

## SWAT Meeting 10/20/2010 Legislative Update

### Chaptered

**AB 1343** will require manufacturers to operate and finance a recycling program for used paint. Local governments in California have long provided a drop-off opportunity for used paints. AB 1343 will reduce the financial burden on local governments. Post-consumer paint is the single largest source of Household Hazardous Waste (HHW) generated in California, representing 35% of the HHW volume collected by local governments.

**SB 390** extends the California's Recycling Market Development Zone (RMDZ) Program sunset from July 1, 2011 to July 1, 2021.

**AB 2398** requires that carpet manufacturers implement stewardship programs designed to increase carpet's California recycling rate. Rather than set specific recycling rates, the final version links performance to goals set by the Carpet America Recovery Effort (current goal is 40% carpet out of landfills).

After April 1, 2012, this bill prohibits the sale of carpet in the state by a manufacturer that is not part of a stewardship organization with an approved plan. The carpet stewardship organization must demonstrate continuous meaningful improvement in the rates of recycling and diversion to be in compliance. AB 2398 requires an assessment to cover stewardship plan implementation. The initial assessment is \$.05 per square yard of carpet sold in California.

### Vetoed

The Governor vetoed **AB 737**, the most recent in a series of attempts to increase California's recycling rate from 50% to 75% by 2020. AB 737 also would have mandated commercial recycling, memorializing efforts initiated by CalRecycle and the Air Resources Board.

AB 737 would not simply have increased the requirement for local governments to achieve 75%, but instead shifted to a statewide focus. This approach could be beneficial to smaller jurisdictions lacking facilities and opportunities to increase recycling. An earlier version of AB 737 would have specifically prohibited CalRecycle from imposing "any enforceable requirements" on local government to achieve the 75% rate, but that provision was removed.

In its final version, AB 737 would required that CalRecycle report to the Legislature by January 1, 2013 on:

The current diversion rate in the state

Potential strategies to increase the diversion rate to 75 percent by 2020, and

Information on the costs of the strategies identified in the report.

AB 737 also required that businesses arrange for recycling services if that business is:

Contracting for solid waste disposal and

Generating more than four cubic yards of solid waste and recyclable materials per week

Such businesses would be required to either separate recyclable material from solid waste and arrange for their collection, or to contract with a recycling service that provides mixed waste processing services. Since most apartments are served by commercial service, the mandate effectively extends to multi-family recycling as well.

### **Failed**

The California Senate rejected **AB 1998**, which would have prohibited single-use plastic retail carryout bags in favor of durable reusable bags or recycled-content paper bags (sold for at least \$.05 each). Current law requires that grocery and large retail stores operate in-store plastic bag recycling programs. Local governments now may not implement separate recycling programs or impose fees on stores that meet these requirements. These requirements sunset on January 1, 2013.

Some local governments have initiated plastic bag bans, particularly coastal communities where plastic bags cause ocean pollution problems. Other communities are considering plastic bag bans to overcome litter problems. AB 1998 would have preempted local single use plastic bag regulation. The preemption led the California Grocers Association to support AB 1998 en lieu of myriad local approaches.

Compiled by SWAT member John Davis