

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 45**

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### Introduced by Assembly Member Mullin

December 1, 2014

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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~~ *comprehensive program for the collection of household hazardous waste* 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.~~

*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 no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: 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 *intended and, in some cases, effective. However, even the most*  
12 *effective programs have very low consumer participation. Other*  
13 *approaches being promoted throughout the state would fragment*  
14 *the collection of household hazardous waste and move collection*  
15 *away from the closest and most practical point of disposal: the*  
16 *consumer's residence; consumer convenience.*

(3) ~~A—In addition to other programs for the collection of household hazardous waste, a number of cities in California are already using curbside household hazardous waste collection programs, door-to-door household hazardous waste collection programs, and household hazardous waste residential pickup services as mechanisms for collecting and disposing of many commonly used household items for which disposal has been the subject of state legislation or local ordinances. The waste disposal companies and local governments that have implemented these programs and services have found them to be successful and inexpensive.~~ *have found them to be valuable components of a comprehensive approach to the management of household hazardous waste.*

(4) *There is also an appropriate role for manufacturers and distributors of these products in comprehensive efforts to more effectively manage household hazardous waste. That role should be based on the ability of manufacturers and distributors to communicate with consumers.*

(b) It is the intent of the Legislature 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.

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

Article 3.4. Household Hazardous Waste Collection and  
~~Diversion~~ *Reduction*

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

(a) ~~“Door-to-door collection and diversion program” means a curbside household hazardous waste collection program, door-to-door household hazardous waste collection program, or household hazardous waste residential pickup service administered by a jurisdiction that allows a resident to arrange, by appointment, for the collection of household hazardous waste at his or her~~

1 ~~residence in accordance with all applicable state and federal laws~~  
2 ~~and regulations.~~

3 (a) *“Comprehensive program for the collection of household*  
4 *hazardous waste” means a local program that includes the*  
5 *following components:*

6 (1) *Utilization of locally sponsored collection sites.*

7 (2) *Scheduled and publicly advertised drop off days.*

8 (3) *Door-to-door collection programs.*

9 (4) *Mobile collection programs.*

10 (5) *Dissemination of information about how consumers should*  
11 *dispose of the various types of household hazardous waste.*

12 (6) *Education programs to promote consumer understanding*  
13 *and use of the local components of a comprehensive program.*

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

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

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

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

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

25 (5) *Consumer electronics, including, but not limited to,*  
26 *televisions, computers, laptops, monitors, keyboards, DVD and*  
27 *CD players, VCRs, MP3 players, cell phones, desktop printers,*  
28 *scanners, fax machines, mice, microwaves, and related cords.*

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

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

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

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

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

3 (11) Home-generated pharmaceutical waste. For purposes of  
4 this section, “home-generated pharmaceutical waste” means a  
5 prescription or nonprescription drug, as specified in Section 4022  
6 or 4025.1 of the Business and Professions Code, that is a waste  
7 generated by a household or households. “Home-generated  
8 pharmaceutical waste” shall not include drugs for which producers  
9 provide a take-back program as a part of a United States Food and  
10 Drug Administration managed risk evaluation and mitigation  
11 strategy pursuant to Section 355-1 of Title 21 of the United States  
12 Code, or waste generated by a business, corporation, limited  
13 partnership, or an entity involved in a wholesale transaction  
14 between a distributor and a retailer.

15 47121. (a) (1) On or before \_\_\_\_\_, each jurisdiction shall  
16 increase its collection and diversion of household hazardous waste  
17 in its service area by \_\_\_\_\_ percent over its baseline amount, as  
18 established in subdivision (b).

19 (2) Notwithstanding paragraph (1), a jurisdiction that *has in*  
20 *place or* adopts an ordinance implementing a ~~household hazardous~~  
21 ~~waste collection program identified in subdivision (b) or (c) of~~  
22 ~~Section 25218.1 of the Health and Safety Code for comprehensive~~  
23 *program for the collection of household hazardous waste* shall  
24 have an additional \_\_\_\_\_ years to meet the collection and diversion  
25 objective in paragraph (1).

26 (b) No later than \_\_\_\_\_, each jurisdiction shall inform the  
27 department of its baseline amount of collection and diversion of  
28 hazardous waste in accordance with regulations adopted by the  
29 department. *The baseline amount may be expressed in tonnage or*  
30 *by the number of households participating, and may focus on*  
31 *particular types of household hazardous waste.* The department  
32 shall approve or disapprove of a jurisdiction’s baseline amount no  
33 later than \_\_\_\_\_.

34 47122. (a) The department shall adopt regulations to implement  
35 this article.

36 (b) The department may adopt a model ordinance for a  
37 ~~door-to-door collection and diversion program~~ *comprehensive*  
38 *program for the collection of household hazardous waste* to  
39 facilitate compliance with this article.

1 47123. Commencing \_\_\_\_\_, and annually thereafter, each  
2 jurisdiction shall report to the department on progress achieved in  
3 complying with this section. A jurisdiction shall make a good faith  
4 effort to comply with this section, and the department may  
5 determine whether a jurisdiction has made a good faith effort for  
6 purposes of this program. To the maximum extent practicable, it  
7 is the intent of the Legislature that reporting requirements under  
8 this section be satisfied by submission of similar reports currently  
9 required by law.

10 47124. This article does not apply to a jurisdiction that does  
11 not provide for the residential collection and disposal of solid  
12 waste.

13 ~~SEC. 3.—If the Commission on State Mandates determines that~~  
14 ~~this act contains costs mandated by the state, reimbursement to~~  
15 ~~local agencies and school districts for those costs shall be made~~  
16 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
17 ~~4 of Title 2 of the Government Code.~~

18 *SEC. 3. No reimbursement is required by this act pursuant to*  
19 *Section 6 of Article XIII B of the California Constitution because*  
20 *a local agency or school district has the authority to levy service*  
21 *charges, fees, or assessments sufficient to pay for the program or*  
22 *level of service mandated by this act, within the meaning of Section*  
23 *17556 of the Government Code.*