

Complete Text of Selected Solid Waste Bills

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ASSEMBLY BILL

No. 283

**Introduced by Assembly Member Chesbro
(Principal coauthor: Assembly Member Ruskin)
(Coauthors: Assembly Members Huffman and Nava)**

February 12, 2009

An act to add Chapter 5 (commencing with Section 48800) to Part 7 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 283, as introduced, Chesbro. Solid waste: extended producer responsibility program.

The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, is required to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient cost-effective manner to conserve water, energy, and other natural resources.

This bill would create the California Product Stewardship Act of 2010 and would require the board to administer the program. The bill would require the board to adopt regulations by July 1, 2011, in order to implement the program to provide environmentally sound product stewardship protocols that encourage producers to research alternatives during the product design and packaging phases to foster cradle-to-cradle producer responsibility and reduce the end-of-life environmental impacts of the product.

The bill, on and after January 1, 2012, would require the board to select covered products, as defined, according to certain requirements. The bill would exempt the selection of covered products from the requirements of the Administrative Law Act. On and after July 1, 2012,

a covered product would be prohibited from being sold or used for promotional purposes unless the producer or product stewardship organization, as defined, of the covered product, submits a product stewardship plan to the board that meets certain timelines and content requirements, including, but not limited to, a description of the system for collecting discarded covered products, methods proposed to maximize the recycling of packaging, a description of the processing and disposal system, and strategies for managing and reducing the life cycle impacts of covered products and packaging such as through redesign.

The bill would establish an annual reporting requirement for producers or stewardship organizations, require administrative fees to be set by the board, and authorize civil penalties of up to \$50,000 to be imposed by the board. The bill would require that the administrative fees be deposited into the Extended Producer Responsibility Account and that the penalties be deposited into the Extended Producer Responsibility Penalty Subaccount that the bill would create in the Integrated Waste Management Fund. The bill would authorize the fees and penalties to be expended, upon appropriation by the Legislature, to cover the board’s program implementation costs and as incentives to enhance recyclability and redesign efforts and to reduce environmental and safety impacts of covered products.

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

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

1 SECTION 1. Chapter 5 (commencing with Section 48800) is
 2 added to Part 7 of Division 30 of the Public Resources Code, to
 3 read:

4
 5 CHAPTER 5. CALIFORNIA PRODUCT STEWARDSHIP ACT OF 2010

6
 7 Article 1. Findings and Declarations

8
 9 48800. (a) The Legislature finds and declares all of the
 10 following:

11 (1) California has long been a national and international leader
 12 in environmental stewardship efforts and mandating the diversion
 13 of solid waste from disposal.

1 (2) By exercising a leadership role, the state will move forward
2 toward a future in which the environment and the economy both
3 grow stronger together by recycling more and reusing materials,
4 which encourages new markets and creates new jobs, instead of
5 burying resources that are lost to the economy forever.

6 (3) The California Integrated Waste Management Board
7 (CIWMB) is the state agency charged with monitoring and
8 regulating activities to reduce, recycle, and reuse solid waste
9 generated in the state to the maximum extent feasible in an efficient
10 and cost-effective manner to conserve water, energy, and other
11 natural resources, and to protect the environment.

12 (4) The CIWMB manages 97 percent of the state's solid waste
13 stream.

14 (5) To meet the mandates of the Integrated Waste Management
15 Act of 1989, the CIWMB develops and implements programs in
16 accordance with the act's waste management hierarchy, pursuant
17 to Section 40051 of the Public Resources Code.

18 (6) End-of-life management of solid waste has been the shared
19 responsibility between the state and local governments with the
20 financial burden placed on the taxpayer.

21 (7) The CIWMB adopted a final "Extended Producer
22 Responsibility Framework" policy document in 2008 to guide
23 efforts to reduce the end-of-life environmental impacts of products
24 and require that producers share in the responsibility for the
25 stewardship of their products in order to promote environmental
26 sustainability.

27 (8) Currently, the state addresses products with end-of-life
28 management issues through a patchwork of product and material
29 specific programs that have experienced various levels of success.

30 (9) Establishing the Extended Producer Responsibility
31 Framework Program under this chapter offers an alternative to the
32 materials and products approach while providing the flexibility to
33 customize individual product stewardship plans toward the most
34 effective and efficient approach for a particular product or product
35 category.

36 (10) The disposal of solid waste harms natural resources,
37 negatively impacts the state's environment, prevents materials
38 from circulating in the state's economy to produce jobs and new
39 products, and contributes to global warming.

1 (11) This chapter directs the CIWMB to develop, implement,
2 and administer the Extended Producer Responsibility Framework
3 Program. The program includes a framework for managing
4 individual products that have significant end-of-life waste
5 management impacts as well as impacts on the environment and
6 public health.

7 (12) The CIWMB will select covered products through a set of
8 requirements that include assessing waste management, public
9 health, significant environmental impacts, and safety impacts and
10 benefits.

11 (13) Expanding the extended producer responsibility approach
12 to a broader range of problem products, packaging, and materials
13 offers an opportunity to reduce waste and increase recycling by
14 customizing individual product stewardship plans toward the most
15 effective and efficient approach for any particular product or
16 product category.

17 (b) (1) It is the intent of the Legislature that the CIWMB
18 coordinate with other state agencies as well as local jurisdictions,
19 industry sectors, business groups, environmental organizations,
20 and other interested stakeholders in implementing this chapter.

21 (2) It is the intent of the Legislature that in developing the
22 framework, the CIWMB design performance goals for covered
23 products that reduce the end-of-life and life cycle impacts of
24 covered products.

25 (3) It is the intent of the Legislature that the CIWMB design
26 the program to help satisfy the waste diversion requirements of
27 the Integrated Waste Management Act of 1989 in a manner that
28 minimizes costs and maximizes benefits for California's economy,
29 improves the end-of-life management of products, and maximizes
30 additional environmental and economic cobenefits for California.

31 (4) It is the intent of the Legislature to encourage the
32 development of the additional materials processing capacity that
33 is needed to meet state objectives for decreasing solid waste
34 disposal by identifying incentives for local governments and
35 businesses to locate and approve new or expanded facilities that
36 meet and exceed their capacity needs, and to recognize those
37 entities that make significant contributions to the state's overall
38 solid waste reduction and recycling objectives through the siting
39 of facilities for the processing of materials diverted from the solid
40 waste stream.

1 Article 2. General Provisions

2
3 48800.1. This act shall be known and may be cited as the
4 California Extended Producer Responsibility Framework Act of
5 2010.

6
7 Article 3. Definitions

8
9 48800.2. For purposes of this chapter, and unless the context
10 otherwise requires, the definitions in this article govern the
11 construction of this chapter.

12 48800.3. "Board" means the California Integrated Waste
13 Management Board.

14 48800.4. "Brand" means a name, symbol, word, or mark that
15 identifies a product, rather than its components, and attributes the
16 product to the owner or licensee of the brand as the producer.

17 48800.5. "Capture rate" is a component of the performance
18 goals for a covered product and means a quantitative measure that
19 establishes an amount of product to be collected by the product
20 stewardship system for that product by an established date.

21 48800.6. "Covered product" means a product used or disposed
22 of in this state that has been selected by the board pursuant to
23 Section 48813.

24 48800.7. "Cradle-to-cradle design" means an ideal condition
25 where the product is developed for closed-loop systems in which
26 every ingredient is safe and beneficial, either to biodegrade and
27 be suitable to safely restore the soil or to be fully recycled into
28 high-quality materials for subsequent product generations, again
29 and again.

30 48800.8. "Department" means the Department of Toxic
31 Substances Control.

32 48800.9. "Disposition rate" is a component of the performance
33 goals for a covered product and means a quantitative measure that
34 establishes the amounts of unwanted product that are reused,
35 recycled, or recovered, including energy recovery or safe disposal.

36 48800.10. "Extended producer responsibility" means the
37 extension of the shared responsibility of producers, and all entities
38 involved in the product chain, to reduce the cradle-to-cradle
39 impacts of a product and its packaging, with the primary

1 responsibility being with the producer who makes design and
2 marketing decisions.

3 48800.11. "Historic product" means a covered product ready
4 to be discarded by the user that is not a new product or product
5 currently marketed or sold by the manufacturer.

6 48800.12. "Orphan product" means any one of the following:

7 (a) A covered product that lacks a manufacturer's brand.

8 (b) A covered product for which the manufacturer is no longer
9 in business and has no successor in interest.

10 (c) A covered product that is a brand for which the board cannot
11 identify an owner.

12 48800.13. "Performance goal" means product goals, capture
13 rates, and disposition rates established by the board for covered
14 products.

15 48800.14. "Producer" means one of the following:

16 (a) A person or entity that manufactures a covered product that
17 sells, offers for sale, or distributes that covered product in
18 California under the manufacturer's own name or brand.

19 (b) If subdivision (a) does not apply, a person who is not the
20 manufacturer of the product but is the owner or licensee of a
21 trademark or brand under which a product is sold or distributed in
22 California, whether or not the trademark is registered.

23 (c) If subdivisions (a) and (b) do not apply, a person who imports
24 the product into California for sale or distribution.

25 48800.15. "Product goal" is a component of the performance
26 goals for a covered product and means a qualitative or quantitative
27 goal to measure improvements that reduce the life cycle impacts
28 of products. It may include product design and materials content,
29 manufacturing, packaging, distribution, and end-of-life
30 management. It may address use of virgin material, water, energy,
31 and hazardous substances, as well as carbon footprint, product
32 longevity, recycled content, and recyclability.

33 48800.16. "Product stewardship organization" means all of the
34 following:

35 (a) An organization appointed by a producer or producers to act
36 as an agent on behalf of the producer or producers to design,
37 submit, and administer a product stewardship plan.

38 (b) The organization shall be open for participation by all
39 producers of a covered product.

1 48800.17. "Product stewardship plan" means a plan written
2 by an individual producer or a stewardship organization, on behalf
3 of a producer, that addresses the environmental impacts of a
4 covered product over the entire life cycle of that product, including
5 product design and the collection, transportation, reuse, recycling,
6 and final disposition of discarded covered products as provided in
7 this chapter.

8 48800.18. "Reporting period" means the period commencing
9 January 1 and ending on December 31 of the same calendar year.

10 48800.19. "Retailer" means a person that offers new products
11 for sale at retail through any means, including remote offerings
12 such as sales outlets, catalogs, or an Internet Web site.

13 48800.20. "Secondary material" means material that is being
14 reused or recycled that would otherwise be disposed of in a landfill.

15 48800.21. "Sell" or "sales" means any transfer of title for
16 consideration, including remote sales conducted through sales
17 outlets, catalogs, or an Internet Web site or similar electronic
18 means. Sell or sales does not include leases.

19
20 Article 4. Extended Producer Responsibility Framework
21 Program
22

23 48810. (a) (1) The Extended Producer Responsibility
24 Framework Program is hereby created.

25 (2) The program shall be administered by the board.

26 (3) The program shall provide environmentally sound product
27 stewardship protocols that encourage producers to research
28 alternatives during the product design and packaging phases to
29 foster cradle-to-cradle producer responsibility and reduce the
30 end-of-life environmental impacts.

