



Agenda Report

TO: CCCSWA BOARD OF DIRECTORS
FROM: CCCSWA AD-HOC LEGISLATIVE COMMITTEE AND
LOIS COURCHAIINE, PROGRAM MANAGER
DATE: MARCH 18, 2010

SUBJECT: 2010 REPORT FROM THE CCCSWA AD-HOC LEGISLATIVE COMMITTEE

SUMMARY

State legislation, such as AB 939, has extensive impacts on agency programs and resulting solid waste rates. The CCCSWA Board of Directors' Ad-Hoc Legislative Committee was formed to address solid waste legislation, propose a position, and inform the Board on its recommendations for action on solid waste and recycling related bills. The Ad-Hoc Legislative Committee consists of Carol Federighi (Chair), Sue Rainey, and Steve Glazer.

RECOMMENDED ACTION

1. Approve the recommendations of the Ad-hoc Legislative Committee to send letters supporting legislation of interest to this agency.

DISCUSSION

The Ad-Hoc Legislative Committee met on March 2, 2010. At that time, staff and the Committee agreed to support bills that are aligned with the CCCSWA strategic priorities. The following criteria have been prioritized to reflect the objectives of the agency:

1. The bill, as written, has the potential to increase diversion, relative to costs.
2. The bill, as written, has the potential to fiscally impact the Authority.
3. The bill, as written, will help agency, community members and rate payers to participate in recycling and disposal programs for materials banned from landfills at no cost (e.g. sharps and fluorescent lights).
4. The bill, as written, addresses an issue that is directly related to the CCCSWA's priority to provide leadership in waste reduction and recycling.
5. The bill, as written, provides for a collaborative effort on a regional or county-wide basis and would therefore decrease costs or increase diversion.

GENERAL OVERVIEW OF 2010 LEGISLATION

Eleven solid waste related bills are listed below. Each includes a summary, recommended position and reasoning (as it relates to the five criteria mentioned previously). Of the 11 bills listed, the committee is recommending closely following and supporting six. In most cases, where support is recommended, collaborating with other affected Contra Costa agencies would provide increased effectiveness for our efforts.

LEGISLATION FOCUSING ON EXTENDED PRODUCER RESPONSIBILITY

In 2007, the Board adopted Resolution 2007-6 in support of Extended Producer Responsibility (EPR), also referred to as Product Stewardship. EPR places responsibility for disposal of toxic products on the manufacturer and not local governments.

In 2009, the Authority supported the two bills associated with EPR. SB 486 (Simitian), which relates to medical sharps disposal, was passed and signed by the governor. AB 283 (Chesbro), an EPR “Framework” bill, failed to move forward. Many people believe its failure was due to the unstated parameters of the bill, in that there were no actual products associated with it.

This year, Extended Producer Responsibility is at the forefront of solid waste legislation in California. Although there is still a “Framework” bill (AB 2139 Chesbro), it has been reintroduced and now includes several toxic products. Additionally, there are four others EPR bills that are related to specific products. The five bills call for producers to be responsible for end-of life management for the following products:

1. Household batteries
2. Combined medical sharps, pesticide containers, butane lighters and small propane tanks
3. Fluorescent lighting
4. Carpet
5. Household paint

Because local governments find it difficult to pay for the management of potentially toxic or problematic products at the end of their lives, most agree that EPR is a reasonable approach. “Establishing EPR provides producers the flexibility to customize individual product stewardship plans and implement the most effective and cost-efficient approach for any particular product or product category. Furthermore, it encourages green design and reductions in disposal, toxic releases and emissions of climate change gases in order to improve human health and our environment.”¹

Pending Legislation for Consideration (Support)

1. SB 1100 (Corbett) – Product Stewardship: Household Batteries*

Summary. Would require battery manufacturers to design, fund, and operate a take-back program to properly manage batteries at the end of their useful life. The bill will create green jobs collecting and recycling batteries that would otherwise pollute our environment.

Recommended Position: Strongly Support

Reasoning: The Authority spends approximately \$100,000 annually for the collection and recycling of household batteries. This bill would require that battery producers be responsible for collection and recycling of their products, thereby potentially saving the Authority those funds.

Partnership Potential: It is recommended that the Authority explore partnering with Central Contra Costa Sanitary District to support SB 1100, as they also serve as collectors for batteries.

2. AB 1998 (Brownley) - Plastic and Paper Carryout Bags

Summary. This bill would reduce plastic bag litter pollution by banning single-use plastic bags at large retail outlets. Stores would have to offer either reusable bags, for purchase by the customer, or provide paper carryout bags that would be subject to a green bag fee. Members of the CCCSWA Ad-Hoc Legislative Committee recognize that there is a need for regulating lightweight, single use plastic packaging. However, they are concerned with endorsing fees on other types of bags (e.g. paper).

¹ Chesbro, Wesley. Press release March 1, 2010

Recommended Position: Support in Concept

Reasoning: This bill addresses single-use plastic packaging, an issue that the Authority has shown interest in dealing with on a local level (e.g. plastic carry bags and expanded polystyrene food containers). Passing of this bill would negate the need for local bans.

