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New 2009 Legislation

This section provides information on new legislation that has been introduced which may be of interest to SWANA.

2007-2008 Legislation

This section provides the final status of each bill acted on by the LTF during the 2007-2008 legislative session.

2009 Legislative Task Force Work plan

The LTF met on November 14th and 15th in Monterey, California for the purposes of crafting and adopting a work plan for 2009.

Resources

This section provides information on upcoming SB 1016 Workshops, the Californians Against Waste 2009 Legislative Agenda as well as information on current regulatory proceedings.

Legislative Task Force Business

LTF Meeting Agendas and Minutes are available on the LTF website (www.swanacal-leg.org). Click [here](#) to view.

New 2009 Legislation

The California State Legislature began the 2009-2010 Legislative Session on December 1st. Below are bills that have been identified as possible areas of interest for SWANA. We will continue to keep you informed as additional bills are introduced and as the Legislative Task Force takes positions on newly introduced legislation.

AB 68 (Brownley) Solid Waste: single-use carryout bags

This bill would, on and after July 1, 2011, prohibit a store, as defined, from providing a single-use carryout bag to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag Pollution Fund in the State Treasury and would require a store to remit the single-use carryout bag fees, less a specified amount, to the State Board of Equalization for deposit in that fund.

LTF Position: Pending Review

Status: Introduced

SB 6 (Maldonado) Hazardous material: vehicles: mercury containing switches

This bill would require automobile dismantlers and owners or operators of junkyards to ensure the proper removal of mercury switches from end-of-life vehicles prior to their destruction. The bill would require these entities to inspect end-of-life vehicles prior to their destruction to ensure that mercury switches were removed. The bill would specifically provide that automobile dealers and manufacturers are not responsible for the removal of mercury switches from end-of-life vehicles.

LTF Position: Pending Review

Status: Introduced

SB 22 (Simitian) Hazardous materials: toxic substances

This bill would additionally authorize the Department of Toxic Substances Control to recommend procedures for expediting the review and identification of hazard traits, including pending and proposed actions by other states, the federal government, and other nations to limit hazardous materials in products.

LTF Position: Pending Review

Status: Introduced

SB 25 (Padilla) Solid Waste: diversion

This bill would require the California Integrated Waste Management 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 also 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.

LTF Position: Pending Review

Status: Introduced

SB 26 (Simitian) Home-generated pharmaceutical waste

This bill would require the California State Board of Pharmacy 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.

LTF Position: Pending Review

Status: Introduced

2007-2008 Legislation

Below are the bills the LTF took positions on throughout the 2007-2008 session and the final actions taken by the Governor. Position letters that SWANA has written to the legislature can be found on the Legislative Task Force website at www.swanacal-leg.org (Click on the bill number to go to the bill's legislative page, sponsored by Legislative Counsel):

Priority Legislation (in order of significance)

Below were the most significant pieces of legislation during the 2007-2008 legislative session.

SB 1016 (Wiggins) Diversion: Annual Report

SB 1016 has two primary components: 1) change the diversion rate reporting requirements to a jurisdictional equivalent disposal measurement requirement, as an indicator of program implementation; and, 2) Reduce the frequency of reporting and reviewing of the annual report, based on compliance. SB 1016 does not change the AB 939 50% requirement but is attempting to build on AB 939 compliance requirements by implementing a simplified and timelier indicator of jurisdictions' performance by changing to a disposal based number as reported by disposal facilities. The author's office and all interested stakeholders met and worked tirelessly on the proposal since its introduction last year. SWANA was able to offer its SUPPORT after a final amendment was taken to include intent language to confirm that the purpose of this legislation is to move away from a "bean counting" form a determining compliance and consider all aspects of a jurisdictions effort to achieve compliance to include programs and economic factors.

LTF Position: Support

Status: Signed by the Governor, Chapter Number 343, Statutes of 2008

SB 1020 (Padilla) Solid Waste: diversion

The current language of the bill would require the board, by July 1, 2009, to develop a strategic and comprehensive plan to achieve, on or before January 1, 2020, a diversion of 75% of solid waste statewide from landfill disposal or transformation. There have been extensive discussions with the author's office and other stakeholders as to how this will be affected by the changes proposed in SB 1016. The author's office has also indicated that there will be a mandatory commercial recycling ordinance.