31 (b) For purposes of this chapter, the board shall review existing
32 and proposed international, federal, and state Extended Producer
33 Responsibility Programs and make reasonable efforts to promote
34 consistency among the programs established pursuant to this part
35 and those other programs.

36 (c) By July 1, 2011, the board, following one or more noticed
37 public workshops and consultation with all appropriate state
38 agencies, shall adopt regulations to implement this chapter.

39 (d) The board, in addition to any other regulations necessary to
40 implement this chapter, shall do all of the following:

- 1 (1) Establish definitions.
- 2 (2) Establish a process for selecting covered products and
3 determining performance goals.
- 4 (3) Establish a process for product stewardship plan
5 development, review, and submittal.
- 6 (4) Establish a process for providing data and reporting to the
7 board.
- 8 (5) Prepare recommendations for immediate incentives for
9 producers that stimulate waste reduction, pollution prevention,
10 energy efficiency, and increased secondary use of recycled and
11 reused materials that would otherwise be disposed of. These
12 incentives may include, but are not limited to, an expedited
13 approach to permitting facilities needed to implement product
14 stewardship programs, investments in more market development,
15 cost-effective energy savings and reducing water usage, tax
16 incentives for utilizing renewable resources, loans from the
17 Recycling Market Development Revolving Loan Program pursuant
18 to Section 42023.1 to qualifying product stewardship organizations
19 for startup of stewardship programs, and further incentives for
20 designing products and processing facilities from recycled and
21 reused materials that would otherwise be disposed of.
- 22 (6) Prepare recommendations for long-term incentives to foster
23 environmental product design to reduce waste and use of hazardous
24 materials, to reward businesses for superior environmental
25 performance that results in significant solid or hazardous waste
26 reduction or increased use of secondary materials, and for
27 investments that support longer term change to material markets
28 and market development.
- 29 (7) Prepare recommendations for funding incentives, by
30 consulting with product stewardship stakeholders to determine
31 how to fund additional cradle-to-cradle stewardship initiatives and
32 disincentives for solid waste disposal as a viable option.
- 33 (8) Establish penalties for violations of this chapter.
- 34 (9) Develop guidelines designed to ensure that activities
35 undertaken pursuant to this chapter do not interfere with the
36 following:
 - 37 (A) Efforts by the department undertaken pursuant to Article
38 14 (commencing with Section 25251) of Chapter 6.5 of Division
39 20 of the Health and Safety Code.

1 (B) The State Energy Resources Conservation and Development
2 Commission's energy efficiency programs.

3 (C) The State Air Resources Board climate change efforts to
4 achieve and maintain state and federal ambient air quality standards
5 and reduce greenhouse gas emissions.

6 (D) The State Water Resources Control Board efforts for water
7 quality protection.

8 (E) The Ocean Protection Council's ocean litter reduction
9 efforts.

10 (F) The Beverage Container Recycling and Litter Reduction
11 Act (Division 12.1 (commencing with Section 14500)).

12 48811. (a) Nothing in this chapter or any regulation adopted
13 or actions taken by the board pursuant to this chapter shall be
14 interpreted to limit, abrogate, supersede, duplicate, or otherwise
15 conflict with federal law, federal policy, or federal treaty
16 obligations.

17 (b) Nothing in this chapter or any regulation adopted or actions
18 taken by the board pursuant to this chapter shall be interpreted to
19 limit, supersede, duplicate, or otherwise conflict with the authority
20 of the department under Section 25257.1 of the Health and Safety
21 Code to fully implement Article 14 (commencing with Section
22 25251) of Chapter 6.5 of Division 20 of the Health and Safety
23 Code, including the authority of the department to include products
24 in its product registry.

25 48812. As a part of the board's annual report to the Legislature
26 pursuant to Section 40507, the board shall include a section on the
27 progress and implementation of the Extended Producer
28 Responsibility Framework Program.

29 48813. On and after January 1, 2012, the board, in consultation
30 with all appropriate state agencies, and after one or more noticed
31 public workshops with an opportunity for all interested parties to
32 comment, shall select covered products according to the following
33 requirements:

34 (a) The board shall only select covered products that have been
35 identified with end-of-life environmental and waste management
36 impacts, that meet one or more of the following criteria:

37 (1) Those products that pose a significant threat to public health
38 and safety when discarded.

39 (2) Products that pose a threat of increased greenhouse gas
40 emissions.

- 1 (3) Products that impose significant end-of-life management
2 costs on state or local government.
- 3 (b) The factors the board shall consider in selecting covered
4 products pursuant to subdivision (a) shall include, but are not
5 limited to, the following:
 - 6 (1) Public health and significant environmental and safety
7 impacts and benefits.
 - 8 (2) Resource recovery and material conservation potential,
9 including the potential for product redesign to achieve greater
10 waste reduction, toxicity reduction, water consumption reduction,
11 increase in recycled content, and greater capability for being
12 recycled.
 - 13 (3) Energy use and conservation potential.
 - 14 (4) Climate change impacts and benefits.
 - 15 (5) Existing infrastructure capacity for material management
16 and potential for expansion.
 - 17 (6) Success in collecting and processing similar products in
18 other programs in the United States and other countries.
 - 19 (7) The selection of products in extended producer responsibility
20 programs in other states.
 - 21 (8) Ocean pollution impacts.
 - 22 (9) Storm water runoff impacts.
- 23 (c) The board may select covered products and set performance
24 goals over time at regularly scheduled board meetings.
- 25 (d) Through the product selection process, the board shall do
26 the following:
 - 27 (1) Identify and notify potential interested parties for a proposed
28 covered product.
 - 29 (2) Select and define a covered product or covered products.
30 This may include historic and orphan products in addition to new
31 products.
 - 32 (3) Determine whether the packaging for a covered product
33 shall be considered part of the covered product.
 - 34 (4) Establish any implementation dates for requirements for
35 covered products.
 - 36 (5) Identify unique environmental impacts or management
37 requirements, if any, for a covered product.
 - 38 (6) Set performance goals and timeframes for the covered
39 product.

1 (7) Establish measurement metrics and reporting protocols for
2 the covered product.

3 (e) The selection process for covered products described in this
4 section shall not be subject to the requirements of Chapter 3.5
5 (commencing with Section 11340) of Part 1 of Division 3 of Title
6 2 of the Government Code. However, selected covered products
7 and associated performance goals shall be submitted to the Office
8 of Administrative Law for filing and printing with the Secretary
9 of State.

10 48814. (a) On and after July 1, 2012, a covered product shall
11 not be offered for sale or used for promotional purposes in this
12 state unless the producer or product stewardship organization of
13 the covered product submits a product stewardship plan in
14 accordance with this chapter and the regulations adopted pursuant
15 to subdivision (c) of Section 48810.

16 (b) A producer shall do all of the following:

17 (1) (A) Submit a product stewardship plan or participate in a
18 stewardship organization.

19 (B) The producer, however, shall maintain responsibility for
20 compliance with this chapter.

21 (2) (A) Collect the individual covered product pursuant to a
22 product stewardship plan to be reused or recycled, unless the board
23 determines that the covered product is not reusable or recyclable.

24 (B) Covered products that have been determined by the board
25 not to be recyclable nor reusable shall be disposed of or managed
26 in properly permitted facilities appropriate for the covered product,
27 including disposal or management of all hazardous products,
28 components, or materials in properly permitted hazardous waste
29 facilities appropriate for the product, component, or material.

30 (3) Provide for collection services without charging a fee at the
31 time that covered products are discarded and collected for recycling
32 or disposal.

33 (4) Pay all the administrative and operational costs associated
34 with the product stewardship plan, including the costs of collection,
35 transportation, and recycling or disposal, or both, of covered
36 products.

37 44815. (a) The producer or product stewardship organization
38 of a covered product shall submit a product stewardship plan to
39 the board.

- 1 (b) Each product stewardship plan for a covered individual
2 product shall include, at a minimum, all of the following:
- 3 (1) Contact information for all participating producers.
- 4 (2) A description of the product and associated brand covered
5 by the plan.
- 6 (3) A detailed description of how the performance goals set by
7 the board will be achieved.
- 8 (4) A description of methods proposed to be used to maximize
9 the recycling of packaging that is delivered into the program along
10 with the discarded covered product.
- 11 (5) A description of the collection system for collecting the
12 discarded covered product, including, but not limited to, the
13 following:
- 14 (A) How the discarded covered product will be collected in all
15 counties of the state.
- 16 (B) The entities that will perform collection services.
- 17 (C) How the collection system is available, convenient,
18 accessible, and free of charge statewide.
- 19 (D) Locations, hours, and days of operation for collection
20 locations.
- 21 (6) A description of the processing and disposal system,
22 including the following:
- 23 (A) How the discarded covered product will be reused and
24 recycled.
- 25 (B) If the covered product is not reusable nor recyclable, how
26 the covered product will be disposed of or managed in properly
27 permitted facilities appropriate to the covered product, including
28 the disposal or management of hazardous substances.
- 29 (C) The location and permit status of processing or disposal
30 facilities.
- 31 (D) Processing methods utilized at each facility and how
32 residuals will be handled.
- 33 (7) How the product stewardship plan will be financed, including
34 the following:
- 35 (A) The mechanism for securing and dispersing funds to cover
36 administrative, operational, and capital costs, including the
37 assessment of charges to producers who participate through a
38 stewardship organization.
- 39 (B) Adequate insurance and financial assurance for collection,
40 handling, and disposal operations.

1 (8) Strategies for managing and reducing the life cycle impacts
2 of covered products and packaging, including through redesign
3 and how impacts will be tracked over time to show continual
4 improvement.

5 (9) Education and outreach activities, including the following:

6 (A) Providing information to the general public on how to use
7 the collection system for a covered product.

8 (B) Providing information regarding the collection system to
9 collectors, retailers, and other interested parties.

10 (10) The consultation process used to consult with affected
11 stakeholders and the general public about the contents of the
12 product stewardship plan.

13 (c) Producers shall submit their product stewardship plan, or
14 updates to the product stewardship plan, to the board within 180
15 days following the selection of a covered product or 180 days prior
16 to the sale of a new covered product.

17 (d) Product stewardship plans shall be revised and submitted to
18 the board every four years.

19 (e) All product stewardship plans submitted to the board shall
20 be available to the public on the board's Internet Web site.

21 (f) A producer shall notify the board in advance of instituting
22 a material change to a product stewardship plan.

23

24

Article 5. Reporting

25

26 48820. (a) Beginning June 30, 2012, and every subsequent
27 year thereafter, each producer or stewardship organization
28 operating a product stewardship plan shall prepare and submit to
29 the board an annual report describing the activities of the product
30 stewardship program during the previous reporting period,
31 including, but not limited to, the following:

32 (1) How the product stewardship plan attained the performance
33 goals for the covered product, and if the performance goals were
34 not met, what actions the producer or stewardship organization
35 will take during the next reporting period to do so.

36 (2) A description of the outreach and education activities
37 undertaken during the reporting period.

