SUMMARY
In 1989, landmark legislation (AB 939 by Assemblymember Sher) was enacted that, among other things, required local jurisdictions to “divert” 50% of all solid waste from landfill disposal through source reduction, recycling, and related activity by January 1, 2000.

In 2014, legislation was enacted to require the “diversion” of organics from landfills by requiring business that generate specified amounts of organic waste to handle organic waste in a manner to minimize traditional disposal. If “disposal” of organic waste has not been reduced by 50% in 2020 (using 2014 as a baseline), additional businesses are subject to the diversion program.

The “AB 939 Diversion” program is heralded as an environmental and economic success. The law has conserved landfill capacity, created green jobs and businesses, reduced greenhouse gases, conserved natural resources, and contributed to the fight against climate change. As much as any law enacted in California, AB 939 has contributed to the modern environmental ethic of stewardship.

CURRENT LAW
State law has loosely regulated Household Hazardous Wastes (HHWs) for approximately 25 years. Generally, HHWs are ubiquitous household products that contain small (or de minimis) amounts of hazardous or toxic substances, require more intensive handling, treatment, or disposal than solid waste, but fall outside the State's hazardous waste laws applicable to industrial and large commercial facilities. HHWs include: paint, pesticides, compact fluorescent lamps (CFLs), batteries, sharps, discarded drugs, and similar products.

State law does not contain a “diversion” goal for HHWs. Recent CalRecycle statistics indicate the State’s HHW collection and disposal programs are moribund. HHW collection and management is neglected.

SOLUTION
AB 45 borrows from the demonstrably successful “diversion” laws and programs described above and requires local jurisdictions to “divert” a yet to be determined percentage of HHW from landfills by 2020. Local jurisdictions that deploy convenient residential collection programs will be given more time to achieve the diversion objective.

STAFF CONTACT
Elena Santamaria
Elena.Santamaria@asm.ca.gov
916.319.2022

Agenda Item 4C: AB 45 Household Hazardous Waste
An act to add Article 3.4 (commencing with Section 47120) to Chapter 1 of Part 7 of Division 30 of the Public Resources Code, relating to hazardous waste.

LEGISLATIVE COUNSEL’S DIGEST

AB 45, as amended, Mullin. Household hazardous waste.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires, among other things, each city and each county to prepare a household hazardous waste element containing specified components, and to submit that element to the department for approval. Existing law requires the department to approve the element if the local agency demonstrates that it will comply with specified requirements. A city or county is required to submit an annual report to the department summarizing its progress in reducing solid waste, including an update of the jurisdiction’s household hazardous waste element.

This bill would require each jurisdiction that provides for the residential collection and disposal of solid waste, on or before an unspecified date, to increase the collection and diversion of household hazardous waste in its service area by an unspecified percentage over a baseline amount, to be determined in accordance with department regulations. The bill would authorize the department to adopt a model ordinance for a door-to-door collection and diversion program to facilitate compliance with those provisions, and would require each
jurisdiction to annually report to the department on progress achieved in complying with those provisions. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Existing law authorizes public agencies to operate curbside household hazardous waste collection facilities, door to door household hazardous waste collection programs, and household hazardous waste residential pickup services, and specifies conditions for the transportation of household hazardous waste.

This bill would express the Legislature’s intent to enact legislation that would establish curbside household hazardous waste collection programs, door to door household hazardous waste collection programs, and household hazardous waste residential pickup services as the principal means of collecting household hazardous waste and diverting it from California’s landfills and waterways.


The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:
1 (1) Household hazardous waste is creating environmental, health, and workplace safety issues. Whether due to unused pharmaceuticals, batteries, medical devices, or other disposable consumer items, effective and efficient disposal remains an extraordinary challenge.
2 (2) State and local efforts to address disposal of these items have been well intended, but ultimately these piecemeal and truncated approaches have not proved effective. These approaches fragment the collection of household hazardous waste and move collection away from the closest and most practical point of disposal: the consumer’s residence.
A number of cities in California are already using curbside household hazardous waste collection programs, door-to-door household hazardous waste collection programs, and household hazardous waste residential pickup services as mechanisms for collecting and disposing of many commonly used household items for which disposal has been the subject of state legislation or local ordinances. The waste disposal companies and local governments that have implemented these programs and services have found them to be successful and inexpensive.