3. AB 2138 (Chesbro) – Recycling: Food Service Packaging and Carryout Bags

Summary. This bill would enact the Plastic Ocean Pollution Reduction, Recycling, and Composting Act and would require the fast food industry to reduce and recycle packaging waste and litter by requiring the use of packaging that is recyclable or compostable in the communities where it is used.

Recommended Position: Support

Reasoning: This bill addresses an issue that the Authority has shown interest in dealing with on a local level (e.g. expanded polystyrene packaging).

Partnership Potential: Again, it is recommended that the Authority explore partnering with the Contra Costa Clean Water Program to support AB 2138.

4. AB 2139 (Chesbro) – Solid Waste: Product Stewardship for Sharps, Pesticide Containers, Butane Lighters and Personal Use Propane Tanks*

Summary. This bill would create the California Product Stewardship Act and would define the term "covered product" to include medical sharps, containers used to contain pesticides intended for residential use, small personal use propane tanks, and personal butane lighters.

Recommended Position: Support

Reasoning: The Authority is currently exploring options to provide sharps collection for ratepayers. The estimated cost is \$30,000 per year. Additionally, propane canisters pose a threat to solid waste worker and plant safety.

Partnership Potential: It is recommended that the Authority explore partnering with the Central Contra Costa Sanitary District to support AB 2139, in that they receive propane tanks at their HHW drop-off facility.

5. AB 2176 (Blumenfeld) – Hazardous Waste: Lighting Products*

Summary. The purpose of this act is to establish a system for the recycling of fluorescent lamps generated by households and small businesses. This system should be free and convenient for end users and promote the rapid development and uptake of more efficient and low-toxicity lighting products to minimize the public health impacts from lighting.

Recommended Position: Support

Reasoning: The California Universal Waste Rule prohibits discarding fluorescent lights in landfills. However, to date, there are very few convenient recycling locations in central Contra Costa. This bill would help to establish take-back programs under the premise of product stewardship. The bill, as written, would provide for convenient recycling of fluorescent lights at no cost to the Authority.

Partnership Potential: It is recommended that the Authority explore partnering with the Central Contra Costa Sanitary District to support AB 2176.

6. AB 1343 (Huffman) – Architectural Paint Recovery Program*

Summary. This measure will require paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in this state.

Recommended Position: Support

Reasoning: Paint containers are considered solid waste. However, the paint itself is dealt with by the Central Contra Costa Sanitary District's Household Hazardous Waste Facility.

Partnership Potential: It is recommended that the Authority explore partnering with the Central Contra Costa Sanitary District to support AB 1343.

Pending Legislation – Support Not Recommended

The following bills represent a lower priority to the Authority, in that they do not directly relate to the five criteria stated above; or, there are other substantive issues with the bill. Subsequently, they have not been recommended for support or opposition by the committee.

7. AB 2398 (Perez) – Product Stewardship: Carpet*

Summary. The act would require a producer of carpet to collect the carpet pursuant to their carpet stewardship plan and to meet the collection and recycling goals included in the carpet stewardship plan.

Position: None Recommended

Reasoning: Carpet accounts for approximately 2-percent of land-filled materials in California.² Although this bill would help increase diversion, there are currently limited recycling venues for the material. The few recyclers that are available are not local, which may increase associated transportation-related issues, such as CO2 emissions.

8. SB 228 (DeSaulnier) – Bags: Compostable Plastic Bags.

Summary. The bill would prohibit a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form. The bill would require the manufacturers or suppliers of compostable *plastic* bags to submit a yearly report to the State containing certain information *and* subject those manufacturers or suppliers to audit by the State.

Position: None Recommended

Reasoning: This bill would not directly impact the agency, in that 1) we do not promote the use of compostable plastic bags and 2) we do not promote the use of single-use plastic bags.

9. SB 624 (Romero) – Solid Waste: Anaerobic Digestion

Summary. This bill would define the term "anaerobic digestion" for purposes of the act. The bill would additionally define the term "composting operation" or "composting facility" as an operation or facility that produces compost, including, but not limited to, an entity that produces compost either aerobically or nonaerobically and an operation or facility that utilizes anaerobic digestion. The bill would revise the definition of the term "transformation" to exclude anaerobic digestion.

Position: None Recommended

Reasoning: The bill, as written, only deals with definitions, and does not clearly state benefits as they might relate to the Authority's mission.

10. SB 1052 (Oropeza) – Electronic Waste: State Agencies

Summary. This bill would require the Department of Toxic Substances Control, the Department of Resources Recycling and Recovery, and the Department of General Services to jointly collaborate to identify the methods that state agencies are required to adopt to properly handle and dispose of electronic waste, as defined, and would require each state agency to adopt an electronic waste management plan.

Position: None Recommended

² <http://www.encyclopedia.com/doc/1G1-146976978.html>

Reasoning: This bill does not relate to work being done by the Authority and only deals with electronic discards by State Agencies.

11. SB 1401 (Simitian) – Beverage Containers: Redemption Payments

Summary. This bill would revise the amount of the projected redemption payment with regard to which a distributor is eligible to make an annual payment of redemption payments.

Position: None Recommended

Reasoning: This bill does not directly impact the Authority.

ATTACHMENTS

A. Legislative Letters (6)