(Significant amendments were being developed however the bill was never amended)

LTF Position: Oppose

Status: Died- Failed to pass Legislative deadline

SB 1252 (Padilla) Vehicles: dealers: consumer protection

SB 1252 was the vehicle of choice to include language from Senator Padilla's failed SB 1020. The bill was never amended; however amendments were placed on the Assembly desk and this bill was watched very closely in the last few days of session.

LTF Position: Oppose

Status: Died- Never amended to include language from SB 1020

AB 1390 (Huffman) Solid waste: diversion: illegal dumping: fees:

AB 1390 was a last minute play by Senate Padilla and Assemblyman Huffman to incorporate the language from AB 2640, AB 2695, AB 2866 and SB 1020 into one "Super Solid Waste Bill." However due to extensive lobbying the bill was held in Senate Rules.

LTF Position: Oppose

Status: Died- Held in Senate Rules

AB 2640 (Huffman) Solid Waste: compostable organics management

This bill would impose a \$1.40 per ton quarterly fee on green waste used for beneficial reuse, including use as alternative daily cover, at solid waste disposal facilities. Placing a tax on the reuse of one type of waste material is unprecedented. This bill is in addition to the California Integrated Waste Management Board's strategic directive in setting a goal of 50% reduction in "compostable organics" by 2020. The LTF will remain opposed to this legislation as long as there are any fees included in the language.

LTF Position: Oppose

Status: Died- Failed to pass fiscal committee

AB 2866 (DeLeon) Solid Waste: closure liability: solid waste disposal fees

AB 2866 would require the board to establish the amount of the "tipping" fee in an amount not exceeding \$2 per ton and would require \$0.60 of that fee to be deposited by the State Board of Equalization in the Solid Waste Mitigation Account, which this bill would create in the fund.

LTF Position: Oppose

Status: Died- Failed to pass fiscal committee

Additional Legislation of Interest

AB 48 (Saldana) Hazardous Waste: electronic waste

This bill expands the scope of electronic products that would be banned from sale in California if they are banned from sale in the European Union (EU) pursuant to the Reduction of Hazardous Substances (RoHS) directive.

LTF Position: Support

Status: Vetoed by the Governor

AB 501 (Swanson) Pharmaceutical devices

This bill would require a pharmaceutical manufacturer whose product is administered for home use through a prefilled syringe, prefilled pen, or other prefilled injection device to arrange to provide, upon request from a consumer, a postage prepaid, mail-back sharps container that has been approved by the United States Postal Service.

LTF Position: Support

Status: Vetoed by the Governor

AB 546 (Brownley) Electronic Waste

Requires the California Integrated Waste Management Board (CIWMB) to compile a list, by county, of authorized electronic waste collection centers, which retailers must provide to consumers.

LTF Position: Support if Amended

Status: Vetoed by Governor

AB 642 (Wolk) Design Build: counties, cities and special districts

This bill would authorize a qualified entity, as defined, that operates a wastewater facility, solid waste management facility, or water recycling facility, with the approval of the appropriate governing body to enter into design-build contracts.

LTF Position: Support with Amendments

Status: Signed by the Governor, Chapter Number 314, Statutes of 2008

[AB 822 \(Levine\) Solid Waste: multifamily dwellings](#)

AB 822 would require on or after July 1, 2009, an owner of a multifamily dwelling to arrange for recycling services that are consistent with state or local laws or requirements, including local ordinances or agreements. "Multifamily dwellings" are defined as residential facilities that consist of five or more living units.

LTF Position: Support

Status: Died- Did not pass legislative deadline

[AB 904 \(Feuer\) Recycling: food containers](#)

This bill would enact the Plastic and Marine Debris Reduction, Recycling, and Composting Act. This measure would on and after July 1, 2012, prohibit providers of takeout food from distributing single-use food service packaging to consumers unless the packaging is either compostable or recyclable.

LTF Position: Support

Status: Died- Did not pass out of fiscal committee

[AB 1023 \(DeSaulnier\) Recycling: compostable and biodegradable plastic trash bags](#)

AB 1023 would exempt manufacturers of compostable and biodegradable trash bags from California's recycled-content requirements for plastic trash bags. In part to address the issue of contamination, some trash bag manufacturers have begun to market compostable or biodegradable trash bags for use as yard waste bags. Because of the degradable nature of these bags, they are incompatible with conventional recycled plastic.

