



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

GAIL FARBER
CHAIR

March 9, 2009

The Honorable Wesley Chesbro
State Capitol Room 2176
Sacramento, CA 94249

Dear Assembly Member Chesbro:

**ASSEMBLY BILL 283 (INTRODUCED FEBRUARY 12, 2009)
SOLID WASTE: EXTENDED PRODUCER RESPONSIBILITY PROGRAM**

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I would like to extend our appreciation for your sponsorship of Assembly Bill 283 (AB 283), which proposes to create the California Product Stewardship Act of 2010. The Task Force has been an adamant supporter of product stewardship as a mechanism for protecting the public health and safety and the environment at the source, thereby addressing the highest rung of the waste management hierarchy, source reduction, as well as reducing costs for local governments. However, we have a number of comments with respect to the current version of the bill, which we hope can be addressed by the next amendment of the bill.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (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 its 88 cities in Los Angeles County with a combined population in excess of 10 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, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

While the Task Force has had a long-standing policy promoting and encouraging producer responsibility, we have significant concerns regarding the current version of the legislation, which may unintentionally adversely impact the intent of the legislation as well as the day-to-day activities of local jurisdictions. We are eager to work with you in the legislative process to resolve these issues.

AB 283, if enacted, would provide the California Integrated Waste Management Board (CIWMB) with the sole authority to select products for inclusion in an Extended Producer Responsibility program (program). It is our firm belief that local jurisdictions should be active partners with the CIWMB in any product stewardship program, including but not limited to the coordination, development and administration of the program along with all educational and outreach activities. The Task Force also believes that the authority to set fees for administrative costs should be vested to the State Legislature rather than deferring to the CIWMB, as is the case with the California Redemption Value program, among others. This is to ensure oversight regarding the appropriateness of the fee.

In order to accurately assess the environmental impact of consumer products, it is important to provide for the active participation of all State and regional environmental agencies, while utilizing a life cycle analysis rather than a cradle to cradle approach as currently stipulated in the bill. In addition to a life cycle environmental analysis, it is also important to evaluate and take into consideration the cost impact of proposed regulations prior to their implementation, especially during the current economic climate.

The current global economic downturn and collapse of the global recycling market has negatively affected the State's already weakened recycling infrastructure and industries, as a result the Task Force believes any producer responsibility program must not only address the supply side, but also the market side of the recycling equation. This would constructively assist jurisdictions who are still struggling to meet the State's current 50 percent waste diversion mandate.

In addition to these general comments, the Task Force suggests the following revisions for your consideration:

- PUBLIC RESOURCES CODE Subdivision 48800(a)(4) – Clarify how the 97% factor was established in the proposed legislative finding which indicates that “the CIWMB manages 97 percent of the state’s solid waste stream.” Additionally, as provided by state law, local governments have been and will continue to be responsible for solid waste management within their jurisdiction.
- PUBLIC RESOURCES CODE Subdivision 48800(a)(10) – Revise or eliminate the proposed legislative finding, which may not be scientifically substantiated.

- PUBLIC RESOURCES CODE Section 48800.7 – Revise the definitions, to read as follows: “Cradle-to-cradle design” means an ideal condition where the product is developed for closed-loop systems in which every ingredient is safe and beneficial, ~~either to biodegrade and be suitable to safely restore the soil or to be fully recycled into high quality materials for subsequent product generations, again and again~~ based on a formula that includes energy, water, and materials use; greenhouse gas and other air emissions; toxic and hazardous substances; materials recovery and waste disposal; and worker safety.
- PUBLIC RESOURCES CODE Section 48810 – Revise to include “universal wastes” among the products covered by the program.
- PUBLIC RESOURCES CODE Subdivision 48810(d)(5) – Confirm that local land use decisions would remain the sole authority of local governments. The Task Force is greatly concerned that the proposal may indirectly provide the CIWMB with authority over local land use issues, for example allowing the CIWMB to force a local government to “expedite” the local land-use permitting process for a solid waste facility. Such authority should be limited to state agencies and state issued permits only.
- PUBLIC RESOURCES CODE Subdivision 48813(b) – Revise to include the following categories: (a) Total lifecycle net environmental impact, (b) Potential for net lifecycle impact improvement, and (c) Current impact on local governments as factors that the CIWMB is to consider in selecting “covered products.”
- PUBLIC RESOURCES CODE Subdivision 48813(d)(2) – Revise to require that manufacturers address orphan/historical products.
- PUBLIC RESOURCES CODE Subdivision 48814(b)(3) – Clarify whether local governments that operate solid waste “collection services” would be able to recover expenses from producers.
- PUBLIC RESOURCES CODE Subdivision 44815(b)(5)(A) – Include “cities” along with counties where discarded covered products will be collected.
- PUBLIC RESOURCES CODE Section 48831 – Require auditing of some minimum percentage of all submitted annual reports.

The Honorable Wesley Chesbro
March 9, 2009
Page 4

Lastly, the Task Force believes that in order to ensure compliance from producers, measurable reporting and adequate enforcement mechanisms must be included within AB 283. The Task Force shares your values in support of establishing a meaningful producer responsibility program in California to increase diversion of materials from landfills and protect the health and safety of all our residents. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (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

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cc: Governor Arnold Schwarzenegger
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Assembly Speaker Karen Bass
Senator Dave Cogdill, Minority Leader
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Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
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League of California Cities, Los Angeles County Division
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Southern California Association of Governments
San Gabriel Valley Council of Governments
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Gateway Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County