



SWANA[®]

SOLID WASTE ASSOCIATION
of North America

October 19, 2009

Ms. Margo Reid Brown
Chair, California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
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Dear Ms. Brown:

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Comments on Proposed Mandatory Commercial Recycling Program
SEPT 15, 2009 CIWMB AGENDA ITEM 8 - PRESENTATION OF AND REQUEST FOR DIRECTION ON
STAKEHOLDER INPUT ON AB 32 SCOPING PLAN MANDATORY COMMERCIAL RECYCLING MEASURE

I am writing you on behalf of the SWANA Legislative Task Force to express our concerns regarding the California Integrated Waste Management Board's (CIWMB) current efforts to mandate statewide mandatory commercial recycling regulations.

Initially the AB 32 Draft Scoping Plan stated that commercial recycling programs would be voluntary or a hybrid approach. Although the CIWMB was involved in the development of the AB 32 Draft Scoping Plan, SWANA was surprised that, at the November 20, 2008 CARB meeting, you as Chair of the CIWMB recommended that the hybrid approach be revised to be *mandatory*. This recommendation was not adopted by the CIWMB in a public meeting and thus there was no opportunity for stakeholders and members of the public to comment on this recommendation. Based on the adoption of this recommendation by the CARB, the CIWMB is now establishing regulations that would potentially have the force of law, while circumventing the legislative process as well as any open discussion of the recommendation. We have grave concerns that the impacts of this policy decision have not been fully vetted, as further discussed below.

- The regulations currently being developed by the CIWMB are intended to reduce greenhouse gas emissions (GHGs) by 5 million metric tons of carbon dioxide equivalent (MMTCO_{2e}) to meet the State's climate change goals. The *Mandatory Commercial Recycling Workshop White Paper* developed by the CIWMB for the recent stakeholder workshops indicates that a statewide mandatory commercial recycling program diverting 2.7 million tons of certain materials (including cardboard, lumber, glass, plastic, paper and metals) would achieve the AB 32 Scoping Plan goal of a 5 MMTCO_{2e} reduction.

We are unable to see how such significant GHG reductions can be claimed, when the vast majority of California's recyclables are shipped to Pacific Rim countries where environmental impacts are difficult to ascertain. While these materials are being diverted from California landfills, they are being shipped incredibly long distances to countries that have limited or no environmental oversight. Even the CIWMB's own draft "Life Cycle Assessment and Economic Analysis of Organic Waste Management and Greenhouse Gas Reduction Options" concedes that "...data characterizing the energy and emissions for manufacturing operations in East Asia is not available." In the absence of such data, we do not believe it is responsible to proceed with a mandatory regulation that would push additional materials towards foreign markets.

- AB 32, the *White Paper*, CIWMB workshop discussions . . . none of these have identified who is responsible for enforcing businesses' recycling plans. The assumption appears to be that local governments must adopt AND ENFORCE a mandatory recycling ordinance. Reviewing business recycling plans for compliance with state and local law, visiting business sites to confirm that businesses are complying with their plans, taking enforcement actions: these tasks are time consuming and place a significant unfunded mandate on local governments at a time when every city and county in California is facing record budget shortfalls.

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- Additionally, this new regulation would result in an increase in the amount of recyclables collected without addressing the need for markets that make use of the recyclables. The current global economic downturn and collapse of the global recycling market have negatively affected the State's already weakened recycling infrastructure and industries.

With less demand for recycled materials, collecting more materials may further weaken the value of these commodities. It is therefore critical from an economic and environmental standpoint, as well as to make a positive impact on climate change, to establish local markets for recyclable materials. If we want to truly reduce our GHG emissions, it is vital that we expand the local infrastructure so that it is capable of managing our recyclables in California.

On behalf of the SWANA LTF, I would like to thank you for your consideration of these comments and I would be happy to discuss them further, if you have any questions, at your convenience.

Sincerely,



Paul J. Yoder
Legislative Advocate

Cc: Members, California Integrated Waste Management Board
Mark Leary, Executive Director, CIWMB