38 (3) The actions undertaken to manage and reduce the life cycle
39 impacts of the covered products and packaging, from product
40 design to end-of-life management, including how the formulation,

1 packaging, and distribution of products have been improved to
2 reduce waste, reduce toxicity, reduce carbon footprint, reduce other
3 environmental impacts, increase recycled content, increase product
4 longevity, and make covered products more easily recyclable.

5 (b) All reports submitted to the board are required to be
6 approved by the board members at a monthly committee or board
7 hearing.

8 (c) All reports submitted to the board shall be made available
9 to the public on the board's Internet Web site.

10

11

Article 6. Financial Provisions

12

13 44825. (a) All producers shall submit an administrative fee to
14 the board, according to a fee schedule established by the board.

15 (b) The total amount of annual fees collected pursuant to this
16 section shall not exceed the amount necessary to recover costs
17 incurred by the board in connection with the administration and
18 enforcement of the requirements of this chapter.

19 48826. (a) The Extended Producer Responsibility Account
20 and the Extended Producer Responsibility Penalty Subaccount are
21 hereby established in the Integrated Waste Management Fund.

22 (b) All fees collected pursuant to this chapter shall be deposited
23 in the Extended Producer Responsibility Account and may be
24 expended by the board, upon appropriation by the Legislature, to
25 cover the board's costs to implement this chapter.

26 (c) All penalties collected pursuant to this chapter shall be
27 deposited in the Extended Producer Responsibility Penalty
28 Subaccount and may be expended by the board, upon appropriation
29 by the Legislature, to cover the board's costs to implement this
30 chapter.

31 (d) All funds collected may be expended as incentives to
32 enhance recyclability and redesign efforts and to reduce
33 environmental and safety impacts of covered products.

34

35

Article 7. Enforcement

36

37 48830. (a) Civil liability in an amount of up to fifty thousand
38 dollars (\$50,000) may be administratively imposed by the board
39 against a producer for any violation of this chapter. The board shall

1 deposit all penalties in the Extended Producer Responsibility
2 Penalty Subaccount.

3 (b) The board shall adopt regulations that specify the procedures
4 and amounts for the imposition of administrative civil penalties
5 pursuant to this subdivision.

6 48831. The board, or its designee, is authorized to inspect,
7 audit, or require and review third-party audits of producers, product
8 stewardship organizations, and service providers including
9 collectors and recyclers that are utilized to fulfill the requirements
10 of a product stewardship plan.

ASSEMBLY BILL

No. 478

Introduced by Assembly Member Chesbro

February 24, 2009

An act to amend Section 38562 of the Health and Safety Code, relating to greenhouse gas emissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 478, as introduced, Chesbro. Greenhouse gas emissions: solid waste.

Existing law, the California Global Warming Solutions Act of 2006, requires the State Air Resources Board to adopt greenhouse gas emissions limits and emission reduction measures by regulation. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020.

This bill would require the state board to consult with the California Integrated Waste Management Board in developing the regulations to include rules for the reduction of greenhouse gas emissions from solid waste reduction and recycling.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Since the enactment of the California Integrated Waste
- 4 Management Act of 1989 (Division 30 (commencing with Section

1 40000) of the Public Resources Code), an extensive material
2 collection and recycling infrastructure has been created, resulting
3 in the achievement of a statewide diversion rate beyond 50 percent
4 and the reduction of three million metric tons of carbon dioxide.

5 (b) All solid waste should be properly managed in order to
6 minimize the generation of waste, maximize the diversion of solid
7 waste from landfills, and manage all solid waste to its highest and
8 best use, in accordance with the waste management hierarchy and
9 in support of the California Global Warming Solutions Act of
10 2006.

11 (c) A comprehensive array of solid waste diversion programs
12 will result in an actual reduction in disposal tonnage and
13 greenhouse gas emissions.

14 (d) Although the state now leads the nation in solid waste
15 reduction and recycling, the state continues to dispose of more
16 than 40 million tons of solid waste each year, which is more than
17 the national average on a per capita basis. Additional efforts must
18 be undertaken to divert more solid waste from disposal in order
19 to reduce the production of greenhouse gas emissions statewide.

20 (e) The anaerobic decomposition of solid waste in landfills
21 produces methane, a greenhouse gas 21 times more potent than
22 carbon dioxide.

23 (f) Greenhouse gas emissions can be substantially reduced by
24 properly managing all materials to minimize the generation of
25 waste, maximizing the diversion of solid waste from landfills, and
26 capturing methane emissions to be put to their highest and best
27 use.

28 (g) Reducing waste and materials at the source of generation,
29 increased use of compost to benefit soils, coupled with increased
30 recycling and extended producer responsibility, have the potential
31 to reduce emissions, both within the state and within the connected
32 global economy.

33 (h) According to the State Air Resources Board's Climate
34 Change Scoping Plan, further implementation of aggressive high
35 recycling and source reduction measures has the potential to offset
36 as much as nine million metric tons of carbon dioxide by 2020.

37 SEC. 2. Section 38562 of the Health and Safety Code is
38 amended to read:

39 38562. (a) On or before January 1, 2011, the state board shall
40 adopt greenhouse gas emission limits and emission reduction

1 measures by regulation to achieve the maximum technologically
2 feasible and cost-effective reductions in greenhouse gas emissions
3 in furtherance of achieving the statewide greenhouse gas emissions
4 limit, to become operative beginning on January 1, 2012.

5 (b) In adopting regulations pursuant to this section and Part 5
6 (commencing with Section 38570), to the extent feasible and in
7 furtherance of achieving the statewide greenhouse gas emissions
8 limit, the state board shall do all of the following:

9 (1) Design the regulations, including distribution of emissions
10 allowances where appropriate, in a manner that is equitable, seeks
11 to minimize costs and maximize the total benefits to California,
12 and encourages early action to reduce greenhouse gas emissions.

13 (2) Ensure that activities undertaken to comply with the
14 regulations do not disproportionately impact low-income
15 communities.

16 (3) Ensure that entities that have voluntarily reduced their
17 greenhouse gas emissions prior to the implementation of this
18 section receive appropriate credit for early voluntary reductions.

19 (4) Ensure that activities undertaken pursuant to the regulations
20 complement, and do not interfere with, efforts to achieve and
21 maintain federal and state ambient air quality standards and to
22 reduce toxic air contaminant emissions.

23 (5) Consider cost-effectiveness of these regulations.

24 (6) Consider overall societal benefits, including reductions in
25 other air pollutants, diversification of energy sources, and other
26 benefits to the economy, environment, and public health.

27 (7) Minimize the administrative burden of implementing and
28 complying with these regulations.

29 (8) Minimize leakage.

30 (9) Consider the significance of the contribution of each source
31 or category of sources to statewide emissions of greenhouse gases.

32 (c) In furtherance of achieving the statewide greenhouse gas
33 emissions limit, by January 1, 2011, the state board may adopt a
34 regulation that establishes a system of market-based declining
35 annual aggregate emission limits for sources or categories of
36 sources that emit greenhouse gas emissions, applicable from
37 January 1, 2012, to December 31, 2020, inclusive, that the state
38 board determines will achieve the maximum technologically
39 feasible and cost-effective reductions in greenhouse gas emissions,
40 in the aggregate, from those sources or categories of sources.

1 (d) Any regulation adopted by the state board pursuant to this
2 part or Part 5 (commencing with Section 38570) shall ensure all
3 of the following:

4 (1) The greenhouse gas emission reductions achieved are real,
5 permanent, quantifiable, verifiable, and enforceable by the state
6 board.

7 (2) For regulations pursuant to Part 5 (commencing with Section
8 38570), the reduction is in addition to any greenhouse gas emission
9 reduction otherwise required by law or regulation, and any other
10 greenhouse gas emission reduction that otherwise would occur.

11 (3) If applicable, the greenhouse gas emission reduction occurs
12 over the same time period and is equivalent in amount to any direct
13 emission reduction required pursuant to this division.

14 (e) The state board shall rely upon the best available economic
15 and scientific information and its assessment of existing and
16 projected technological capabilities when adopting the regulations
17 required by this section.

18 (f) The state board shall consult with the Public Utilities
19 Commission in the development of the regulations as they affect
20 electricity and natural gas providers in order to minimize
21 duplicative or inconsistent regulatory requirements.

22 (g) *The state board shall consult with the California Integrated*
23 *Waste Management Board in the development of the regulations*
24 *to include rules for the reduction of greenhouse gas emissions*
25 *from solid waste reduction and recycling.*

26 ~~(g)~~

27 (h) After January 1, 2011, the state board may revise regulations
28 adopted pursuant to this section and adopt additional regulations
29 to further the provisions of this division.

ASSEMBLY BILL

No. 479

Introduced by Assembly Member Chesbro

February 24, 2009

An act to amend Sections 41780 and 48000 of, and to add Sections 41780.01, 42649, and 48001.5 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 479, as introduced, Chesbro. Solid waste: diversion.

(1) The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components, including a source reduction component, a recycling component, and a composting component. With certain exceptions, the source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.

Existing law requires the board to review, at least once every 2 years, a jurisdiction's source reduction and recycling element and household hazardous waste element. The board is required to issue an order of compliance if the board finds that a jurisdiction has failed to implement its source reduction and recycling element or its household hazardous waste element, pursuant to a specified procedure. If, after issuing an order of compliance, the board finds the city, county, or regional agency has failed to make a good faith effort to implement those elements, the

board is authorized to impose administrative civil penalties upon the city, county, or regional agency.

This bill would require a city or county to divert 60% of all solid waste through source reduction, recycling, and composting activities on and after January 1, 2015, thereby imposing a state-mandated local program by imposing new duties on local agencies regarding solid waste management. The bill would also require the board to establish policies, programs, and incentives to ensure diversion of solid waste in accordance with a specified schedule.

(2) Existing law requires a local agency to impose certain requirements on an operator of a large venue or event to facilitate solid waste reduction, reuse, and recycling.

This bill would require the owner or operator of a business that contracts for solid waste services and generates more than 4 cubic yards of total solid waste and recyclable materials per week to arrange for recycling service, consistent with state and local laws and requirements, to the extent that these services are offered and reasonably available from a local service provider. The bill would require specified local agencies, by January 1, 2011, to adopt commercial recycling ordinances that include certain minimum requirements.

The bill would impose a state-mandated local program by imposing new duties upon local agencies with regard to the adoption of commercial recycling ordinances.

(3) The act requires an operator of a solid waste disposal facility to pay a quarterly fee of up to \$1.40 per ton based on the amount of all solid waste disposed of at each disposal site and requires the State Board of Equalization to collect the fees and deposit the fees in the Integrated Waste Management Account in the Integrated Waste Management Fund in the State Treasury. The act requires the board to use the moneys in the account, upon appropriation by the Legislature, for specified purposes.

This bill would, on and after January 1, 2010, establish the amount of the fee in an amount of \$3.90 per ton and would require \$2.50 of that fee after that date to be available for expenditure by the board, upon appropriation by the Legislature, for apportionment to jurisdictions, as specified.

(4) 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 both of
2 the following:

3 (1) Since the enactment of the California Integrated Waste
4 Management Act of 1989 (Division 30 (commencing with Section
5 40000) of the Public Resources Code), local governments and
6 private industries have worked jointly to create an extensive
7 material collection and recycling infrastructure and have
8 implemented effective programs to achieve a statewide diversion
9 rate above 50 percent.

