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SWANA[®]
SOLID WASTE ASSOCIATION
of North America

Nancy Ostrom
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

CALIFORNIA CHAPTERS RE: **Comments on the August 2004 Draft Lead Report**

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Dear Ms. Ostrom,

The Solid Waste Association of North America (SWANA) is composed of approximately 7000 public and private sector solid waste management professionals throughout North America dedicated to the development and enhancement of environmentally and economically sound practices and policies for the integrated management of municipal solid waste. There are approximately 900 members of SWANA in California, and on their behalf I am writing to express concerns with this proposal.

Lead has important properties that make it useful in many forms while also extremely harmful when people are exposed to it in large quantities. For this reason, SWANA strongly supports regulations protecting people from harmful exposure to lead. Lead is present at varying levels in a large number of products. However, this proposal seeks to reduce lead exposure in a manner that will not be efficient and ultimately effective.

The proposal to reduce the Total Threshold Level Concentration (TTLC), as proposed in this report, does not include the supporting study that indicates that current disposal practices in Class III landfills cause a health risk. There is evidence in studies showing that the existing disposal in Class III landfills does not result in public exposure because lead is immobile in soils. In addition, Class III leachate analysis typically does not indicate high lead levels. This indicates that current lead levels in waste allowed for Class III disposal are appropriate and that requiring many new waste materials that would be included under the new TTLC levels to be disposed of at Class I facilities is unwarranted. Do we really want to be filling up valuable and expensive Class I landfills with materials that would not pose any greater threat if properly disposed of in a Class III landfill?

Planning to protect the public from lead exposure demonstrated as harmful would be much more efficient and effective if undertaken at the product manufacturing and public user/exposure levels. If products are appropriately judged to expose children or others to harmful lead levels, then lead levels in these products should be lowered or removed by substituting safer elements. For existing materials or waste containing high levels of lead, proper handling, usage and disposal techniques should be mandated, as needed. It is far more efficient and safe to control materials exposure risks by removing the offending material from the product production than banning disposal leading to culling through the mixed waste stream to remove the materials. For existing lead materials that must be demolished, efforts should focus on applying worker procedures at the site for safe demolition, cleanup and stabilization or containment of the lead prior to disposal at the landfill. Existing products or those produced prior to introduction of safer products, which cause unsafe exposure to the public users, should be provided with proper instruction for safe disposal.

In summary, we believe that lowering the TTLC is not appropriate because the current levels are safe for Class III landfill disposal, and laudable efforts to protect the public from unsafe levels of lead in products or waste should focus instead on both removing offending levels of lead from the manufacturing process and in safe handling procedures at the waste generator level. Removing

the unsafe levels of lead from production will remove this risk from both the public product users and disposal workers at the source. Requiring safe demolition and disposal practices at the source will protect both the public and disposal workers at the source. We are also concerned that requiring very expensive Class I transportation and disposal will result in more illegal disposal which would be more harmful than the current situation.

For these reasons, California Chapters of SWANA encourage a new approach to this problem of including the manufacturers in the solution and protecting the public and disposal workers at the waste source. Thank you for your consideration of our comments.

Sincerely,

Yvette Gómez Agredano
Legislative Advocate
SWANA, California Chapters