

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2457

Introduced by Assembly Member Valadao

February 24, 2012

An act to add and repeal ~~Section 42173~~ *Article 3.5 (commencing with Section 42180) of Chapter 3.5 of Part 3 of Division 30 of the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2457, as amended, Valadao. Solid waste: vehicles: appliances.

The California Integrated Waste Management Act of 1989 requires materials that require special handling, as defined, to be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. Recycling residue used as solid waste landfill daily cover is required to meet certain performance standards and requirements specified in the regulations adopted by the Department of Resources Recycling and Recovery (CalRecycle).

This bill would require CalRecycle, by March 31, 2013, to *establish a working group to conduct a study of the logging of whether* discarded vehicles and appliances, as defined, and would require the Director of CalRecycle to submit the report to the Legislature, by October 31, 2013, *including recommendations as necessary to ensure the sustainability of the California auto shredding industry that are compacted and exported for the purposes of recycling are being managed in compliance with law. The bill would require the working group, by October 31, 2014,*

to prepare and submit to the director a report of its findings and make recommendations to address the findings. The bill would require CalRecycle to post the report on its Internet Web site. The bill ~~would make this report requirement inoperative on October 31, 2017, and would repeal the provision on January 1, 2018.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section 42180) of
2 Chapter 3.5 of Part 3 of Division 30 of the Public Resources Code
3 is repealed.

4
5 Article 3.5. Report on Disposal of End of Life Vehicles and
6 Appliances
7

8 42180. (a) On or before March 31, 2013, the department shall
9 convene an interagency working group consisting of staff of the
10 department, the Department of Toxic Substances Control, and
11 other appropriate departments within the California Environmental
12 Protection Agency or the Natural Resources Agency to determine
13 whether the disposal of end-of-life vehicles and appliances
14 regulated pursuant to this chapter that are being compacted and
15 exported for purposes of recycling is being managed in the state
16 in compliance with law.

17 (b) On or before October 31, 2014, the working group shall
18 prepare and submit to the director a report of its findings. The
19 report shall include specific findings on all of the following:

20 (1) The manner in which the discarded end-of-life vehicles and
21 appliances are being managed in accordance with state and federal
22 law prior to export.

23 (2) The risks to public health and the environment posed by the
24 mismanagement of the end-of-life vehicles and appliances in the
25 state prior to export.

26 (3) The economic impacts of improper management of the
27 end-of-life vehicles and appliances on the state's scrap metal
28 recycling infrastructure.

29 (4) Any other issues the working group deems appropriate
30 regarding the disposal of the end-of-life vehicles and appliances.

1 (c) *The report shall include recommendations, as necessary, to*
2 *address the findings.*

3 (d) *The department shall post the report on its Internet Web*
4 *site.*

5 *This article shall remain in effect only until January 1, 2018,*
6 *and as of that date is repealed, unless a later enacted statute, that*
7 *is enacted before January 1, 2018, deletes or extends that date.*

8 SECTION 1. ~~The Legislature finds and declares all of the~~
9 ~~following:~~

10 (a) ~~Companies engaged in the shredding of end-of-life vehicles,~~
11 ~~major appliances, and other recyclable metal products in California~~
12 ~~provide an important service to the residents of the State of~~
13 ~~California by ensuring that millions of vehicles and appliances,~~
14 ~~and millions of tons of miscellaneous scrap metal, that are~~
15 ~~discarded every year in the state are beneficially recycled in a~~
16 ~~manner that is protective of human health and the environment.~~

17 (b) ~~Scrap metal recycling operations conserve valuable landfill~~
18 ~~space, prevent the landscape from becoming littered with~~
19 ~~abandoned vehicles and appliances, and reduce the need to mine~~
20 ~~ore from the ground in order to manufacture steel and other new~~
21 ~~metal products. The scrap metal recycling industry is also a~~
22 ~~significant source of jobs and a major contributor to the state's~~
23 ~~economy.~~

24 (c) ~~In recent years, other companies have begun to purchase~~
25 ~~end-of-life vehicles and appliances and use portable equipment to~~
26 ~~compact them into "logs" without first having properly drained~~
27 ~~automotive fluids from the vehicles and appliances, removed~~
28 ~~mercury switches as required by law, or otherwise "de-polluted"~~
29 ~~these items. The logs are placed in seagoing containers, along with~~
30 ~~all wastes generated from the logging process, and are exported~~
31 ~~overseas for shredding in other countries. These companies~~
32 ~~compete unfairly with the California auto shredders for vehicles~~
33 ~~and appliances and pose a serious threat to public health and the~~
34 ~~environment.~~

35 (d) ~~The companies that engage in the "logging" operations~~
36 ~~specified in subdivision (c) do not comply with California~~
37 ~~environmental standards and enjoy a significant economic benefit~~
38 ~~by avoiding environmental compliance costs. It is contrary to the~~
39 ~~policy of the State of California to allow the export of vehicles~~
40 ~~and appliances that have not been de-polluted, resulting in potential~~

1 exposure of individuals and the environment to harmful substances
2 when these items are logged and transported in California and
3 California waters.

4 SEC. 2. Section 42173 is added to the Public Resources Code,
5 to read:

6 42173. (a) For purposes of this section “logging” means the
7 purchase end-of-life vehicles and appliances and the use of portable
8 equipment to compact the end-of-life vehicles or appliances into
9 logs without draining automotive fluids from the vehicles, or
10 removing mercury switches and other materials that require special
11 handling from the vehicles and appliances, and subsequently
12 transporting those materials within the state, for eventual export
13 to a foreign county for the shredding and recovery of metals.

14 (b) On or before March 31, 2013, the department shall conduct
15 a study of the logging of discarded vehicles and appliances. The
16 study shall address the environmental risks associated with the
17 logging of vehicles and appliances that have not been handled in
18 accordance with the requirements of Section 42175 prior to
19 compaction, the effect that logging and foreign export of these
20 vehicles and appliances have on the California auto shredding
21 industry, and any other effects of logging on commerce and waste
22 management in California.

23 (c) On or before October 31, 2013, the director shall submit a
24 report to the Legislature on the findings of the study required by
25 subdivision (b) and shall present recommendations as necessary
26 to ensure the sustainability of the California auto shredding
27 industry.

28 (d) The department shall perform the tasks specified in
29 subdivisions (b) and (c) using existing staff and resources.

30 (e) A report to the Legislature pursuant to this section shall be
31 submitted in compliance with Section 9795 of the Government
32 Code.

33 (f) This section shall remain operative only until October 31,
34 2017, and as of January 1, 2018, is repealed, unless a later enacted
35 statute, that is enacted before January 1, 2018, deletes or extends
36 that date.