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 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.

State-mandated local program: yes.

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

SECTION 1. (a) The Legislature finds and declares all of the
following:
(1) 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.
(2) 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.
(3) 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 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 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 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, mouses, microwaves, 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.

(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.

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