10 (2) Although the state now leads the nation in solid waste
11 reduction and recycling, the state continues to dispose of more
12 than 40 million tons of solid waste each year, which is more than
13 the national average on a per capita basis. Additional efforts must
14 be undertaken to divert more solid waste from disposal in order
15 to conserve scarce natural resources.

16 (b) The Legislature further finds and declares all of the
17 following:

18 (1) Approximately 64 percent of the state's solid waste disposal
19 is from commercial sources, including commercial, industrial,
20 construction, and demolition activities. In addition, 8 percent of
21 the state's solid waste disposal is from multifamily residential
22 housing that is often collected along with the commercial waste
23 stream.

24 (2) The state's local governments have made significant progress
25 in reducing the amount of solid waste disposal from single-family
26 residential sources that make up 28 percent of the state's disposal,
27 but have faced more challenges in reducing disposal from the
28 commercial and multifamily sources.

29 (3) The disposal of commercial solid wastes harms natural
30 resources, negatively impacts the state's environment, prevents
31 materials from circulating in the state economy to produce jobs
32 and new products, and contributes to global warming.

1 (4) The state has long been a national and international leader
2 in environmental stewardship efforts and mandating the diversion
3 of solid waste away from disposal. Bold environmental leadership
4 and a new approach are needed to divert commercial solid waste
5 away from disposal.

6 (5) By exercising a leadership role, the state will lead the
7 business community toward a future in which the environment
8 and the economy both grow stronger together by recycling
9 materials, which creates new jobs, instead of burying resources,
10 which exit the economy forever.

11 (6) By requiring commercial recycling, the state will help
12 businesses reduce costly disposal fees and reclaim valuable
13 resources.

14 (7) Solid waste diversion and disposal reduction requires the
15 availability of adequate solid waste processing and composting
16 capacity.

17 (8) The existing network of public and private solid waste
18 processing and composting facilities provides a net environmental
19 benefit to the communities served, and represents a valuable asset
20 and resource of this state, one that must be sustained and expanded
21 to provide the additional solid waste processing capacity that will
22 be required to achieve the additional solid waste diversion
23 mandates expressed in Section 41780 of the Public Resources
24 Code as amended by this act.

25 (9) It is the intent of the Legislature to encourage the
26 development of the additional solid waste processing and
27 composting capacity that is needed to meet state objectives for
28 decreasing solid waste disposal by identifying incentives for local
29 governments to locate and approve new or expanded facilities that
30 meet and exceed their capacity needs, and to recognize local
31 agencies that make significant contributions to the state's overall
32 solid waste reduction and recycling objectives through the siting
33 of facilities for the processing and composting of materials diverted
34 from the solid waste stream.

35 (10) The provisions in existing law that confer broad discretion
36 on local agencies to determine aspects of solid waste handling that
37 are of local concern have significantly contributed to the statewide
38 diversion rate exceeding 50 percent, and further progress toward
39 decreasing solid waste disposal requires that this essential element
40 of local control be preserved.

1 (11) Accordingly, by setting in this act new statewide solid
2 waste diversion requirements in Section 41780 of the Public
3 Resources Code, new solid waste diversion targets in Section
4 41780.01 of the Public Resources Code, and new commercial
5 waste recycling requirements in Section 42649 of the Public
6 Resources Code, the Legislature does not intend to limit a right
7 afforded to local governments pursuant to Section 40059 of the
8 Public Resources Code, or to modify or abrogate in any manner
9 the rights of a local government or solid waste enterprise with
10 regard to a solid waste handling franchise or contract granted on
11 or before January 1, 2010.

12 SEC. 2. Section 41780 of the Public Resources Code is
13 amended to read:

14 41780. (a) ~~Each city or county~~ *jurisdiction's* source reduction
15 and recycling element shall include an implementation schedule
16 that shows both of the following:

17 (1) For the initial element, ~~the city or county~~ *jurisdiction* shall
18 divert 25 percent of all solid waste ~~from landfill disposal or~~
19 ~~transformation~~ by January 1, 1995, through source reduction,
20 recycling, and composting activities.

21 (2) Except as provided in Sections 41783; *and* 41784, ~~and~~
22 ~~41785~~; for the first and each subsequent revision of the element,
23 ~~the city or county~~ *jurisdiction* shall divert 50 percent of all solid
24 waste on and after January 1, 2000, through source reduction,
25 recycling, and composting activities.

26 (3) *Except as provided in Sections 41783 and 41784, for each*
27 *subsequent revision of the element, the jurisdiction shall divert 60*
28 *percent of all solid waste on or after January 1, 2015, through*
29 *source reduction, recycling, and composting activities.*

30 (b) ~~Nothing in this part prohibits a city or county~~ *This part does*
31 *not prohibit a jurisdiction* from implementing source reduction,
32 recycling, and composting activities designed to exceed these
33 requirements.

34 SEC. 3. Section 41780.01 is added to the Public Resources
35 Code, to read:

36 41780.01. The board shall adopt policies, programs, and
37 incentives to ensure that solid waste generated in this state is source
38 reduced, recycled, or composted in accordance with the following
39 schedule:

1 (a) On and before January 1, 2015, ensure that 60 percent of all
2 solid waste generated is source reduced, recycled, or composted.

3 (b) On or before January 1, 2020, and annually thereafter, ensure
4 that 75 percent of solid waste generated is source reduced, recycled,
5 and composted.

6 SEC. 4. Section 42649 is added to the Public Resources Code,
7 to read:

8 42649. (a) The owner or operator of a business that contracts
9 for solid waste services and generates more than four cubic yards
10 of total solid waste and recyclable materials that are not solid waste
11 per week shall arrange for recycling services, consistent with state
12 or local laws or requirements, including a local ordinance or
13 agreement, applicable to the collection, handling, or recycling of
14 solid waste, to the extent that these services are offered and
15 reasonably available from a local service provider.

16 (b) On or before January 1, 2011, each city, county, solid waste
17 authority, or other joint powers authority located within a county
18 with a population of 200,000 or more shall adopt a commercial
19 recycling ordinance that is consistent with this section.

20 (c) A commercial recycling ordinance adopted pursuant to this
21 section shall include, at a minimum, both of the following:

22 (1) An enforceable requirement that a commercial waste
23 generator take one of the following actions:

24 (A) Source separate specified recyclable materials from solid
25 waste and subscribe to a basic level of recycling service that
26 includes the collection of those recyclable materials or specific
27 provisions for authorized self-hauling.

28 (B) Subscribe to an alternative type of recycling service, which
29 may include mixed waste processing, that yields diversion results
30 comparable to source separation.

31 (2) Educational, implementation, and enforcement provisions.

32 (d) For the purposes of this section, "business" means a
33 commercial entity operated by a firm, partnership, proprietorship,
34 joint stock company, corporation, or association that is organized
35 as a for-profit or nonprofit entity.

36 (e) This section does not limit the authority of a local agency
37 to adopt, implement, or enforce a local commercial recycling
38 ordinance that is more stringent or comprehensive than the
39 requirements of this section or limit the authority of a local agency

1 in a county with a population of less than 200,000 to require
2 commercial recycling.

3 (f) This section does not modify or abrogate in any manner
4 either of the following:

5 (1) A franchise granted or extended by a city, county, or other
6 local government agency on or before January 1, 2010.

7 (2) A contract, license, or permit to collect solid waste
8 previously granted or extended by a city, county, or other local
9 government agency on or before January 1, 2010.

10 (3) The existing right of a business to sell or donate their
11 recyclable materials.

12 (g) (1) When adopting an ordinance pursuant to this section, a
13 local agency may consider the adequacy of areas for collecting
14 and loading recyclable materials.

15 (2) Notwithstanding paragraph (1), a local agency shall not
16 consider the adequacy of areas for collecting and loading recyclable
17 materials for purposes of determining noncompliance with this
18 section at a development project, as defined pursuant to Section
19 42905, if the development project was approved by the local
20 agency on or after September 1, 1994.

21 SEC. 5. Section 48000 of the Public Resources Code is
22 amended to read:

23 48000. (a) ~~Each~~ An operator of a disposal facility shall pay a
24 fee quarterly to the State Board of Equalization ~~which~~ that is based
25 on the amount, by weight or volumetric equivalent, as determined
26 by the board, of all solid waste disposed of at each disposal site.

27 ~~(b) The fee for solid waste disposed of shall be one dollar and~~
28 ~~thirty-four cents (\$1.34) per ton. Commencing with the 1995-96~~
29 ~~fiscal year, the amount of the fee shall be established by the board~~
30 ~~at an amount that is sufficient to generate revenues equivalent to~~
31 ~~the approved budget for that fiscal year, including a prudent~~
32 ~~reserve, but shall not exceed one dollar and forty cents (\$1.40) per~~
33 ~~ton.~~

34 ~~(c) The board shall notify the State Board of Equalization on~~
35 ~~the first day of the period in which the rate shall take effect of any~~
36 ~~rate change adopted pursuant to this section.~~

37 *(b) On and after January 1, 2010, the amount of the fee shall*
38 *equal three dollars and ninety cents (\$3.90) per ton.*

39 ~~(d)~~

1 (c) The board and the State Board of Equalization shall ensure
2 that all the fees for solid waste imposed pursuant to this section
3 that are collected at a transfer station are paid to the State Board
4 of Equalization in accordance with this article.

5 (d) *Notwithstanding Section 48001, on and after January 1,*
6 *2010, an amount of two dollars and fifty cents (\$2.50) of the fee*
7 *imposed for each ton of solid waste disposed of at each disposal*
8 *site shall be available to the board for expenditure pursuant to*
9 *Section 48001.5.*

10 SEC. 6. Section 48001.5 is added to the Public Resources Code,
11 to read:

12 48001.5. The fee revenues collected by the State Board of
13 Equalization pursuant to subdivision (e) of Section 48000 shall be
14 available to the board, upon appropriation by the Legislature, for
15 expenditure by the board according to the following:

16 (a) Between January 1, 2010, and January 1, 2015, the fee
17 revenue shall be apportioned on a per capita basis to jurisdictions
18 for the expansion of source reduction, recycling, and composting
19 programs, including residential recycling programs and commercial
20 recycling programs, as well as the development of new and
21 expanded recycling and composting infrastructure.

22 (b) On and after January 1, 2015, the fee revenues shall be
23 apportioned on a per capita basis to jurisdictions that have achieved
24 the diversion rate specified in paragraph (3) of subdivision (a) of
25 Section 41780 for use pursuant to subdivision (a) of this section.
26 For jurisdictions that have not reach the diversion rate required in
27 paragraph (3) of subdivision (a) of Section 41780, the board shall
28 expend the fee revenues to establish local programs to help the
29 jurisdictions achieve the diversion rate required by paragraph (3)
30 of subdivision (a) of Section 41780.

31 SEC. 7. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 a local agency or school district has the authority to levy service
34 charges, fees, or assessments sufficient to pay for the program or
35 level of service mandated by this act, within the meaning of Section
36 17556 of the Government Code.