It is the intent of the Legislature to enact legislation that would establish curbside household hazardous waste collection programs, door-to-door household hazardous waste collection programs, and household hazardous waste residential pickup services as the principal means of collecting household hazardous waste and diverting it from California’s landfills and waterways.

SEC. 2. Article 3.4 (commencing with Section 47120) is added to Chapter 1 of Part 7 of Division 30 of the Public Resources Code, to read:

Article 3.4. Household Hazardous Waste Collection and Diversion

47120. For purposes of this article, the following terms have the following meanings:

(a) “Door-to-door collection and diversion program” means a curbside household hazardous waste collection program, door-to-door household hazardous waste collection program, or household hazardous waste residential pickup service administered by a jurisdiction that allows a resident to arrange, by appointment, for the collection of household hazardous waste at his or her residence in accordance with all applicable state and federal laws and regulations.

(b) “Household hazardous waste” includes, but is not limited to, the following:

(1) Automotive products, including, but not limited to, antifreeze, batteries, brake fluid, motor oil, oil filters, fuels, wax, and polish.

(2) Garden chemicals, including, but not limited to, fertilizers, herbicides, insect sprays, pesticides, and weed killers.

(3) Household chemicals, including, but not limited to, ammonia, cleaners, strippers, and rust removers.
(4) Paint products, including, but not limited to, paint, caulk, glue, stripper, thinner, and wood preservatives and stain.

(5) Consumer electronics, including, but not limited to, televisions, computers, laptops, monitors, keyboards, DVD and CD players, VCRs, MP3 players, cell phones, desktop printers, scanners, fax machines, mouses, microwaves, and related cords.

(6) Swimming pool chemicals, including, but not limited to, chlorine tablets and liquids, pool acids, and stabilizers.

(7) Household batteries. For purposes of this section, “household batteries” means batteries that individually weigh two kilograms or less of mercury, alkaline, carbon-zinc, or nickel-cadmium, and any other batteries typically generated as household waste, including, but not limited to, batteries used to provide power for consumer electronic and personal goods often found in a household.

(8) Fluorescent tubes and compact florescent lamps.

(9) Mercury-containing items, including, but not limited to, thermometers, thermostats, and switches.

(10) Home-generated sharps waste, as defined in Section 117671 of the Health and Safety Code.

(11) Home-generated pharmaceutical waste. For purposes of this section, “home-generated pharmaceutical waste” means a prescription or nonprescription drug, as specified in Section 4022 or 4025.1 of the Business and Professions Code, that is a waste generated by a household or households. “Home-generated pharmaceutical waste” shall not include drugs for which producers provide a take-back program as a part of a United States Food and Drug Administration managed risk evaluation and mitigation strategy pursuant to Section 355-1 of Title 21 of the United States Code, or waste generated by a business, corporation, limited partnership, or an entity involved in a wholesale transaction between a distributor and a retailer.

47121. (a) (1) On or before _____, each jurisdiction shall increase its collection and diversion of household hazardous waste in its service area by _____ percent over its baseline amount, as established in subdivision (b).

(2) Notwithstanding paragraph (1), a jurisdiction that adopts an ordinance implementing a household hazardous waste collection program identified in subdivision (b) or (c) of Section 25218.1 of the Health and Safety Code for household hazardous waste shall
have an additional _____ years to meet the collection and diversion objective in paragraph (1).

(b) No later than _____, each jurisdiction shall inform the department of its baseline amount of collection and diversion of hazardous waste in accordance with regulations adopted by the department. The department shall approve or disapprove of a jurisdiction’s baseline amount no later than _____.

47122. (a) The department shall adopt regulations to implement this article.

(b) The department may adopt a model ordinance for a door-to-door collection and diversion program to facilitate compliance with this article.

47123. Commencing ____, and annually thereafter, each jurisdiction shall report to the department on progress achieved in complying with this section. A jurisdiction shall make a good faith effort to comply with this section, and the department may determine whether a jurisdiction has made a good faith effort for purposes of this program. To the maximum extent practicable, it is the intent of the Legislature that reporting requirements under this section be satisfied by submission of similar reports currently required by law.

47124. This article does not apply to a jurisdiction that does not provide for the residential collection and disposal of solid waste.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.