An act to add and repeal Article 3.4 (commencing with Section 47120) of Chapter 1 of Part 7 of Division 30 of the Public Resources Code, relating to hazardous waste.
This bill would require each jurisdiction that provides for the residential collection and disposal of solid waste to increase the collection and diversion of household hazardous waste in its service area, on or before July 1, 2020, by 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.

This bill would require the department to adopt one or more model ordinances for a comprehensive program for the collection of household hazardous waste and would authorize a local jurisdiction that provides for the residential collection and disposal of solid waste that proposes to enact an ordinance governing the collection and diversion of household hazardous waste to adopt one of the model ordinances adopted by the department. The bill would require the department to determine whether a nonprofit organization has been created and funded to make grants to local jurisdictions for specified purposes relating to household hazardous waste disposal and would specify that if the department does not determine that such a nonprofit organization exists by December 31, 2018, then the bill’s provisions would be repealed on January 1, 2019.


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

SECTION 1. (a) The Legislature finds and declares all of the following:

(a) Household hazardous waste is creating environmental, health, and workplace safety issues. Whether due to unused pharmaceuticals, batteries, medical devices, or other disposable
consumer items, effective and efficient disposal remains an extraordinary challenge.

(b) State and local efforts to address disposal of these items have been well intended and, in some cases, effective. However, even the most effective programs have very low consumer participation. Other approaches being promoted throughout the state would fragment the collection of household hazardous waste and move collection away from consumer convenience.

(c) 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 and local ordinances. The waste disposal companies and local governments that have implemented these programs have found them to be valuable components of a comprehensive approach to the management of household hazardous waste.

(d) 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 Reduction

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

(a) “Comprehensive program for the collection of household hazardous waste” means a local program that may include, but is not limited to, the following components:

1. Utilization of locally sponsored collection sites.
2. Scheduled and publicly advertised drop-off drop-off days.
3. Door-to-door collection programs.
4. Mobile collection programs.
5. Dissemination of information about how consumers should dispose of the various types of household hazardous waste.
6. Education programs to promote consumer understanding and use of the local components of a comprehensive program.

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

1. Automotive products, including, but not limited to, antifreeze, batteries, brake fluid, motor oil, oil filters, fuels, wax, and polish.
2. Garden chemicals, including, but not limited to, fertilizers, herbicides, insect sprays, pesticides, and weed killers.
3. Household chemicals, including, but not limited to, ammonia, cleaners, strippers, and rust removers.
4. Paint products, including, but not limited to, paint, caulk, glue, stripper, thinner, and wood preservatives and stain.
5. Consumer electronics, including, but not limited to, televisions, computers, laptops, monitors, keyboards, DVD and CD players, VCRs, MP3 players, cell phones, desktop printers, scanners, fax machines, and related cords.
6. Swimming pool chemicals, including, but not limited to, chlorine tablets and liquids, pool acids, and stabilizers.
7. Household batteries. For purposes of this section, “household batteries” means batteries that individually weigh two kilograms or less of mercury, alkaline, carbon-zinc, or nickel-cadmium, and any other batteries typically generated as household waste, including, but not limited to, batteries used to provide power for consumer electronic and personal goods often found in a household.
(8) Fluorescent tubes and compact fluorescent lamps.
(9) Mercury-containing items, including, but not limited to, thermometers, thermostats, and switches.
(10) Home-generated sharps waste, as defined in Section 117671 of the Health and Safety Code.
(11) Home-generated pharmaceutical waste. For purposes of this section, “home-generated pharmaceutical waste” means a prescription or nonprescription drug, as specified in Section 4022 or 4025.1 of the Business and Professions Code, that is a waste generated by a household or households. “Home-generated pharmaceutical waste” shall not include drugs for which producers provide a take-back program as a part of a United States Food and Drug Administration-managed risk evaluation and mitigation strategy pursuant to Section 355-1 of Title 21 of the United States Code, or waste generated by a business, corporation, limited partnership, or an entity involved in a wholesale transaction between a distributor and a retailer.

47121. (a) (1) On or before July 1, 2020, each jurisdiction shall increase its collection and diversion of household hazardous waste in its service area by 15 percent over its baseline amount, as established pursuant to subdivision (b).

(2) Notwithstanding paragraph (1), a jurisdiction that has in place or adopts an ordinance implementing a comprehensive program for the collection of household hazardous waste shall have an additional two years to meet the collection and diversion objective in paragraph (1).

(b) No later than July 1, 2016, each jurisdiction shall inform the department of its baseline amount of collection and diversion of hazardous waste in accordance with regulations adopted by the department. The baseline amount may be expressed in tonnage or by the number of households participating, and may focus on particular types of household hazardous waste.

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

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

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

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

47121. (a) The department, in consultation with affected
industries and stakeholders, shall adopt one or more model
ordinances for a comprehensive program for the collection of
household hazardous waste for adoption by any local jurisdiction
that provides for the residential collection and disposal of solid
waste.

(b) Upon adoption of the model ordinance or ordinances by the
department, the department shall notify the public by posting the
model ordinance or ordinances on the department’s Internet Web
site.

(c) After the department posts the model ordinance or
ordinances on its Internet Web site, a local jurisdiction that
proposes to enact an ordinance governing the collection and
diversion of household hazardous waste may adopt one of the
department’s model ordinances.

47122. (a) The department shall determine whether an
appropriate nonprofit organization has been created and funded
for the purpose of making grants to local governments to assist
with both of the following activities:

(1) Educating residents of communities on the existence of
household hazardous waste disposal programs and how to use
them.

(2) Defraying the cost of components of local government
household hazardous waste programs.

(b) In making the determination set forth in subdivision (a), the
department shall take all of the following into consideration:

(1) Whether the nonprofit organization has, at the time of the
determination, a minimum of five million dollars ($5,000,000)
dedicated to grants to local governments for the purposes set forth
in subdivision (a).
Whether the nonprofit organization will have sufficient funding to allocate grants to local governments throughout the state for five years.

Whether the composition of the nonprofit’s board of directors is sufficiently diverse and experienced to appropriately consider grant applications that will positively impact efforts to improve disposal of household hazardous waste.

Whether the nonprofit organization has appropriate criteria for considering grant applications.

(c) Upon making a determination that an appropriate nonprofit organization exists as set forth in subdivision (a), the department shall post the fact that the department has made this determination on the department’s Internet Web site.

47123. This article is applicable only to local jurisdictions that provide for the residential collection and disposal of solid waste.

47124. If the department does not make the determination that there exists an appropriate nonprofit organization, as specified in subdivision (a) of Section 47122, by December 31, 2018, this article shall be repealed on January 1, 2019.

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