ASSEMBLY BILL

No. 1173

Introduced by Assembly Member Huffman

February 27, 2009

An act to add Chapter 7.3 (commencing with Section 42420) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1173, as introduced, Huffman. Recycling: compact fluorescent lamps.

The existing California Lighting Efficiency and Toxics Reduction Act prohibits, on and after January 1, 2010, except for certain specified circumstances, a person from manufacturing, selling, or offering for sale in the state specified general purpose lights that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive, as specified.

This bill would prohibit the distribution of moneys from energy efficiency investment funds or any other funds generated from usage-based charges on electricity distribution that are provided by California's retail sellers of electricity to any entity for compact fluorescent lamps, unless the compact fluorescent lamps meet certain specifications, and the manufacturer or distributor of the compact fluorescent lamps has implemented a recycling program or has agreed to pay an unspecified amount for every lamp for which funding is received into a compact fluorescent lamp recycling fund. The bill would prohibit the distribution of moneys from energy efficiency investment funds or any other funds generated from usage-based charges on electricity distribution that are provided by California's retail sellers of electricity to a retailer, unless the retailer has agreed to provide the

public an in-store collection opportunity for the recycling of compact fluorescent lamps.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 California Fluorescent Lamp Toxics Reduction and Recycling Act.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) California policy, including the California Lighting
6 Efficiency and Toxics Reduction Act (Chapter 534 of the Statutes
7 of 2007), has put California on a path of transition from
8 incandescent lamps to more energy-efficient lighting, including
9 substantially increased utilization of fluorescent lighting.

10 (2) Many existing lighting choices contain toxic materials. Most
11 fluorescent lighting products contain mercury. Most incandescent
12 lighting products contain lead. California prohibits disposing of
13 lighting products containing hazardous levels of metal in the solid
14 waste stream. The hazardous material in waste lighting products
15 can be reduced and managed through recycling, but recycling
16 opportunities are currently inconvenient or nonexistent for most
17 consumers.

18 (3) Fluorescent lighting products delivering the same level of
19 light at the same level of efficiency can have varying levels of
20 mercury. The Department of General Services has adopted a
21 procurement preference favoring low-mercury fluorescent lamps.

22 (4) In 2007, the Legislature enacted the California Lighting
23 Efficiency and Toxics Reduction Act (Chapter 534 of the Statutes
24 of 2007), which directed the Department of Toxic Substances
25 Control (DTSC) to convene a lighting task force to consider and
26 make policy recommendations to the Legislature for designing a
27 statewide collection program for end-of-life fluorescent lights. On
28 September 1, 2008, the task force submitted recommendations to
29 the Legislature on the need and options for a convenient statewide
30 system for the collection and recycling of fluorescent lamps for
31 residential generators.

1 (b) It is the intent of the Legislature to have an established
2 system for the recycling of residential generated fluorescent lamps
3 that is free and convenient for end users.

4 SEC. 3. Chapter 7.3 (commencing with Section 42420) is added
5 to Part 3 of Division 30 of the Public Resources Code, to read:

6
7 CHAPTER 7.3. FLUORESCENT LAMPS
8

9 42420. (a) Moneys from energy efficiency investment funds
10 or any other funds generated from usage-based charges on
11 electricity distribution that are provided by California's retail sellers
12 of electricity shall not be distributed to any entity for compact
13 fluorescent lamps, unless all of the following conditions exist:

14 (1) All compact fluorescent lamps purchased are ENERGY
15 STAR version 4.0 qualified, or the most recent version listed on
16 the ENERGY STAR Internet Web site, including, but not limited
17 to, a maximum allowable mercury content and a rated lifetime
18 requirement for compact fluorescent lamps.

19 (2) The manufacturer or distributor of the compact fluorescent
20 lamps has done either of the following:

21 (A) Implemented a comprehensive recycling program for
22 compact fluorescent lamps.

23 (B) Agreed to pay _____ cents (\$_____) for every lamp for which
24 funding is received into a compact fluorescent lamp recycling
25 fund.

26 (b) Moneys from energy efficiency investment funds or any
27 other funds generated from usage-based charges on electricity
28 distribution that are provided by California's retail sellers of
29 electricity shall not be distributed to a retailer, unless the retailer
30 has agreed to provide the public with a convenient in-store
31 collection opportunity for the recycling of compact fluorescent
32 lamps.

ASSEMBLY BILL

No. 1343

Introduced by Assembly Member Huffman

February 27, 2009

An act to add and repeal Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1343, as introduced, Huffman. Solid waste: architectural paint.

Existing law prohibits the disposal of latex paint in the land or waters of the state and authorizes certain persons to accept latex paint for recycling.

This bill would create the architectural paint recovery program and would require architectural paint manufacturers, on and after January 1, 2010, to develop and implement strategies to reduce the generation of postconsumer paint, promote the reuse of postconsumer paint, and manage the end-of-life of postconsumer paint through collecting, transporting, and processing postconsumer paint. The manufacturers would be allowed to establish a cost recovery system to collect a fee from the consumer on all architectural paint sold in this state sufficient to recover the costs of the end-of-life management of postconsumer paint in an environmentally sound fashion.

The bill would require manufacturers to submit a report to the California Integrated Waste Management Board by July 1, 2010, and each year thereafter, describing their paint recovery efforts. On and after January 1, 2012, the board would be required to submit a report to the Legislature describing the results of the architectural paint

recovery program, including certain recommendations and financial analysis.

This bill would make the program inoperable on July 1, 2013, and would repeal these provisions on January 1, 2014.

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

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

1 SECTION 1. Chapter 5 (commencing with Section 48700) is
2 added to Part 7 of Division 30 of the Public Resources Code, to
3 read:

4
5 CHAPTER 5. ARCHITECTURAL PAINT RECOVERY PROGRAM
6

7 48700. The purpose of the architectural paint recovery program
8 established pursuant to this chapter is to require paint
9 manufacturers to develop and implement a program to collect,
10 transport, and process postconsumer paint to reduce the costs and
11 environmental impacts of the disposal of postconsumer paint in
12 this state.

13 48701. For the purposes of this chapter the following terms
14 have the following meanings:

15 (a) "Board" means the California Integrated Waste Management
16 Board.

17 (b) "Manufacturer" means a manufacturer of architectural paint.

18 (c) "Paint" means interior or exterior architectural coatings,
19 including paints and stains purchased for commercial or
20 homeowner use, but does not include architectural coatings
21 purchased for industrial or original equipment manufacturer use.

22 48702. (a) On and after January 1, 2010, a manufacturer of
23 paint sold in this state shall, individually or through a representative
24 organization, implement a recovery program to undertake
25 responsibility for the development and implementation of strategies
26 to reduce the generation of postconsumer paint, promote the reuse
27 of postconsumer paint, and manage the end-of-life of postconsumer
28 paint, through collecting, transporting, and processing the
29 postconsumer paint.

30 (b) A cost recovery system may be established by the
31 manufacturer, individually or through a representative organization,

1 to collect a fee from the consumer on all architectural paint sold
2 in this state sufficient to recover the costs of the end-of-life
3 management of postconsumer paint in an environmentally sound
4 fashion, including collecting, storing, transporting, and reusing or
5 disposing of the postconsumer paint.

6 48703. By July 1, 2010, and each year thereafter, a
7 manufacturer of paint sold in this state shall, individually or
8 through a representative organization, submit a report to the board
9 describing its paint recovery efforts. At a minimum, the reports
10 shall include all of the following:

11 (a) The total volume of paint sold in this state during the
12 preceding calendar year.

13 (b) The total volume of postconsumer paint recovered in this
14 state during the preceding calendar year.

15 (c) A description of methods used to collect, transport, and
16 process postconsumer paint in this state.

17 (d) The total cost of implementing the program.

18 (e) An evaluation of how the program's funding mechanism
19 operated.

20 (f) Examples of educational materials that were provided to
21 consumers.

22 (g) An analysis of the environmental costs and benefits of
23 collecting and recycling latex paint.

24 (h) An evaluation of the feasibility of donating usable
25 postconsumer paint to charitable organizations, nonprofit
26 organizations, and kindergarten and grades 1 to 12, inclusive,
27 schools.

28 48704. On or before January 1, 2012, the board shall submit
29 a report to the Legislature describing the results of the architectural
30 paint recovery program and recommending whether it should be
31 extended and any modifications needed to improve the functioning
32 and efficiency of the program. The report shall include an analysis
33 of the costs avoided by state and local government agencies as a
34 result of the program.

35 48705. Any action taken by a manufacturer or representative
36 organization regarding the cost recovery system or the collecting,
37 transporting, or processing of postconsumer paint, pursuant to the
38 requirements of this chapter and only to the extent necessary to
39 plan and implement the cost recovery system, collection system,
40 or recycling system, is not a violation of the Cartwright Act

1 (Chapter 2 (commencing with Section 16700) of Part 2 of Division
2 7 of the Business and Professions Code), the Unfair Practices Act
3 (Chapter 4 (commencing with Section 17000) of Part 2 of Division
4 7 of the Business and Professions Code), or any other state law
5 relating to antitrust, regulation of trade, or regulation of commerce.
6 48706. This chapter shall become inoperative on July 1, 2013,
7 and, as of January 1, 2014, is repealed, unless a later enacted
8 statute, that becomes operative on or before January 1, 2014,
9 deletes or extends the dates on which it becomes inoperative and
10 is repealed.

O

Introduced by Senator PadillaDecember 1, 2008

An act to add Article 4 (commencing with Section 40520) to Chapter 3 of Part 1 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 25, as introduced, Padilla. Solid waste: diversion.

The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.

This bill would require the board, by July 1, ____, to develop a strategic and comprehensive plan to achieve, on or before January 1, ____, a diversion rate of 75% of solid waste statewide from landfill disposal or transformation.

The bill would require the board to adopt policies, programs, and incentives to ensure that on or before December 21, ____, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that on or before January 1, ____, and annually thereafter, 75% of all solid waste generated is source reduced, recycled, or composted.

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

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

1 SECTION 1. Article 4 (commencing with Section 40520) is
2 added to Chapter 3 of Part 1 of Division 30 of the Public Resources
3 Code, to read:

4
5 Article 4. Statewide Diversion
6

7 40520. The Legislature finds and declares all of the following:

8 (a) Since the enactment of this division, local governments and
9 private industry have worked jointly to create an extensive material
10 collection and recycling infrastructure and have implemented
11 effective programs to achieve a statewide diversion rate above 50
12 percent.

13 (b) Although the state now leads the nation in waste reduction
14 and recycling, the state continues to dispose of more than 40
15 million tons of waste each year, which is more than the national
16 average on a per capita basis.

17 (c) To meet the goals of the California Global Warming
18 Solutions Act of 2006 (Division 25.5 (commencing with Section
19 38500) of the Health and Safety Code), there is an urgent need to
20 reduce greenhouse gas emissions from all aspects of solid waste
21 handling through increased source reduction, reuse, and recycling.

22 (d) The purpose of this article is to build on the successful efforts
23 of local governments and private industry to achieve a statewide
24 diversion rate of 75 percent by January 1, _____, through strategic
25 statewide initiatives developed and implemented by the board.