LTF Position: Support

Status: Signed by the Governor, Chapter 143, Statutes of 2007

[AB 1109 \(Huffman\) Energy Resources- lighting efficiency: hazardous waste](#)

This bill would enact the California Lighting Efficiency and Toxics Reduction Act and would prohibit, on and after January 1, 2010, a person from manufacturing 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.

LTF Position: Support

Status: Signed by the Governor, Chapter 534, Statutes of 2007

[AB 1195 \(Torrico\) Recycling: used oil: incentive payments](#)

This bill requires used oil to be tested and analyzed by a lab accredited by the State Department of Public Health prior to being shipped or, if shipped to a California permitted transfer facility or used oil recycling facility.

LTF Position: Support

Status: Died- Did not pass out of fiscal committee

[AB 1391 \(Brownley\) Electronic Waste](#)

This bill would a retailer who sells covered electronic devices to provide a consumer at the point of sale the Integrated Waste Management Board's website. The website would provide information on where and how to return, recycle and dispose of a covered electronic devices.

LTF Position: Support

Status: Vetoed by the Governor

AB 1447 (Calderon) Hazardous Waste: major appliances

This bill would revise existing requirements to allow appliance service technicians to remove refrigerant from a major appliances.

LTF Position: Support

Status: Signed by the Governor, Chapter 709, Statutes of 2007

AB 1473 (Feuer) Solid Waste: temporary permits

This bill requires the CIWMB to adopt emergency regulations to authorize enforcement agencies to issue a temporary solid waste facilities permit.

LTF Position: Support

Status: Signed by the Governor, Chapter 547, Statutes of 2007

AB 1535 (Huffman) Electronic Waste: fee payment

This bill would require the manufacturer of a covered electronic device to pay the electronic waste recycling fee.

LTF Position: Support

Status: Died- Did not pass out of policy committee

AB 1751 (Fuentes) Vehicles: nuisance abatement: impoundment

This bill would authorize a city or county to adopt an ordinance declaring a motor vehicle to be a nuisance subject to impoundment for not more than 30 days when the motor vehicle is involved in the commission of specified crimes related to illegal dumping of commercial quantities of waste matter and prostitution.

LTF Position: Support with Amendments

Status: Vetoed by the Governor

AB 1860 (Huffman) Unsafe products: recall or warning

This bill would require a manufacturer of a recalled product to establish and maintain a collection system in the event a recall is issued for that product.

LTF Position: Support

Status: Signed by the Governor, Chapter 569, Statutes of 2008

AB 1972 (DeSaulnier) Solid Waste: plastic bags: food and beverage containers

This bill would prohibit the sale of a plastic bag that is labeled as "compostable" or "marine degradable," unless that bag meets the ASTM Standard Specification for Compostable Plastics D6400, the ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7081, or a standard adopted by the California Integrated Waste Management Board, as specified. The bill also would prohibit the sale of a plastic bag that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified.

LTF Position: Oppose

Status: Signed by the Governor, Chapter 436, Statutes of 2008

AB 2347 (Ruskin) Mercury-added Thermostats: collection program

This bill would enact the Mercury Thermostat Collection Act of 2008 and would require a manufacturer that owns or owned a name brand of mercury-added thermostats sold in this state before January 1, 2006, to establish and maintain a collection, transportation, recycling, and disposal program for out-of-service mercury-added thermostats.

LTF Position: Support and Seek Amendments

Status: Signed by the Governor, Chapter 572, Statutes of 2008

AB 2829 (Davis) Recycling: plastic carryout bags

This bill will require on and after July 1, 2009 plastic bags provided by a store to have printed or display on the bag an environmental awareness message describing the negative impacts on the environment and wildlife caused by littering and encouraging the use of reusable bags.

LTF Position: Support

Status: Died- Failed passage from Assembly Natural Resources

SB 1021 (Padilla) Beverage Containers: grants

SB 1021 would authorize up to \$15 million in grants from January 1, 2008, to January 1, 2009, to place source separated beverage container recycling receptacles in multifamily housing.

