

AMENDED IN ASSEMBLY APRIL 23, 2015

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,~~ waste to increase the collection and diversion of household hazardous waste in its service ~~area area,~~ *on or before July 1, 2020*, by ~~an unspecified percentage~~ *15%* 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 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 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 and, in some cases, effective. However,  
10 even the most effective programs have very low consumer  
11 participation. Other approaches being promoted throughout the  
12 state would fragment the collection of household hazardous waste  
13 and move collection away from consumer convenience.
- 14 (3) In addition to other programs for the collection of household  
15 hazardous waste, a number of cities in California are already using  
16 curbside household hazardous waste collection programs,  
17 door-to-door household hazardous waste collection programs, and  
18 household hazardous waste residential pickup services as  
19 mechanisms for collecting and disposing of many commonly used  
20 household items for which disposal has been the subject of state  
21 legislation or local ordinances. The waste disposal companies and  
22 local governments that have implemented these programs have

1 found them to be valuable components of a comprehensive  
2 approach to the management of household hazardous waste.

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

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

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

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18 Article 3.4. Household Hazardous Waste Collection and  
19 Reduction

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21 47120. For purposes of this article, the following terms have  
22 the following meanings:

23 (a) "Comprehensive program for the collection of household  
24 hazardous waste" means a local program that includes the  
25 following components:

26 (1) Utilization of locally sponsored collection sites.

27 (2) Scheduled and publicly advertised drop off days.

28 (3) Door-to-door collection programs.

29 (4) Mobile collection programs.

30 (5) Dissemination of information about how consumers should  
31 dispose of the various types of household hazardous waste.

32 (6) Education programs to promote consumer understanding  
33 and use of the local components of a comprehensive program.

34 (b) "Household hazardous waste" includes, but is not limited  
35 to, the following:

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

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

- 1 (3) Household chemicals, including, but not limited to, ammonia,  
2 cleaners, strippers, and rust removers.
- 3 (4) Paint products, including, but not limited to, paint, caulk,  
4 glue, stripper, thinner, and wood preservatives and stain.
- 5 (5) Consumer electronics, including, but not limited to,  
6 televisions, computers, laptops, monitors, keyboards, DVD and  
7 CD players, VCRs, MP3 players, cell phones, desktop printers,  
8 scanners, fax machines, mice, mice, microwaves, and related cords.
- 9 (6) Swimming pool chemicals, including, but not limited to,  
10 chlorine tablets and liquids, pool acids, and stabilizers.
- 11 (7) Household batteries. For purposes of this section, “household  
12 batteries” means batteries that individually weigh two kilograms  
13 or less of mercury, alkaline, carbon-zinc, or nickel-cadmium, and  
14 any other batteries typically generated as household waste,  
15 including, but not limited to, batteries used to provide power for  
16 consumer electronic and personal goods often found in a household.
- 17 (8) Fluorescent tubes and compact florescent lamps.
- 18 (9) Mercury-containing items, including, but not limited to,  
19 thermometers, thermostats, and switches.
- 20 (10) Home-generated sharps waste, as defined in Section 117671  
21 of the Health and Safety Code.
- 22 (11) Home-generated pharmaceutical waste. For purposes of  
23 this section, “home-generated pharmaceutical waste” means a  
24 prescription or nonprescription drug, as specified in Section 4022  
25 or 4025.1 of the Business and Professions Code, that is a waste  
26 generated by a household or households. “Home-generated  
27 pharmaceutical waste” shall not include drugs for which producers  
28 provide a take-back program as a part of a United States Food and  
29 Drug Administration managed risk evaluation and mitigation  
30 strategy pursuant to Section 355-1 of Title 21 of the United States  
31 Code, or waste generated by a business, corporation, limited  
32 partnership, or an entity involved in a wholesale transaction  
33 between a distributor and a retailer.
- 34 47121. (a) (1) On or before \_\_\_\_\_, *July 1, 2020*, each  
35 jurisdiction shall increase its collection and diversion of household  
36 hazardous waste in its service area by \_\_\_\_\_ 15 percent over its  
37 baseline amount, as established ~~in pursuant to~~ subdivision (b).
- 38 (2) Notwithstanding paragraph (1), a jurisdiction that has in  
39 place or adopts an ordinance implementing a comprehensive  
40 program for the collection of household hazardous waste shall

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

3 (b) No later than\_\_\_\_\_, *July 1, 2016*, each jurisdiction shall  
4 inform the department of its baseline amount of collection and  
5 diversion of hazardous waste in accordance with regulations  
6 adopted by the department. The baseline amount may be expressed  
7 in tonnage or by the number of households participating, and may  
8 focus on particular types of household hazardous waste. ~~The~~  
9 ~~department shall approve or disapprove of a jurisdiction's baseline~~  
10 ~~amount no later than \_\_\_\_\_.~~

11 47122. (a) The department shall adopt regulations to implement  
12 this article.

13 (b) The department may adopt a model ordinance for a  
14 comprehensive program for the collection of household hazardous  
15 waste to facilitate compliance with this article.

16 47123. Commencing\_\_\_\_\_, *July 1, 2020*, and annually  
17 thereafter, each jurisdiction shall report to the department on  
18 progress achieved in complying with this section. A jurisdiction  
19 shall make a good faith effort to comply with this section, and the  
20 department may determine whether a jurisdiction has made a good  
21 faith effort for purposes of this program. To the maximum extent  
22 practicable, it is the intent of the Legislature that reporting  
23 requirements under this section be satisfied by submission of  
24 similar reports currently required by law.

25 47124. This article does not apply to a jurisdiction that does  
26 not provide for the residential collection and disposal of solid  
27 waste.

28 SEC. 3. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 a local agency or school district has the authority to levy service  
31 charges, fees, or assessments sufficient to pay for the program or  
32 level of service mandated by this act, within the meaning of Section  
33 17556 of the Government Code.

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