

AB 1159 (Gordon & Williams)

Recycling: Batteries & Sharps: Product Stewardship Pilot

SUMMARY

AB 1159 requires CalRecycle to enact regulations to implement a product stewardship pilot program for two specific products – sharps and household primary batteries. The regulations authorized in AB 1159 would automatically sunset after 10 years unless the legislature further acts to extend the law.

BACKGROUND

PRODUCTS WITH END-OF-LIFE IMPACTS

Products that are commonly used in everyday life contain potentially hazardous ingredients or require special care at the end of the product's useful life.

The State of California has banned some products from disposal in the trash because of potentially negative consequences to the air, water, and public health, including the dangers for garbage handlers.

Products banned from disposal in California are not all regulated the same way. While all banned from disposal, some products are designated as Hazardous Waste, such as pesticides and solvents. Other products, such as mercury-thermostats, household batteries, and mercury containing lamps, are designated as Universal Waste and have collection rules that have been relaxed to support proper recycling and management. In California, the oversight of both types of products are not clearly assigned to one agency but have oversight and grant support from both the Department of Toxic Substances Control (DTSC) and CalRecycle.

Most products that are banned from disposal do not have convenient recycling options for consumers. Consequently, most of the banned products continue to end up in the waste stream and local governments are saddled with the significant cost and responsibility of diverting these banned products to disposal or recycling processes.

EXTENDED PRODUCER RESPONSIBILITY (EPR)

EPR is a public policy concept that acknowledges that those who design, manufacture, sell, and use consumer products should participate meaningfully in the management of the negative economic, environmental, budgetary, and public health end-of-life impacts of such products.

The burden of managing these types of household hazardous waste (HHW) products currently falls primarily on ratepayers and local governments.

Unfortunately, local governments throughout California have limited resources. As a result, the increasing cost of managing the waste stream is falling on local governments and the state of California is failing to meet goals of disposal bans. Additionally, the state of California is asking local governments to do more to reduce greenhouse gas emissions, increase recycling, and establish composting programs.

Opponents claim that EPR shifts the financial burden to private industry; however, EPR only requires producers to be responsible for collecting a percentage of their problem products. The remaining burden falls on local governments, and a portion of the environmental and public health impacts remain for communities to absorb.

AB 1159 is a limited "proof of concept" that would demonstrate the effectiveness, cost-efficiency, and general workability of the product stewardship model and provide the Legislature with the information necessary to consider future legislation.

THIS BILL

Specifically, AB 1159 would establish the Product Stewardship Pilot Program, which would require producers and product stewardship organizations of covered products- either home generated sharps waste or household batteries, to develop and implement a product stewardship plan.

Both of these products are widely used, lack convenient disposal and recycling opportunities for consumers, and have significant and indisputable end-of-life impacts.

The regulations would be performance-based instead of "command and control", meaning that the product manufacturers would be given certain performance goals for the program but would be left to develop the compliance mechanisms in the most cost-effective and efficient manner possible and meet goals set by the state.

AB 1159 would also require participants in the program to report to the Legislature in order to inform future legislative debates. The regulations authorized as a part of AB 1159 would automatically sunset on January 1st, 2024, unless the Legislature acts to extend the law.

SUPPORT

7th Generation Advisors
Alameda County
Alameda County Medication Education Disposal Safety
CA Refuse Recycling Council (CRRRC)
California Product Stewardship Council
California Refuse Recycling Council
California State Association of Counties (CSAC)
Californians Against Waste (CAW)
Castro Valley Sanitation District
Central Contra Costa Solis Waste Authority (Recycle Smart)
City of Santa Monica
City of Sunnyvale
City of Thousand Oaks
City of Torrance
Clean Water Action
Contra Costa Clean Water Program (CCCWP)
Delta Diablo
League of California Cities
Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
Marin County Hazardous & Solid Waste Management Authority
Marin County Solid Waste Management JPA
Marin Sanitary Service
Metropolitan Recycling (Bakersfield)
Napa County
Napa Recycling and Waste Services
Riverside County Waste Management Department
Natural Resources Defense Council
Republic Services
Riverside County Waste Management Dept.
Rural County Representatives of California (RCRC)
Sacramento County
Santa Clara County
Solid Waste Association of North America (SWANA)
Tehama County Sanitary Landfill Agency
UltiMed
West Marin Environmental Action Committee
Western Placer Waste Management Authority

OPPOSITION

AdvaMed
Association of Home Appliance Manufacturers
Biocom
Biotechnology Industry Organization
California Healthcare Institute
California Manufacturers and Technology Association
California Cable & Telecommunications Association (CCTA)
CalTax
PhRMA
Sanofi
Technet

FOR MORE INFORMATION

Lucas Frerichs- Office of Assemblyman Rich Gordon
lucas.frerichs@asm.ca.gov
916-319-2024

Jason Schmelzer- Shaw/Yoder/Antwih
Jason@shawyoderantwih.com
916-549-0898