LTF Position: Support

Status: Signed by the Governor, Chapter 724, Statutes of 2007

SB 1165 (Kuehl) Environmental Impact Reports

SB 1165 bill provides that any EIR over five years old must be re-circulated before it may be used again. This is an arbitrary expiration date and will largely stop the use of program EIRs and subsequent/supplemental EIRs, thereby eliminating a major streamlining tool from CEQA.

LTF Position: Oppose

Status: Died- Failed passage from Senate

SB 1321 (Correa) School Recycling programs

SB 1321 would require each school district to acquire and maintain a sufficient number of beverage container recycling bins on each campus and public office in that school district.

LTF Position: Support if amended

Status: Died- Did not pass fiscal committee

SB 1357 (Padilla) Beverage Containers: grants

This bill will authorize the Department of Conservation to expend up to \$20,000,000 from January 1, 2009, to January 1, 2010, for either grants for beverage container recycling and litter reduction programs or focused, regional community beverage container recycling and litter reduction programs.

LTF Position: Support

Status: Signed by the Governor, Chapter 697, Statutes of 2008

SB 1723 (Maldonado) Agriculture: pesticide recycling program and certification

This bill would require every person who is the first to sell any agriculture, structural, industrial or institutional-use pesticide for use in this state that is packaged in high density polyethylene containers to establish a recycling program that would be subject to audit.

LTF Position: Support

Status: Signed by the Governor, Chapter 533, Statutes of 2008

2009 Legislative Task Force Work Plan

Below is the 2009 SWANA California Chapters, Legislative Task Force Work Plan

SWANA CALIFORNIA CHAPTERS LEGISLATIVE TASK FORCE (LTF) 2009 WORK PLAN

At its annual workshop in November, 2008 the Legislative Task Force identified the following issues as top priorities for the 2009 Work Plan:

- “Raising the Bar” Increased Diversion/Reduced Disposal
 - Local Government Budgets
 - Decline in materials market
 - Commercial Recycling
- Extended Producer Responsibility/Product Stewardship
- Greenhouse Gas / Global Warming / AB 32 Implementation at the ARB
- Potential State Tipping Fee Increases and Proposed Uses Thereof
- Conversion Technologies
- Illegal Dumping
- ADC Diversion Credits/Usage and Enforcement
- Closure and Post Closure
 - Pooled Fund
 - Split Fund Public/Private.
 - Specifics of financial disbursements must be in statute.

The 2009 Work Plan encompasses five major areas of effort and will guide the activities of the LTF and its Legislative Advocate during the 2009 calendar year.

Mission Statement:

To represent local government interests and the three California Chapters' membership in developing and advocating environmentally and technically sound, economical, solid waste public policy at the most appropriate governmental level.

I. REGULATIONS

- A. **Goal:** Ensure reasonable regulations (new or revised), through active participation in the development and review process, to levels necessary to assure appropriate protection of health, safety and the environment.
- B. **Objective:** Expeditiously review draft regulations to allow timely submission of comments.
- C. **Action items**
 1. Monitor/take action regarding proposed changes to the Disposal Reporting System; support proposals to increase the accuracy of data reported by haulers as well as the allocation of residual tonnages. Monitor/support, when appropriate, regulations or proposed legislation to implement the SB 2202 (2000) consensus group's recommendations advocating alternative AB 939 diversion rate measurement that relies upon implementation of programs identified in jurisdictional SRRE and less on

- mathematical compliance and disposal measurement.
2. Support the enforcement of existing ADC regulations versus the development of regulations that restrict the use of ADC.
 3. Monitor / take necessary action to promote lifecycle analyses.
 4. Advocate development of conversion technology regulations which would actually promote, rather than hinder, the development of facilities. Oppose regulations that would treat these conversion technology facilities as disposal facilities and review requirements for front end recovery of recyclable materials. Support economic and environmental comparisons that are fair and objective.
 5. Support efforts that require a basic level of training, promote joint training opportunities, and maintain a certification of training for landfill managers and landfill inspectors.
 6. Continue to oppose SWRCB efforts to include numeric limits in storm water permits. Continue to advance technical arguments. Take action to educate policy makers on SWANA's concerns regarding feasibility and cost of implementing proposed language.
 7. Monitor and take appropriate action on CARB regulations including those stipulated by AB 32.
 8. Monitor and provide comments with respect to regulations developed to implement e-waste/universal waste legislation or to revise existing regulations.
 9. Monitor AB 2296 post-closure regulations.
 10. Monitor proposals that incorporate Environmental Justice issues in regulations; utilize position papers developed by SWANA National as appropriate.
 11. Monitor regulations relative to changes in Bottle Bill.
 12. Monitor and, if appropriate, oppose regulations which would weaken local government authority, or those that would cause undue financial responsibility for local governments.
 13. Monitor the development of Landfill GHG regulations