26 40521. On or before July 1, _____, the board shall develop a
27 strategic and comprehensive plan to achieve, on or before January
28 1, _____, a diversion rate of 75 percent of solid waste statewide
29 from landfill disposal or transformation. The plan developed by
30 the board shall include all of the following:

31 (a) Place primary emphasis on programs that minimize the
32 generation of solid waste, maximize diversion from landfills, and
33 manage materials to ensure their highest and best use in accordance
34 with the waste management hierarchy specified in Section 40051
35 and in support of the California Global Warming Solutions Act of
36 2006 (Division 25.5 (commencing with Section 38500) of the
37 Health and Safety Code).

1 (b) Include specific statewide strategies for promoting producer
2 responsibility, increasing commercial recycling, expanding the
3 recovery of construction and demolition debris, increasing the
4 diversion of organics, and increasing recycling opportunities for
5 multifamily housing.

6 (c) Identify opportunities to update and expand the source
7 reduction and recycling elements of the local integrated waste
8 management plans prepared pursuant to Chapter 2 (commencing
9 with Section 41000) or Chapter 3 (commencing with Section
10 41300) of Part 2, to include cost-effective opportunities to advance
11 waste management practices that increase diversion and reduce
12 greenhouse gas emissions.

13 (d) Include specific strategies to enable each state agency to
14 achieve a diversion rate of 75 percent on or before January 1, ____
15 .

16 (e) Identify incentives, investments, and environmentally sound
17 processing technologies that are necessary to achieve a diversion
18 rate of 75 percent.

19 40522. The board shall adopt policies, programs, and incentives
20 to ensure that solid waste generated in this state is source reduced,
21 recycled, or composted, in accordance with the following schedule:

22 (a) On or before December 21, ____, ensure that 60 percent of
23 all solid waste generated is source reduced, recycled, or composted.

24 (b) On or before January 1, ____, and annually thereafter, ensure
25 that 75 percent of all solid waste generated is source reduced,
26 recycled, or composted.

Introduced by Senator SimitianDecember 1, 2008

An act to add Sections 4001.2, 4068.1, and 4146 to the Business and Professions Code, to amend Sections 117700, 117935, 117945, 117960, 118000, 118040, 118147, and 118165 of, and to add Sections 117642, 117669, 117748, 117904.5, 118031, and 118041 to, the Health and Safety Code, and to amend Section 47200 of the Public Resources Code, relating to pharmaceutical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 26, as introduced, Simitian. Home-generated pharmaceutical waste.

The existing Pharmacy Law establishes the California State Board of Pharmacy, prescribes the licensing, regulatory, and disciplinary functions of the board, and authorizes the board to adopt rules and regulations necessary to administer laws governing the operation of pharmacies and the dispensing of drugs and devices to the public.

This bill would require the board to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop sustainable, efficient policies and programs to manage pharmaceutical wastes and the disposal of devices. The bill would authorize a pharmacy to accept the return of home-generated pharmaceutical waste and home-generated sharps waste, as defined.

Existing law, the California Integrated Waste Management Act of 1989, requires the California Integrated Waste Management Board to adopt regulations that set forth minimum standards for solid waste management and require assurance of financial ability to pay for specified injury and property damage claims resulting from the operation of a disposal facility. The act requires the board to expend moneys from

the Solid Waste Management Account in the Integrated Waste Management Fund, upon appropriation by the Legislature, for the making of grants to cities, counties, or other local agencies with responsibility for solid waste management, and for local programs to help prevent the disposal of hazardous wastes at disposal sites, as provided.

This bill would require that local programs to help prevent the disposal of home-generated sharps waste and home-generated pharmaceutical waste at disposal sites also be included among the types of local programs that may be funded by such a grant.

Existing law, the Medical Waste Management Act, requires the State Department of Public Health to regulate the management and handling of medical waste, as defined. Under existing law, certain items, such as household waste, are specifically excluded from the definition of medical waste.

This bill would also exclude home-generated pharmaceutical waste, as defined, from the definition of medical waste.

Existing law regulates the methods of consolidating, storing, and transporting medical waste and home-generated sharps waste. Violation of these provisions is a crime.

This bill would regulate consolidation points for home-generated pharmaceutical waste, as defined, as well as transportation and disposal of that waste by both hazardous waste haulers and common carriers, as defined. By expanding the definition of a crime, this 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. Section 4001.2 is added to the Business and
2 Professions Code, to read:
3 4001.2. To further the purposes of Section 4001.1, and to
4 protect the public from hazards caused by the improper
5 management and disposal of waste drugs and devices, the

1 California State Board of Pharmacy shall coordinate with other
2 state agencies, local governments, drug manufacturers, and
3 pharmacies to develop sustainable, efficient policies and programs
4 to properly manage pharmaceutical wastes and the disposal of
5 these wastes.

6 SEC. 2. Section 4068.1 is added to the Business and Professions
7 Code, to read:

8 4068.1. A pharmacy may accept the return of home-generated
9 pharmaceutical waste, as defined in Section 117769 of the Health
10 and Safety Code, from the public.

11 SEC. 3. Section 4146 is added to the Business and Professions
12 Code, to read:

13 4146. A pharmacy may accept the return of home-generated
14 sharps waste, as defined in Section 117671 of the Health and Safety
15 Code, from a person if the waste is contained in a sharps container.

16 SEC. 4. Section 117642 is added to the Health and Safety Code,
17 to read:

18 117642. "Common carrier" means a person or company that
19 hauls for hire goods, including, but not limited to, pharmaceutical
20 waste or home-generated pharmaceutical waste. Home-generated
21 pharmaceutical waste must have been consolidated at a location
22 approved by the enforcement agency as a home-generated
23 pharmaceutical waste consolidation point.

24 SEC. 5. Section 117669 is added to the Health and Safety Code,
25 to read:

26 117669. "Home-generated pharmaceutical waste" means
27 prescribed and over-the-counter drugs derived from a household.

28 SEC. 6. Section 117700 of the Health and Safety Code is
29 amended to read:

30 117700. Medical waste does not include any of the following:

31 (a) Waste generated in food processing or biotechnology that
32 does not contain an infectious agent as defined in Section 117675.

33 (b) Waste generated in biotechnology that does not contain
34 human blood or blood products or animal blood or blood products
35 suspected of being contaminated with infectious agents known to
36 be communicable to humans.

37 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,
38 or vomitus, unless it contains fluid blood, as provided in
39 subdivision (d) of Section 117635.

1 (d) Waste ~~which~~ *that* is not biohazardous, such as paper towels,
2 paper products, articles containing nonfluid blood, and other
3 medical solid waste products commonly found in the facilities of
4 medical waste generators.

5 (e) Hazardous waste, radioactive waste, or household waste,
6 including, but not limited to, home-generated sharps waste, as
7 defined in Section 117671, *and home-generated pharmaceutical*
8 *waste, as defined in Section 117669.*

9 (f) Waste generated from normal and legal veterinarian,
10 agricultural, and animal livestock management practices on a farm
11 or ranch.

12 SEC. 7. Section 117748 is added to the Health and Safety Code,
13 to read:

14 117748. "Pharmaceutical waste" means any pharmaceutical,
15 prescription, or over-the-counter human or veterinary drug,
16 including, but not limited to, a drug, as defined in Section 109925,
17 or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec.
18 321(g)(1)) that meets any of the following requirements:

19 (a) The drug may no longer be sold or dispensed because it has
20 expired.

21 (b) The drug can no longer be used for its intended purpose.

22 (c) The drug has been discarded.

23 (d) The drug has been consolidated at a location approved by
24 the enforcement agency as a home-generated pharmaceutical waste
25 consolidation point.

26 SEC. 8. Section 117904.5 is added to the Health and Safety
27 Code, to read:

28 117904.5. (a) In addition to the consolidation points authorized
29 pursuant to Section 118147, the enforcement agency may approve
30 a location as a point of consolidation for the collection of
31 home-generated pharmaceutical waste. These locations may
32 include, but are not limited to, pharmacies, health care facilities,
33 veterinarian offices, clinics, household hazardous waste programs,
34 solid waste facilities, senior centers, or government offices.

35 (b) A consolidation location approved pursuant to this section
36 shall be known as a home-generated pharmaceutical waste
37 consolidation point.

38 (c) A home-generated pharmaceutical waste consolidation point
39 is not subject to the requirements of Chapter 9 (commencing with
40 Section 118275) of Part 14 of Division 4, to the permit

1 requirements of this part, or to any permit or registration fees, with
2 regard to the activity of consolidating home-generated
3 pharmaceutical waste pursuant to this section.

4 (d) A home-generated pharmaceutical waste consolidation point
5 shall comply with all of the following requirements:

6 (1) It shall be approved by the enforcement agency for this
7 purpose.

8 (2) The home-generated pharmaceutical waste collected and
9 consolidated at the facility shall be collected and contained in a
10 leak-resistant container and placed in a secure area that does not
11 allow the waste to be accessed or salvaged by unauthorized persons.

12 (3) Containers ready for disposal shall not be held for more than
13 90 days without the written approval of the enforcement agency.

14 (e) An operator of a home-generated pharmaceutical waste
15 consolidation point that is approved pursuant to this section shall
16 not be considered a generator of that waste.

17 (f) The end disposal facility that treats the home-generated
18 pharmaceutical waste shall maintain the tracking documents
19 required by Section 118040 or 118041, as applicable, and Section
20 118165 with regard to the pharmaceutical waste.

21 (g) Nothing in this section shall exempt any person from any
22 federal or state law governing pharmaceuticals.

23 SEC. 9. Section 117935 of the Health and Safety Code is
24 amended to read:

25 117935. Any small quantity generator required to register with
26 the enforcement agency pursuant to Section 117930 shall file with
27 the enforcement agency a medical waste management plan, on
28 forms prescribed by the enforcement agency containing, but not
29 limited to, all of the following:

30 (a) The name of the person.

31 (b) The business address of the person.

32 (c) The type of business.

33 (d) The types, and the estimated average monthly quantity, of
34 medical waste generated.

35 (e) The type of treatment used onsite.

36 (f) The name and business address of the registered hazardous
37 waste hauler used by the generator for backup treatment and
38 disposal, for waste when the onsite treatment method is not
39 appropriate due to the hazardous or radioactive characteristics of
40 the waste, or the name of the registered hazardous waste hauler

1 used by the generator to have untreated medical waste removed
2 for treatment and disposal, *and, if applicable, the name of the*
3 *common carrier used by the generator to transport pharmaceutical*
4 *waste offsite for treatment and disposal.*

5 (g) A statement indicating that the generator is hauling the
6 medical waste generated in his or her business pursuant to Section
7 118030 and the name and any business address of the treatment
8 and disposal facilities to which the waste is being hauled, if
9 applicable.

10 (h) The name and business address of the registered hazardous
11 waste hauler service provided by the building management to
12 which the building tenants may subscribe or are required by the
13 building management to subscribe and the name and business
14 address of the treatment and disposal facilities used, if applicable.

15 (i) A statement certifying that the information provided is
16 complete and accurate.

17 SEC. 10. Section 117945 of the Health and Safety Code is
18 amended to read:

19 117945. Small quantity generators who are not required to
20 register pursuant to this chapter shall maintain on file in their office
21 all of following:

22 (a) An information document stating how the generator contains,
23 stores, treats, and disposes of any medical waste generated through
24 any act or process of the generator.

