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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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May 23, 2013

The Honorable Mike Gatto, Chair
Assembly Appropriations Committee
1020 N Street, Room 2114
Sacramento, CA 95814

Dear Assembly Member Gatto,

**ASSEMBLY BILL 521 (AMENDED MAY 7, 2013) -- OPPOSE
RECYCLING: MARINE PLASTIC POLLUTION**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Assembly Bill 521 (AB 521). Although this bill's intentions are to reduce plastic marine litter, it would also establish definitions for the terms "recovery" and "transformation" that would make it more difficult to realize the intent of the bill, while setting a bad precedent in statute for both these terms that is contrary to accepted terminology around the world and the Nation.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

The Task Force has historically supported measures that would alleviate local governments and agencies from allocating scarce funds for litter prevention and cleanup. Moreover, the Task Force has been an ardent supporter of Extended Producer Responsibility (EPR) and this bill contains several elements of EPR. The Task Force has also been a firm supporter of conversion technologies as a mechanism to recover energy, fuels and other products from residual waste that would otherwise be disposed. Unfortunately, the bill as amended on May 7, 2013, proposes new definitions for the terms "recovery" and "transformation" that are highly counterproductive to the stated

goals of the legislation as well as being contrary to accepted terminology around the world and the Nation.

Current State law already has a flawed definition of transformation that identifies certain conversion technologies as transformation, while specifically excluding certain other technologies, with a third class of technologies not mentioned at all. This creates significant uncertainty for conversion technology companies wishing to develop projects in California. AB 521 proposed to establish a new definition of “transformation” that is fundamentally flawed, equating all conversion technologies with incineration or combustion. The definition makes no distinction between technologies that create valuable products such as liquid or gaseous fuels, soil amendments or building materials from waste to those that simply combust the waste for the purposes of producing heat or reducing the volume of the waste.

Conversion technologies are not incineration processes, rather they are non-combustion thermal, chemical, mechanical, and/or biological processes capable of converting post-recycled residual solid waste into useful products and chemicals, green fuels and clean renewable energy. Plastic debris that cannot be recycled and might otherwise end up as marine litter would serve as an appropriate feedstock for these technologies, providing multiple benefits of reducing litter, reducing disposal, creating a valuable commodity and displacing dirtier fossil fuels, among others.

AB 521 also sets a definition for “recovery” as “the retrieval or diversion from disposal or from a transformation facility, for the purpose of recycling, reuse, or composting” (emphasis added) and additionally includes a statement that specifically states “recovery” does not include transformation. While the term “recovery” is not currently defined in statute, historically, when used in the context of solid waste management, it has always included waste to energy (combustion) technologies as well as any processes that recover energy or fuel from waste materials. This more narrow and exclusionary definition of recovery will make it nearly impossible for manufacturers of plastic products to meet the 75% and 95% “recovery” thresholds, and thereby prevent these materials from being disposed or becoming litter, in a cost effective manner. As defined, recovery would be limited to source reduction, recycling and composting, however most plastics can never be composted, and there are a significant number of plastic products, particularly those that are prone to becoming marine debris and/or that have been collected after being improperly disposed, that cannot be recycled. Moreover, it would establish a very negative precedent for the definition of “recovery” that incorrectly excludes all forms of energy or fuel *recovery*. This definition may result in unintended consequences in regards to solid waste management in the State, and would prohibit the recovery of plastic materials that might otherwise be disposed or end up as marine debris through any form of technology that recovers energy or fuel from such materials.

The intent of the bill would be much better served with the inclusion of all beneficial activities that may utilize covered plastic materials, including any process that achieves

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volume reduction, synthetic fuel production and/or energy recovery, in addition to other potential options.

Therefore, the Task Force is **opposed** to AB 521 as amended on May 7, 2013. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

cc: Assembly Member Ben Hueso
Each Member of the Assembly Appropriations Committee
Each Member of the County of Los Angeles Board of Supervisors
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
San Fernando Valley Council of Governments
Gateway Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each Member of the Los Angeles County Integrated Waste Management Task Force