II. LEGISLATION

- A. **Goal:** Review, comment on and influence proposed legislation addressing solid waste issues and pursue/support legislation supportive of the LTF Mission Statement. Work with various organizations to reverse the "End of the Pipe" paradigm, i.e. work towards solutions that focus much more on solid waste prevention and beneficial reuse.
- B. **Objectives:** Identify legislation of interest; provide comments to key legislators and staff on high priority bills; leverage with partner associations, local agencies and industry support of LTF positions on priority bills; develop alerts to all SWANA members and local agencies as appropriate; develop and submit LTF letters to Governor as appropriate.
- C. **Action Items:**
 1. Advocate for legislation that would prohibit any State agency from promulgating regulations or policies that would ban materials from landfill disposal without first satisfying the following conditions:
 - a. Scientific studies show that burial of the material poses a danger to public health or environment.
 - b. A plan is developed to provide realistic and cost-effective ways to remove the material from the waste stream. "Don't Ban Without a Plan."
 2. Oppose legislation to "Raise the Bar" on diversion/disposal
 - a. Allow SB 1016 implementation before more changes.

- b. Material markets have decreased greatly
 - c. Local governments do not have the budgets to implement additional programs.
- 3. Advocate product stewardship and increased manufacturer and retail responsibility with respect to materials that are difficult to recycle and/or hazardous waste and/or banned from landfills. "You Make It, You Take It."
 - a. Support concept of potential EPR legislation
- 4. Support legislation to define "organics."
- 5. Support legislation to reintroduce the definitions of "economic factors" to SB 1016.
- 6. Oppose legislation that would increase state disposal tip fee surcharges unless appropriate.
- 7. Monitor and take position(s) as necessary with respect to legislation relating to e-waste/universal waste.
- 8. Support only increases in waste reduction mandates which are substantiated based on lifecycle environmental benefits, identified cost, and infrastructure capabilities. Promote the discussion of strategies to increase diversion that place the responsibility less on local governments and more on the manufacturing and retail sectors.
- 9. Advocate and support changes to AB 939 with regard to statutory definitions, integration of conversion technologies into the solid waste hierarchy, the extension of diversion credit to conversion technologies, and the removal of legislative obstacles to CT development.
- 10. Oppose legislation to remove the application of ADC towards AB 939 goals.
- 11. Monitor and, if appropriate, support further legislation to discourage illegal dumping.
- 12. Oppose legislation that would usurp local control, including with respect to the existing LEA system. Oppose legislation that would impose any additional financial responsibility on local governments unless consistent with the mission statement.
- 13. Support greater State involvement in market development for diverted materials.
- 14. Oppose any legislation mandating that all waste must pass through MRFs.
- 15. Look for opportunities to improve the planning and operational constraints of hauler five year continuation rights. Support legislation to include local government in the definition of solid waste enterprise.
- 16. Support increased recycled content which meets quality and cost effective criteria.
- 17. Monitor legislation which changes the existing system of siting element conformance.
- 18. Support legislation that would provide incentives for bioreactor landfills and conversion technology facilities as appropriate.
- 19. Support legislation which requires a basic level of training, promotes joint training opportunities, and maintains a certification of training for landfill managers and landfill inspectors.
- 20. Support market-based incentives to increase the use of rubberized asphalt.
- 21. Support legislation, as appropriate, to encourage the construction of "green buildings." Encourage the development of uniform statewide standards in this regard.
- 22. Support legislation to clarify the application of Proposition 218 to solid waste service fees.
- 23. Support/Promote tax credits and other incentives for Landfill Gas utilization and recycling equipment.