25 (b) Records of any medical waste transported offsite for
26 treatment and disposal, including the quantity of waste transported,
27 the date transported, and the name of the registered hazardous
28 waste hauler or individual hauling the waste pursuant to Section
29 118030, *or the name of the common carrier hauling*
30 *pharmaceutical waste pursuant to Section 118031.* The small
31 quantity generator shall maintain these records for not less than
32 two years.

33 SEC. 11. Section 117960 of the Health and Safety Code is
34 amended to read:

35 117960. Any large quantity generator required to register with
36 the enforcement agency pursuant to Section 117950 shall file with
37 the enforcement agency a medical waste management plan, on
38 forms prescribed by the enforcement agency containing, but not
39 limited to, all of the following:

40 (a) The name of the person.

- 1 (b) The business address of the person.
- 2 (c) The type of business.
- 3 (d) The types, and the estimated average monthly quantity, of
- 4 medical waste generated.
- 5 (e) The type of treatment used onsite, if applicable. For
- 6 generators with onsite medical waste treatment facilities, including
- 7 incinerators or steam sterilizers or other treatment facilities as
- 8 determined by the enforcement agency, the treatment capacity of
- 9 the onsite treatment facility.
- 10 (f) The name and business address of the registered hazardous
- 11 waste hauler used by the generator to have untreated medical waste
- 12 removed for treatment, if applicable, *or the name of the common*
- 13 *carrier hauling pharmaceutical waste pursuant to Section 118031.*
- 14 (g) The name and business address of the registered hazardous
- 15 waste hauler service provided by the building management to
- 16 which the building tenants may subscribe or are required by the
- 17 building management to subscribe, if applicable.
- 18 (h) The name and business address of the offsite medical waste
- 19 treatment facility to which the medical waste is being hauled, if
- 20 applicable.
- 21 (i) An emergency action plan complying with regulations
- 22 adopted by the department.
- 23 (j) A statement certifying that the information provided is
- 24 complete and accurate.

25 SEC. 12. Section 118000 of the Health and Safety Code is

26 amended to read:

27 118000. (a) Except as otherwise exempted pursuant to Section

28 118030 *or 118031*, all medical waste transported to an offsite

29 medical waste treatment facility shall be transported in accordance

30 with this chapter by a registered hazardous waste transporter issued

31 a registration certificate pursuant to Chapter 6 (commencing with

32 Section 118025) and Article 6.5 (commencing with Section

33 25167.1) of Chapter 6.5 of Division 20. A hazardous waste

34 transporter transporting medical waste shall have a copy of the

35 transporter's valid hazardous waste transporter registration

36 certificate in the transporter's possession while transporting

37 medical waste. The transporter shall show the certificate, upon

38 demand, to any enforcement agency personnel or authorized

39 employee of the Department of the California Highway Patrol.

1 (b) Except for small quantity generators transporting medical
2 waste pursuant to Section 118030 *or small quantity generators or*
3 *common carriers transporting home-generated pharmaceutical*
4 *waste pursuant to Section 118031*, medical waste shall be
5 transported to a permitted offsite medical waste treatment facility
6 or a permitted transfer station in leak-resistant and fully enclosed
7 rigid secondary containers that are then loaded into an enclosed
8 cargo body.

9 (c) A person shall not transport medical waste in the same
10 vehicle with other waste unless the medical waste is separately
11 contained in rigid containers or kept separate by barriers from
12 other waste, or unless all of the waste is to be handled as medical
13 waste in accordance with this part.

14 (d) Medical waste shall only be transported to a permitted
15 medical waste treatment facility, or to a transfer station or another
16 registered generator for the purpose of consolidation before
17 treatment and disposal, pursuant to this part.

18 (e) Facilities for the transfer of medical waste shall be annually
19 inspected and issued permits in accordance with the regulations
20 adopted pursuant to this part.

21 (f) Any persons manually loading or unloading containers of
22 medical waste shall be provided by their employer at the beginning
23 of each shift with, and shall be required to wear, clean and
24 protective gloves and coveralls, changeable lab coats, or other
25 protective clothing. The department may require, by regulation,
26 other protective devices appropriate to the type of medical waste
27 being handled.

28 SEC. 13. Section 118031 is added to the Health and Safety
29 Code, to read:

30 118031. Pharmaceutical waste may be shipped by a common
31 carrier if the generator or home-generated pharmaceutical waste
32 consolidation point meets the following requirements:

33 (a) The facility shall maintain documentation as required in
34 Sections 118040 and 118041.

35 (b) The waste products are transported to any of the following:

36 (1) A medical waste facility.

37 (2) A hazardous waste facility.

38 (3) A reverse distributor, with the final destination of a medical
39 or hazardous waste facility.

1 SEC. 14. Section 118040 of the Health and Safety Code is
2 amended to read:

3 118040. (a) Except with regard to sharps waste consolidated
4 by a home-generated sharps consolidation point approved pursuant
5 to Section 117904, *pharmaceutical waste or home-generated*
6 *pharmaceutical waste consolidated by a home-generated*
7 *pharmaceutical waste consolidation point approved pursuant to*
8 *Section 117904.5, or home-generated pharmaceutical waste*
9 *transported pursuant to Section 118031*, a hazardous waste
10 transporter or generator transporting medical waste shall maintain
11 a completed tracking document of all medical waste removed for
12 treatment or disposal. A hazardous waste transporter or generator
13 who transports medical waste to a facility, other than the final
14 medical waste treatment facility, shall also maintain tracking
15 documents which show the name, address, and telephone number
16 of the medical waste generator, for purposes of tracking the
17 generator of medical waste when the waste is transported to the
18 final medical waste treatment facility. At the time that the medical
19 waste is received by a hazardous waste transporter, the transporter
20 shall provide the medical waste generator with a copy of the
21 tracking document for the generator's medical waste records. The
22 transporter or generator transporting medical waste shall maintain
23 its copy of the tracking document for three years.

24 (b) The tracking document shall include, but not be limited to,
25 all of the following information:

26 (1) The name, address, telephone number, and registration
27 number of the transporter, unless transported pursuant to Section
28 118030.

29 (2) The type and quantity of medical waste transported.

30 (3) The name, address, and telephone number of the generator.

31 (4) The name, address, telephone number, permit number, and
32 the signature of an authorized representative of the permitted
33 facility receiving the medical waste.

34 (5) The date that the medical waste is collected or removed from
35 the generator's facility, the date that the medical waste is received
36 by the transfer station, the registered large quantity generator, or
37 point of consolidation, if applicable, and the date that the medical
38 waste is received by the treatment facility.

39 (c) Any hazardous waste transporter or generator transporting
40 medical waste in a vehicle shall have a tracking document in his

1 or her possession while transporting the medical waste. The
2 tracking document shall be shown upon demand to any
3 enforcement agency personnel or officer of the Department of the
4 California Highway Patrol. If the medical waste is transported by
5 rail, vessel, or air, the railroad corporation, vessel operator, or
6 airline shall enter on the shipping papers any information
7 concerning the medical waste that the enforcement agency may
8 require.

9 (d) A hazardous waste transporter or a generator transporting
10 medical waste shall provide the facility receiving the medical waste
11 with the original tracking document.

12 (e) Each hazardous waste transporter and each medical waste
13 treatment facility shall provide tracking data periodically and in a
14 format as determined by the department.

15 (f) Medical waste transported out of state shall be consigned to
16 a permitted medical waste treatment facility in the receiving state.
17 If there is no permitted medical waste treatment facility in the
18 receiving state or if the medical waste is crossing an international
19 border, the medical waste shall be treated in accordance with
20 Chapter 8 (commencing with Section 118215) prior to being
21 transported out of the state.

22 SEC. 15. Section 118041 is added to the Health and Safety
23 Code, to read:

24 118041. (a) A person transporting pharmaceutical waste shall
25 maintain a completed tracking document of all pharmaceutical
26 waste removed for treatment or disposal. A copy of the tracking
27 document shall be included with the container holding the
28 pharmaceutical waste.

29 (b) The tracking document shall include, but not be limited to,
30 all of the following information:

31 (1) The name, address, and telephone number of the generator.

32 (2) Specific information indicating that pharmaceutical waste
33 is being transported.

34 (3) The name, address, and telephone number of the person
35 transporting the waste.

36 (4) The name, address, telephone number, and permit number
37 of the permitted treatment facility or transfer station to which the
38 pharmaceutical waste is being sent.

1 (5) The date that the pharmaceutical waste was collected or
2 removed from the generator or home-generated pharmaceutical
3 waste consolidation point.

4 (c) A person tracking pharmaceutical waste shall have a tracking
5 document for the waste in his or her possession while transporting
6 the waste. The tracking document shall be shown, upon demand,
7 to any enforcement agency personnel or officer of the Department
8 of the California Highway Patrol.

9 (d) A medical waste treatment facility and transfer station shall
10 date and sign a copy of the tracking document upon receipt,
11 periodically provide data in a format determined by the department,
12 and shall maintain a copy of the tracking document for three years.

13 (e) This section does not prohibit the use of a single document
14 to verify the return of more than one container to a parent
15 organization or another health care facility for the purpose of
16 consolidation before treatment and disposal of the pharmaceutical
17 waste over a period of time, if the form or log is maintained in the
18 files of the parent organization or other health care facility that
19 receives the waste.

20 (f) Pharmaceutical waste transported out of state shall be
21 consigned to a permitted medical waste treatment facility in the
22 receiving state. If there is no permitted medical waste treatment
23 facility in the receiving state, or if the waste is crossing an
24 international border, the home-generated pharmaceutical waste
25 shall be treated pursuant to Section 118222 prior to being
26 transported out of state.

27 SEC. 16. Section 118147 of the Health and Safety Code is
28 amended to read:

29 118147. Notwithstanding any other provision of this chapter,
30 a registered medical waste generator, which is a facility specified
31 in subdivisions (a) and (b) of Section 117705, may accept
32 home-generated sharps waste *and home-generated pharmaceutical*
33 *waste*, to be consolidated with the facility's medical waste stream,
34 subject to all of the following conditions:

35 (a) The generator of the *home-generated sharps waste or*
36 *home-generated pharmaceutical waste*, a member of the
37 generator's family, or a person authorized by the enforcement
38 agency transports the sharps waste *or pharmaceutical waste* to the
39 medical waste generator's facility.

1 (b) The *home-generated sharps waste or home-generated*
2 *pharmaceutical waste* is accepted at a central location at the
3 medical waste generator's facility.

4 (c) A reference to, and a description of, the actions taken
5 pursuant to this section are included in the facility's medical waste
6 management plan adopted pursuant to Section 117960.

7 SEC. 17. Section 118165 of the Health and Safety Code is
8 amended to read:

9 118165. On and after April 1, 1991, all persons operating a
10 medical waste treatment facility shall maintain individual records
11 for a period of three years and shall report or submit to the
12 enforcement agency upon request, all of the following information:

13 (a) The type of treatment facility and its capacity.

14 (b) All treatment facility operating records.

