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February 26, 2015

Assembly Member Kevin Mullin
State Capital
Sacramento, CA 94811
Fax: 916-319-2122

RE: Letter of Concern on AB 45 – Household Hazardous Waste Local Government Mandate

The Honorable Assembly Member Mullin:

CRRA shares your concern that safe, suitable and convenient disposal options for household hazardous waste (HHW) be widely available to California residents. However, we are concerned that AB 45 may provide remedies that are unsuitable and inequitable.

Unsuitable

So-called “curbside” collection of typical household discards (trash, recyclables and compostable) was designed for and is suitable for the safe management of non-hazardous items. This model of materials management is problematic for the products AB 45 would address. Spillage, environmental and liability issues abound for household chemicals and custody issues for pharmaceuticals are just two examples of problems. Also, so-called “curbside” or door-to-door collection does not accurately describe the collection service provided to the roughly 20% of Californians who live in apartment buildings. The municipal collection model poses additional challenges to the collection of a broad array of HHW items from apartment buildings.

Inequitable

First, requiring that the municipal collection model be the principle method to manage HHW would be an unfunded mandate on local jurisdictions. Local governments have no input whatsoever in the design, production or distribution of products that constitute HHW. Burdening local jurisdictions with the cost and liability of end-of-life management of these products amounts to a subsidy to the companies that do design, produce and distribute these products. It would also eliminate any incentive for producers to improve product design by reducing toxicity, for example, which ought to be the true aim of efforts to reduce harm and liability for these products. CRRA believes that improvements can be made in the overall convenience and effectiveness of some of these hazardous, toxic, corrosive and explosive materials, but not without the participation of the companies who design and manufacture these products.

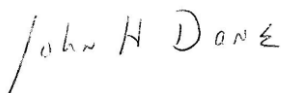
Second, HHW would be not typical be set out by most residents each week, unlike non-hazardous household discards, which virtually all residents set out on a weekly basis. Rates for municipal collection services are typically set using assumptions of high utilization by residents, in order to ensure adequate revenues to cover the costs of providing services. These assumptions are equitable for services that are used by virtually all residents, virtually every week. However, for services that are used intermittently and by less than most residents, this model is often inequitable because haulers routinely assume high utilization rates to ensure profitability. This results in the over-payment by all for services provided to few, and amounts to an unwarranted gift from rate payers and residents to private haulers.

The SB 966 report to the state legislature by CalRecycle recommends a producer responsibility approach for pharmaceuticals. This recommendation is the result of many years of hard work and collaboration by the stakeholders, and should be heeded.

CRRA supports a producer responsibility approach to end-of-life management of the products AB 45 would address. Producer responsibility for end-of-life management should be included in the price of doing business in California to ensure equity and align the incentive to design, produce and distribute products that are both effective and minimize harm.

CRRA looks forward to closely following the development of AB 45.

Sincerely,



John H. Dane, CAE
Executive Director

Cc: Elena Santamaria, Legislative Aide, Fax: 916-319-2122

CRRA is California's state-wide recycling association. It is the oldest and one of the largest non-profit recycling organizations in the United States. A 501(c)(3) organization, CRRA is dedicated to achieving environmental sustainability in and beyond California through Zero Waste strategies including product stewardship, waste prevention, reuse, recycling and composting. CRRA advances local, regional and state-wide waste reduction efforts which result in critical environmental and climate protection outcomes. Our members represent all aspects of California's reduce-reuse-recycle-compost economy. They work for cities and counties, as well as hauling companies, material processors, non-profit organizations, state agencies, and in allied professions.