III. OUTREACH AND AWARENESS

- A. **Goal:** Increase awareness of legislative and regulatory issues within SWANA's membership and enhance the ability and effectiveness of the LTF to influence the legislature, regulatory agencies and other associations in support of the LTF Mission Statement and adopted positions.
- B. **Objectives/Actions Items:**
1. Enhance influence of SWANA with Legislature and regulatory agencies.
 - a. Establish and maintain contacts with key legislators, their staff, CAL-EPA, CIWMB Board members and staff, SWRCB Board members and staff, CARB Board members and staff, DTSC staff, DOC, Department of Health, and other relevant state agencies and departments and other officials. Furnish information as appropriate.
 - b. Encourage local members' involvement with regional agencies when appropriate.
 - c. Prepare and disseminate profile of SWANA and LTF white papers as appropriate.
 2. Inform SWANA membership of legislative, regulatory and judicial issues.
 - a. Send four newsletters to LTF members and interested parties.
 - b. Send e-mail bulletins to all interested California SWANA members to inform them of important developments and seek support of SWANA membership on critical issues.
 - c. Provide updates at chapter meetings and to the general membership.
 - d. Encourage SWANA membership to keep local government and special district officials aware of issues of greatest importance to SWANA.
 3. Educate SWANA California membership, legislative and regulatory partners on the implementation of AB 32 (Nunez) by the California Air Resources Control Board.
 4. Maintain LTF website.
 5. Promote awareness of CA-Specific Manager of Landfill Operations (MOLO program) as well as raise awareness of other training opportunities provided by SWANA, including the Western Regional Symposium and SWANA National Trainings such as WASTECON and other trainings relating to transfer/collection/recycling activities.
 6. Regarding waste reduction mandates, reach out to organizations like the League of California Cities, CSAC, RCRC and local communities to promote our message, influence their decisions and reach common ground.
 7. Maintain and strengthen coalition building with associations with compatible goals and objectives such as:
 - a. California State Association of Counties
 - b. League of California Cities
 - c. RCRC / Rural Counties ESJPA
 - d. California Conference of Directors of Environmental Health
 - e. Local Enforcement Agencies
 - f. County Engineers Association of California
 - g. Private Haulers / Solid Waste Industry Group
 - h. Councils of Government
 - i. American Public Works Association
 - j. Environmental Organizations
 - k. Product Stewardship Organizations
 - l. Department of Public Health
 - m. Board of Pharmacy
 8. Enhance education and awareness of SWANA membership through presentation of

- a legislative and regulatory session at the Western Regional Symposium
9. Support and promote policies developed by SWANA International, such as T-31 Product Stewardship Policy, T-32 Policy on Solid Waste Disposal Ban, the "Pushing the Envelope" document, Applied Research Documents and documents promoting biostabilization and bioenergy landfills ("bioreactors"). Monitor issues that emerge out of locality-specific situations. Use LTF to analyze potential statewide impacts and broadly disseminate information, and assist as necessary. Also, solicit input from all California members.

IV. LOCAL CONTROL AND GOVERNMENT ORGANIZATION

A. Goal:

Promote control (and reorganization as necessary) of solid waste policy and operations, at the lowest governmental level possible, commensurate with:

- Effective, certified staffing for all aspects of solid waste management
- Cost-effectiveness
- Environmental soundness
- Reduced regulatory overlap and duplication
- Maximum flexibility for optimized solutions

B. Objectives/Action Items:

1. Support legislation that would provide for greater local government representation on the CIWMB.
2. Support efforts to eliminate overlap between Department of Conservation, Division of Recycling and CIWMB and/or consolidate its programs under CIWMB.
3. Support efforts to eliminate overlap between the CIWMB and other Cal/EPA agencies and departments and oppose contradictory goals at state agencies.
4. Support legislation and/or regulations that provide local government with the authority and means to achieve and fund mandated activities.
5. Support efforts to provide local government with greater due process in any enforcement or other directed activity of the Cal/EPA, CIWMB, SWRCB, DTSC, CARB or any other state agency.
6. Retain local authority to provide enforcement authority and designate LEAs.
7. Support equitable solutions to waste export issues and applicability of state tonnage fees on such waste to support CIWMB funding.

V. AB 939 MARKET DEVELOPMENT AND LIFE-CYCLE ANALYSES

A. Goal: Encourage the State to consider economic and environmental impacts of AB 939 mandates, validity of current solid waste hierarchy in light of industry and market changes and realistically assess the availability of current and future markets for beneficial use of solid waste materials.