15 (c) Copies of the tracking documents for all medical waste it
16 receives for treatment from offsite generators or from hazardous
17 waste haulers *or common carriers, pursuant to Section 118041*.

18 SEC. 18. Section 47200 of the Public Resources Code is
19 amended to read:

20 47200. (a) The board shall expend funds from the account,
21 upon appropriation by the Legislature, for the making of grants to
22 cities, counties, or other local agencies with responsibility for solid
23 waste management, and for local programs to help prevent the
24 disposal of *home-generated sharps waste, as defined in Section*
25 *117671 of the Health and Safety Code, home-generated*
26 *pharmaceutical waste, as defined in Section 117669 of the Health*
27 *and Safety Code, and hazardous wastes at disposal sites, including,*
28 *but not limited to, programs to expand or initially implement*
29 *household hazardous waste programs. In making grants pursuant*
30 *to this section, the board shall give priority to funding programs*
31 *that provide for the following:*

32 (1) New programs for rural areas, underserved areas, and for
33 small cities.

34 (2) Expansion of existing programs to provide for the collection
35 of additional waste types, innovative or more cost-effective
36 collection methods, or expanded public education services.

37 (3) Regional household hazardous waste programs.

38 (b) (1) The total amount of grants made by the board pursuant
39 to this section shall not exceed, in any one fiscal year, three million
40 dollars (\$3,000,000).

1 (2) Notwithstanding paragraph (1), the total amount of grants
2 made by the board pursuant to this section may exceed three
3 million dollars (\$3,000,000) but shall not exceed six million dollars
4 (\$6,000,000), in any one fiscal year, if sufficient funds are
5 appropriated from the Integrated Waste Management Account for
6 this purpose.

7 SEC. 19. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

Introduced by Senators Correa, Padilla, and Romero
(Coauthor: Assembly Member Torlakson)

February 26, 2009

An act to add and repeal Chapter 12.4 (commencing with Section 42615) of Part 3 of Division 30 of the Public Resources Code, relating to school recycling programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 497, as introduced, Correa. School recycling programs.

(1) Existing law establishes the public school system in this state and, among other things, provides for the establishment of school districts throughout the state and for their provision of instruction at the public elementary and secondary schools they operate and maintain. Existing law authorizes school districts to establish and maintain a paper recycling program in all classrooms, administrative offices, and other areas owned or leased by the school district where a significant quantity of wastepaper is generated or may be collected. Existing law requires the California Integrated Waste Management Board to develop and implement a source reduction and recycling program for schools in which schools are encouraged, but not required, to participate.

This bill would express findings and declarations of the Legislature with respect to the potential benefits of school recycling programs. The bill would, until January 1, 2012, require each school district to consult with the local Community Conservation Corps to obtain information in order to establish a beverage container recycling program at each school campus and public office of that school district, but only to the extent that the district does not incur costs. Under the bill, a school district would be authorized to choose whether to operate its own beverage container recycling program, to contact its local Community

Conservation Corps or another recycler to collect the beverage containers, to provide a beverage container collection program as a fundraising activity for the school district, or to continue a recycling program in existence on January 1, 2009. Because the bill would impose new duties on school districts, it would constitute a state-mandated local program.

The bill would require the California Integrated Waste Management Board and the Department of Conservation to provide specified recycling supplies and materials to a school district to which the bill is applicable upon request of that district. The bill would authorize school districts to enter into an agreement or partnership with a public agency or private sector or nonprofit entity to obtain all or part of the supplies and information necessary for participation in the beverage container recycling program and to use the proceeds from the program for specified purposes.

(2) 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.

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) Recycling saves energy, resources, and landfill space,
4 prevents emissions of many greenhouse gases and water pollutants,
5 creates jobs and helps the economy, reduces the need for
6 incinerators, and stimulates the development of greener
7 technologies.

8 (2) Only about one-fourth of the paper, aluminum, iron, and
9 steel used in the world is recovered for recycling.

10 (3) Although the waste generated from school districts is only
11 about 2 percent of the statewide waste stream, within an individual
12 jurisdiction school district waste can represent as much as 10 to
13 15 percent of the total waste disposed in a jurisdiction.

1 (4) Every year, commercial and industrial enterprises in
2 California spend more than \$2.8 billion on the collection and
3 disposal of solid waste.

4 (5) California currently generates approximately 68 million tons
5 of solid waste per year, about two tons annually per each man,
6 woman, and child in the state.

7 (6) Recycling and other waste diversion efforts keep an
8 estimated 28.5 million tons of solid waste out of the state's landfills
9 annually. Since 1990, cities and counties have diverted over 200
10 million tons of solid waste—enough to fill a line of garbage trucks
11 end-to-end that would circle the Earth's equator more than six
12 times.

13 (7) According to the Department of Conservation, only 14.7
14 billion of the 22 billion beverage containers bought last year in
15 California were recycled.

16 (8) The annual impact of recycling these billions of beverage
17 containers saves approximately 5.3 million barrels of oil and
18 reduces greenhouse gas emissions by approximately 617,000 metric
19 tons.

20 (9) Ongoing costs of collection and sorting efforts are typically
21 minimal compared to the savings from diversion and income
22 realized from the recycled materials.

23 (10) California school districts dispose of large amounts of
24 waste (approximately 763,817 tons per year).

25 (11) Incorporating waste reduction as part of the school district's
26 overall way of doing business can provide a number of important
27 benefits:

28 (A) Reduced disposal costs.

29 (B) Improved worker safety.

30 (C) Reduced long-term liability.

31 (D) Increased efficiency of school operations.

32 (E) Decreased associated purchasing costs.

33 (12) The California Integrated Waste Management Act of 1989
34 requires that all California cities and counties divert 50 percent of
35 solid waste generation. School districts can play a critical role in
36 a city or county's ability to realize this goal.

37 (13) School facilities that have implemented recycling programs
38 have been able to achieve diversion rates as high as 80 percent.

39 (14) For example, the Desert Sands Unified School District was
40 able to save enough in avoided disposal costs to more than pay for

1 the program’s full-time staff member. The district saved an
2 additional \$57,000, which it transferred to the schools’
3 discretionary budgets based upon participation. Each school
4 received amounts ranging from \$1,000 to \$3,000, with a high of
5 \$7,000.

6 (15) When pupils, faculty, administrators, and district office
7 staff use recycling bins for bottles and cans, they will accomplish
8 all of the following:

9 (A) Reduce the district’s waste collection and disposal
10 expenditures.

11 (B) Help to raise money for our schools.

12 (C) In some cases, they will help to increase the ability of their
13 local Community Conservation Corps to expand and help more
14 at-risk youth.

15 (D) Send an important message to California’s young people,
16 encouraging them to be aware of the environmental implications
17 of their actions, including the positive impact recycling has on
18 reducing global warming.

19 (b) Therefore, it is the intent of the Legislature to enact
20 legislation to require each public school and school district office
21 in the state to consult with the local Community Conservation
22 Corps or another recycler to provide and maintain a sufficient
23 number of beverage container recycling bins for participation in
24 a local recycling program or to administer its own recycling
25 program.

26 SEC. 2. Chapter 12.4 (commencing with Section 42615) is
27 added to Part 3 of Division 30 of the Public Resources Code, to
28 read:

29

30 CHAPTER 12.4. SCHOOL BEVERAGE CONTAINER RECYCLING
31 PROGRAM
32

33 42615. For purposes of this chapter, the following definitions
34 apply:

35 (a) “Beverage container” has the same meaning as defined in
36 Section 14505.

37 (b) “Recycler” has the same meaning as defined in Section
38 14519.5.

39 (c) “Recycling center” has the same meaning as defined in
40 Section 14520.

1 (d) "School district" has the same meaning as defined in Section
2 80 of the Education Code.

3 42616. (a) A school district, only to the extent that it does not
4 incur costs, shall consult with the local Community Conservation
5 Corps or another recycler to obtain information in order to establish
6 a beverage container recycling program at each school campus
7 and public office of that school district.

8 (b) Beverage container recycling program services may be
9 provided in a manner determined by the district, consistent with
10 this division and Division 12.1 (commencing with Section 14500),
11 including, but not limited to, any of the following:

12 (1) Operating a beverage container recycling program by
13 redeeming containers that are collected on its campuses.

14 (2) Providing for a local Community Conservation Corps or
15 recycler to collect the beverage containers.

16 (3) Providing a beverage container collection program as a
17 fundraising activity for the school district.

18 (4) Continuing a recycling program that is in existence on
19 January 1, 2009.

20 42617. (a) Upon the request of a school district, the board and
21 the Department of Conservation shall provide a school district
22 with information and supplies, including, but not necessarily
23 limited to, any of the following:

24 (1) Literature on how to start and run a school-based recycling
25 program in order to assist in funding school programs.

26 (2) Contact information for the board and the Department of
27 Conservation.

28 (3) Contact information for the nearest location of the local
29 Community Conservation Corps and for recycling centers.

30 (b) Upon the request of a school district and subject to the
31 availability of funds, the board and the Department of Conservation
32 may provide a school district with a sufficient number of beverage
33 container recycling bins to meet the estimated need of the campus
34 or office to be served.

35 (c) A school district may enter into an agreement or partnership
36 with a public agency or private sector or nonprofit entity to obtain
37 all or part of the supplies and information necessary for
38 participation in the program established by this article.

1 (d) The proceeds from beverage container recycling may be
2 used, at the discretion of the school district governing board, for
3 all of the following:

4 (1) Reimbursement for the initial cost of acquiring beverage
5 container recycling bins.

6 (2) For transfers to a participating school's or district's
7 discretionary fund.

8 (3) For other costs, including the cost of personnel associated
9 with the maintenance of the beverage container recycling bins.

10 42620. This chapter shall remain in effect only until January
11 1, 2012, and as of that date is repealed, unless a later enacted
12 statute, that is enacted before January 1, 2012, deletes or extends
13 that date.

14 SEC. 3. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

Introduced by Senator WigginsFebruary 27, 2009

An act to add Section 48009 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 730, as introduced, Wiggins. Solid waste: grants and loans: eligibility.

Existing law authorizes the Integrated Waste Management Board to issue grants and loans to local governments for various purposes including, among other things, expansion of recycling efforts, household hazardous waste, and local enforcement of solid waste regulations.

This bill would provide that a public entity of the state is ineligible for any grants, loans, or loan guarantees from, or any other financial incentive administered by, the board, if the entity disposes or causes the disposal of solid waste at a facility within the state that does not meet standards that are as stringent as the state standards or at a facility located outside the state.

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

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

1 SECTION 1. Section 48009 is added to the Public Resources
2 Code, to read:
3 48009. (a) A public entity of the state is ineligible for any
4 grants, loans, or loan guarantees from, or any other financial
5 incentives administered by, the board if the entity disposes or
6 causes the disposal of solid waste at a facility that does not meet

1 standards that are as stringent as the standards set forth in this
2 division or regulations issued pursuant to this division or at a
3 facility located outside of the state.

4 (b) This section does not apply to a public entity that entered
5 into a solid waste disposal contract before January 1, 2010, for the
6 duration of the contract.

7 (c) Subdivision (b) does not apply to the renewal of a solid waste
8 disposal contract occurring on or after January 1, 2010.