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SOLID WASTE MANAGEMENT COMMITTEE/  
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February 3, 2010

Mr. Maziar Movassaghi, Acting Director  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

Dear Mr. Movassaghi:

**COMMENTS REGARDING THE “CALIFORNIA GREEN CHEMISTRY INITIATIVE”  
AND DEPARTMENT OF TOXIC SUBSTANCES CONTROL’S STRAW PROPOSAL  
FOR SAFER ALTERNATIVES REGULATIONS**

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I would like to provide the following comments regarding Straw Proposal for Safer Alternatives Regulation (Straw Proposal) developed by the Department of Toxic Substances Control as an integral part of California’s Green Chemistry Initiative (Initiative).

The principles of Green Chemistry align with the principles of Extended Producer Responsibility (EPR), which also calls for preventing waste rather than treating it or cleaning it up and developing incentives for remanufacturing products to reduce or eliminate waste. As such, we recommend revising the end-of-life management regulations to correspond with the Overall Framework for an EPR System in California, developed by the former California Integrated Waste Management Board (Waste Board) and now managed by the Department of Resource Recycling and Recovery (CalRecycle). Also, we concur with suggestions that the regulations have a narrower, more focused scope during the initial start up phase of the Initiative.

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 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 County-wide 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.

The Straw Proposal regulations are a positive step in shifting California towards manufacturer responsibility for the full life cycle of their products while at the same time reducing public costs and driving improvements in product design that promote environmental sustainability and safety. A crucial component to manufacturer responsibility is end-of-life management (EOLM) of discarded products. For this reason one of proposed "Response Actions" outlined in the Straw Proposal is "End-of-Life Management" (Section 6XXXXX.20(c)(4), p.47). However this section does not appear to be in alignment with the EPR Framework Approach for the EOLM of products outlined by the Waste Board. An EPR Framework Approach would provide a comprehensive, yet flexible method for managing products that have significant impacts on the environment and negate the room for interpretation in the Initiative language for local governments to continue to be responsible for the EOLM of products.

Key elements of an EPR Framework Approach towards dealing with the EOLM that should be included in the Safer Alternatives Regulations include:

1. Policy Goals
2. Guiding Principles
3. Definitions
4. Roles and Responsibilities
5. Governance
6. Products/Product Categories Covered
7. Program Effectiveness and Measurement

More information on the Overall Framework for an EPR System in California can be found at <http://www.calrecycle.ca.gov/EPR>. Over the years, the Task Force has been an adamant supporter of producer responsibility as a mechanism for protecting the public and the environment at the source. As such, we strongly recommend any regulations regarding disposal issues follow the EPR Framework Policy adopted by the former Waste Board.

Furthermore, comprehensively regulating all consumer products and identifying chemicals of concern is a far-reaching goal. It is the opinion of the Task Force that the scope of the regulations may need to be decreased to a more manageable level during the initial start up phase of the Initiative. There is concern that attempting to regulate too many chemicals may bog down the identifying and prioritizing of chemicals of concern. Focusing on the most challenging and problematic chemicals will help the Initiative have a significant impact more quickly, and allow for learning and adapting from the first set of chemicals regulated to improve the process.

Your office may also consider studying the European Union's safer alternatives regulations, known as REACH (Registration, Evaluation, Authorization and Restriction of Chemicals) to study their successes and failures in implementing a similar effort, if that has not already been done. Our suggestions for a more limited start up scope

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appeared to have been echoed by several members of the Green Ribbon Science Panel. The Panel suggested that Department of Toxic Substances Control initially propose a more condensed and manageable list of chemicals of concern at the onset of the regulatory framework considering the total number of chemicals on the cited lists is estimated to be between 2,500 and 10,000.

The Task Force is always eager to aid in the development of good solid waste management policies that affect Los Angeles County. We appreciate your consideration of our comments in the ongoing development of the Safer Alternatives Regulations and the considerable time and effort your staff has put into developing the Straw Proposal. We look forward to commenting on the next draft of the regulations. If you have any questions, please contact Mr. Mike Mohajer at (909) 592-1147.

Sincerely,



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

MS:kp

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cc: Each Member of the Los Angeles County Legislative Delegation  
Linda S. Adams, Secretary of the California Environmental Protection Agency  
Mike Chrisman, Secretary of the Natural Resources Agency  
Margo Reid Brown, Acting Director of the Department of Resources  
Recycling and Recovery  
Each Member of the County of Los Angeles Board of Supervisors  
Each City Mayor in the County of Los Angeles  
California State Association of Counties  
League of California Cities  
League of California Cities, Los Angeles County Division  
California Product Stewardship Council  
Southern California Association of Governments  
San Gabriel Valley Council of Governments  
South Bay Cities Council of Governments  
Gateway Cities Council of Governments  
Each City Recycling Coordinator in Los Angeles County  
Each Member of the Los Angeles County Integrated Waste Management Task Force