B. Objectives/Action Items:

1. Support legislation to extend sunset date of RMDZ program.
2. Support use of RMDZ funds to promote new and expanded markets, including conversion technologies.
3. Support legislation that would expand markets for diverted materials including the commercialization of conversion technologies.
4. Oppose legislation/regulations imposing additional unfunded mandates.
5. Support legislation that would make state agencies and schools subject to the

provisions and mandates of AB 939, including removal of "subject to funding limitations," purchase of recycled content products, and the imposition of fines for noncompliance.

Resources

Upcoming SB 1016 Workshops

01/08/2009 Alhambra, CA 91803	SB 1016 Workshop for Los Angeles Area Jurisdictions Sponsor: CIWMB The Disposal Measurement System Act of 2008 (SB1016) was recently signed by the Governor. LAMD staff will present a training on the benefits of SB1016 including a Q&A session.
01/28/2009 Sacramento, CA 95812	SB 1016 Sacramento Workshop Sponsor: CIWMB The Disposal Measurement System Act of 2008 (SB1016) was recently signed by the Governor. LAMD staff will present a training on the benefits of SB1016 including a Q&A session.

Californians Against Waste 2009 Legislative Agenda

CAW's 10 Point Plan for Protecting Our Environment and Creating Green Jobs

Reducing Human & Environmental Exposure to Toxics by Reducing and Recycling Hazardous Products & Materials

E-Waste:

The Problem: Exposure to toxic heavy metals and other hazardous materials poses a significant and growing threat to public health and the environment. Human exposure to mercury, lead and other hazardous substances contained in consumer electronics can result in neurological damage and cancer. Appropriately, the California Department of Toxic Substances Control has recently banned the disposal of most electronic devices in the solid waste stream. However, with a few exceptions, California lacks the infrastructure and incentives for the recycling of most of these devices. In 2003, approximately 450,000 tons of toxic laden electronics were disposed in California landfills, while millions of additional devices remained stockpiled in homes and office.

Our Approach: Expand Producer Responsibility for the End of Life Impact of hazardous products and materials. Wherever feasible, phase out the use of hazardous materials in products. Develop a convenient 'no cost' collection and recycling infrastructure. Establish market-based incentives to encourage the recycling of problem products.

Legislative Agenda:

1. Establish Extended Producer Responsibility for end of life management of hazardous materials and other problem products: Provide State Environmental agencies with the authority to require Producer Responsibility for reducing and recycling products and materials whose disposal in the solid waste stream has been restricted.
2. Expand California E-Recycling Law: Expand existing successful computer monitor and TV recycling law to include all electronic devices. This also includes establishing a free and convenient recycling system for fluorescent lighting while reducing the use of hazardous materials and increasing lamp life.
3. California RoHS: Phase out the use of toxic materials in consumer electronics.
4. Used Motor Oil: Eliminate Recycling Incentive Payments for used motor burned as fuel, while establishing incentives for recycled content in automotive and industrial lubricants.

Reducing Greenhouse Gas Emissions thru Source Reduction and Recycling

The Problem: Climate change threatens not only our statewide infrastructure and economy, but our health and the environment as well. The California Energy Commission projects an increase in coastal sea level, a decrease in winter snow pack and corresponding water supply, and dramatic strains on California's hot-season energy supply.

As the largest source of manmade methane emissions in the California, landfills are major GHG contributors. Methane is the second most important greenhouse gas and is 23 times more effective at trapping heat in the atmosphere than carbon dioxide (CO₂). Ton for ton, waste reduction and recycling reduces more pollution, saves more energy and reduces GHG emissions more than any other solid waste management option. Despite the proven benefits of recycling, 60% of the "garbage" that goes to the landfill is recyclable and just half of California residents have access to convenient and cost effective curbside recycling.

Our Approach: Diverting just an additional 20% of currently disposed aluminum cans, cardboard, food waste and paper, will cut GHG emissions from the solid waste sector in half. This can be done by:

- * Increasing residential and commercial recycling;
- * Continuing source reduction efforts, particularly in the areas of packaging; and
- * Expanding use of recycled content in manufacturing through market development and minimum content requirements.

