

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 45

Introduced by Assembly Member Mullin

December 1, 2014

An act to add Article 3.4 (commencing with Section 47120) to Chapter 1 of Part 7 of Division 30 of the Public Resources Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 45, as amended, Mullin. Household hazardous waste.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires, among other things, each city and each county to prepare a household hazardous waste element containing specified components, and to submit that element to the department for approval. Existing law requires the department to approve the element if the local agency demonstrates that it will comply with specified requirements. A city or county is required to submit an annual report to the department summarizing its progress in reducing solid waste, including an update of the jurisdiction's household hazardous waste element.

This bill would require each jurisdiction that provides for the residential collection and disposal of solid waste, on or before an unspecified date, to increase the collection and diversion of household hazardous waste in its service area by an unspecified percentage over a baseline amount, to be determined in accordance with department regulations. The bill would authorize the department to adopt a model ordinance for a door-to-door collection and diversion program to facilitate compliance with those provisions, and would require each

jurisdiction to annually report to the department on progress achieved in complying with those provisions. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law authorizes public agencies to operate curbside household hazardous waste collection facilities, door-to-door household hazardous waste collection programs, and household hazardous waste residential pickup services, and specifies conditions for the transportation of household hazardous waste.~~

~~This bill would express the Legislature’s intent to enact legislation that would establish curbside household hazardous waste collection programs, door-to-door household hazardous waste collection programs, and household hazardous waste residential pickup services as the principal means of collecting household hazardous waste and diverting it from California’s landfills and waterways.~~

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Household hazardous waste is creating environmental,
- 4 health, and workplace safety issues. Whether due to unused
- 5 pharmaceuticals, batteries, medical devices, or other disposable
- 6 consumer items, effective and efficient disposal remains an
- 7 extraordinary challenge.
- 8 (2) State and local efforts to address disposal of these items
- 9 have been well intended, but ultimately these piecemeal and
- 10 truncated approaches have not proved effective. These approaches
- 11 fragment the collection of household hazardous waste and move
- 12 collection away from the closest and most practical point of
- 13 disposal: the consumer’s residence.

1 (3) A number of cities in California are already using curbside
2 household hazardous waste collection programs, door-to-door
3 household hazardous waste collection programs, and household
4 hazardous waste residential pickup services as mechanisms for
5 collecting and disposing of many commonly used household items
6 for which disposal has been the subject of state legislation or local
7 ordinances. The waste disposal companies and local governments
8 that have implemented these programs and services have found
9 them to be successful and inexpensive.

10 (b) It is the intent of the Legislature to enact legislation that
11 would establish curbside household hazardous waste collection
12 programs, door-to-door household hazardous waste collection
13 programs, and household hazardous waste residential pickup
14 services as the principal means of collecting household hazardous
15 waste and diverting it from California’s landfills and waterways.

16 *SEC. 2. Article 3.4 (commencing with Section 47120) is added*
17 *to Chapter 1 of Part 7 of Division 30 of the Public Resources Code,*
18 *to read:*

19

20 *Article 3.4. Household Hazardous Waste Collection and*
21 *Diversion*

22

23 *47120. For purposes of this article, the following terms have*
24 *the following meanings:*

25 (a) *“Door-to-door collection and diversion program” means*
26 *a curbside household hazardous waste collection program,*
27 *door-to-door household hazardous waste collection program, or*
28 *household hazardous waste residential pickup service administered*
29 *by a jurisdiction that allows a resident to arrange, by appointment,*
30 *for the collection of household hazardous waste at his or her*
31 *residence in accordance with all applicable state and federal laws*
32 *and regulations.*

33 (b) *“Household hazardous waste” includes, but is not limited*
34 *to, the following:*

35 (1) *Automotive products, including, but not limited to, antifreeze,*
36 *batteries, brake fluid, motor oil, oil filters, fuels, wax, and polish.*

37 (2) *Garden chemicals, including, but not limited to, fertilizers,*
38 *herbicides, insect sprays, pesticides, and weed killers.*

39 (3) *Household chemicals, including, but not limited to, ammonia,*
40 *cleaners, strippers, and rust removers.*

1 (4) *Paint products, including, but not limited to, paint, caulk,*
2 *glue, stripper, thinner, and wood preservatives and stain.*

3 (5) *Consumer electronics, including, but not limited to,*
4 *televisions, computers, laptops, monitors, keyboards, DVD and*
5 *CD players, VCRs, MP3 players, cell phones, desktop printers,*
6 *scanners, fax machines, mouses, microwaves, and related cords.*

7 (6) *Swimming pool chemicals, including, but not limited to,*
8 *chlorine tablets and liquids, pool acids, and stabilizers.*

9 (7) *Household batteries. For purposes of this section,*
10 *“household batteries” means batteries that individually weigh two*
11 *kilograms or less of mercury, alkaline, carbon-zinc, or*
12 *nickel-cadmium, and any other batteries typically generated as*
13 *household waste, including, but not limited to, batteries used to*
14 *provide power for consumer electronic and personal goods often*
15 *found in a household.*

16 (8) *Fluorescent tubes and compact florescent lamps.*

17 (9) *Mercury-containing items, including, but not limited to,*
18 *thermometers, thermostats, and switches.*

19 (10) *Home-generated sharps waste, as defined in Section 117671*
20 *of the Health and Safety Code.*

21 (11) *Home-generated pharmaceutical waste. For purposes of*
22 *this section, “home-generated pharmaceutical waste” means a*
23 *prescription or nonprescription drug, as specified in Section 4022*
24 *or 4025.1 of the Business and Professions Code, that is a waste*
25 *generated by a household or households. “Home-generated*
26 *pharmaceutical waste” shall not include drugs for which producers*
27 *provide a take-back program as a part of a United States Food*
28 *and Drug Administration managed risk evaluation and mitigation*
29 *strategy pursuant to Section 355-1 of Title 21 of the United States*
30 *Code, or waste generated by a business, corporation, limited*
31 *partnership, or an entity involved in a wholesale transaction*
32 *between a distributor and a retailer.*

33 47121. (a) (1) *On or before _____, each jurisdiction shall*
34 *increase its collection and diversion of household hazardous waste*
35 *in its service area by _____ percent over its baseline amount, as*
36 *established in subdivision (b).*

37 (2) *Notwithstanding paragraph (1), a jurisdiction that adopts*
38 *an ordinance implementing a household hazardous waste collection*
39 *program identified in subdivision (b) or (c) of Section 25218.1 of*
40 *the Health and Safety Code for household hazardous waste shall*

1 have an additional _____ years to meet the collection and diversion
2 objective in paragraph (1).

3 (b) No later than _____, each jurisdiction shall inform the
4 department of its baseline amount of collection and diversion of
5 hazardous waste in accordance with regulations adopted by the
6 department. The department shall approve or disapprove of a
7 jurisdiction's baseline amount no later than _____.

8 47122. (a) The department shall adopt regulations to
9 implement this article.

10 (b) The department may adopt a model ordinance for a
11 door-to-door collection and diversion program to facilitate
12 compliance with this article.

13 47123. Commencing _____, and annually thereafter, each
14 jurisdiction shall report to the department on progress achieved
15 in complying with this section. A jurisdiction shall make a good
16 faith effort to comply with this section, and the department may
17 determine whether a jurisdiction has made a good faith effort for
18 purposes of this program. To the maximum extent practicable, it
19 is the intent of the Legislature that reporting requirements under
20 this section be satisfied by submission of similar reports currently
21 required by law.

22 47124. This article does not apply to a jurisdiction that does
23 not provide for the residential collection and disposal of solid
24 waste.

25 SEC. 3. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.