waste (amended 1/21/16).

AB 45 requires the Department of Resources Recycling and Recovery (CalRecycle) to adopt one or more model ordinances for the collection of household hazardous waste (HHW), thereby preempting local jurisdictions' ability to do so. The bill requires CalRecycle to determine the adequacy of a non-profit organization to make local government grants for educational and program costs with at least \$5 million in funding for five years. AB 45 also redefines HHW to include pharmaceutical and sharps waste, burdening local agencies with the responsibility for the costly disposal or recycling of these products.

It is unclear what criteria CalRecycle must follow in preparing the model HHW collection ordinance, and it is also unclear how it will determine the adequacy of the non-profit. Additionally, it is ambiguous whether or not adopting the model ordinance is a requirement for qualifying or receiving future grant funding.

Additionally, \$5 million in funding for 5 years is woefully inadequate considering that San Bernardino County communities currently spend over \$5 million annually on HHW programs. The California Product Stewardship Council calculates that each California County would receive \$17,241 if the proposed non-profit funds were equally distributed. This equates to only \$2,074 for each city.

It is our understanding that AB 45 may soon be amended to prevent local governments from passing ordinances that establish Extended Producer Responsibility (EPR) programs for pharmaceuticals and sharps. EPR programs require manufacturers to participate in the funding of programs which provide for the safe disposal of these items. Should AB 45 be enacted including the aforementioned provision, it would severely impede the ability of local agencies to hold manufacturers responsible for funding product disposal or recycling programs.

As a member of the League of California Cities, we are aware of League's ongoing efforts to work with Assemblyman Mullin and staff to improve the overall process for collection of HHW. It is our hope

that continued collaboration between the League and the author will result in an amended version of AB 45 which local agency stakeholders may find acceptable.

Therefore, the Town of Apple Valley is opposed to the current version of AB 45 and respectfully urges the Senate Environmental Quality Committee to take the Town's position under consideration.

Sincerely,

Barb Stanton
Mayor

cc: Board of Directors, Mojave Desert and Mountain Integrated Waste Joint Powers Authority
Assembly Member Jay Obernolte
Senator Sharon Runner
Laura Morales, Regional Public Affairs Manager, League of California Cities