Legislative Agenda:

1. Recycling Opportunity for Everyone: Expand recycling to every California household (single and multi-family), institution and commercial business.
2. Establish the goal of a 'Zero Waste California' and assign the California Integrated Waste Management Board responsibility for achieving 75% waste reduction, recycling and composting by 2020.
3. Expansion of composting: Hundreds of California communities now have green waste collection programs in place, these programs could be expanded to include food waste, which accounts for nearly 15% of the state's waste stream.

Reducing Water Pollution and Marine Debris by Reducing and Recycling Plastic Litter and Waste

The Problem: As the fastest growing component of the state's solid waste stream, and the number one type of material found littered on beaches and roadsides, plastics has impacted the economy and the environment. The abundance of plastic grocery bags, polystyrene cups and boxes, and other take-out food packaging--in our oceans poses significant risks to marine habitat, wildlife and water quality. Roughly 80% of marine debris originates from land-based activities, and plastics make up 90% of floating marine debris. Plastic debris kills animals through entanglement, starvation, suffocation, and ingestion. Less than 5% of plastic bags are recycled, and few contain recycled content. These easily disposable items, which are also frequently littered, take hundreds of years to break down.

Our Approach: Extend producer responsibility for the environmental and economic consequences of their disposable products and packaging, through take-back, source reduction, minimum recycled content and advance disposal fee approaches.

Legislative Agenda:

1. Reduce Single Use Grocery Bag litter and waste by promoting reusable bags and requiring recycling of carryout bags.
2. Expand California Bottle Bill to include all plastic bottles.
3. Restrict the use of polystyrene and other take-out food packaging in coastal areas when that packaging is not compatible with existing successful recycling or composting programs.

Regulatory Information

California Air Resources Board

The California Air Resources Board recently approved the [AB 32 Scoping Plan](#), requiring the state to reduce the state's green house gas emissions to 1990 levels by 2020. The ARB will begin developing detailed strategies to implement all of the recommended measures that must be in place by 2012. The Scoping Plan and all appendices can be viewed at: <http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>

Landfill Methane Control

The California Air Resources Board recently held a public workshop to review the Draft Landfill Methane Control Measure. There were many concerns raised by those in attendance and the ARB has agreed to continue accepting comments and concerns until January 15th and will schedule another workshop at the end of January. Many administrators had concerns about the timeframe for compliance and requested that the ARB consider an extended timeframe or a possible step down approach for compliance. Closed sites that received waste after 1977 are included in the regulations and will need to be brought into compliance. Materials for the recent workshop along with the draft regulations can be found at the ARB website <http://www.arb.ca.gov/cc/landfills/meetings/meetings.htm>

California Integrated Waste Management Board

The California Integrated Waste Management Board has three new members for 2009. The new members are former State Senator Sheila Kuehl from Santa Monica, former State Assemblyman John Laird from Santa Cruz and former State Senator Carole Migden from San Francisco. The remaining members are Margo Reid Brown, Chair, Rosalie Mulé and Gary Petersen.

Upcoming CIWMB Events

01/12/2009 Sacramento, CA	<u>Permitting and Compliance Committee</u> Sponsor: CIWMB
01/12/2009 Sacramento, CA	<u>Phase II Long-Term Financial Assurances Workshop</u> Sponsor: CIWMB
01/13/2009 Sacramento, CA	<u>Strategic Policy Development Committee</u> Sponsor: CIWMB
01/14/2009 Sacramento, CA	<u>Market Development and Sustainability Committee</u> Sponsor: CIWMB
01/21/2009 Sacramento, CA	<u>Board Meeting</u> Sponsor: CIWMB
01/21/2009 Sacramento, CA	<u>Executive Director Delegated Actions: Local Government Planning/Goal Achievement</u> Sponsor: CIWMB
01/21/2009 Sacramento, CA	<u>Executive Director Delegated Action: Modified Permit</u> Sponsor: CIWMB
01/26/2009-01/29/2009 Houston, TX	<u>US Composting Council's 17th Annual Conference & Trade Show</u> Sponsor: US Composting Council The US Composting Council's 17th Annual Conference & Trade Show. This is the largest conference & exhibition in North America for the composting, wood waste & organics recycling i... [More]