



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmf.org

GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

January 21, 2015

Ms. Cynthia Dunn
California Department of Resources Recycling and Recovery
1001 I Street
Sacramento, CA 95812

Dear Ms. Dunn:

COMMENTS: CALRECYCLE PACKAGING WORKSHOP AND BACKGROUND PAPER: INCREASING COLLECTION AND RECOVERY OF PACKAGING IN CALIFORNIA

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates this opportunity to comment on the Packaging Workshop Background Paper: Increasing Collection and Recovery of Packaging in California (Background Paper), dated November 13, 2014. The Task Force supports the State's 75 percent goal established pursuant to AB 341 (Chesbro, 2011) as well as the greenhouse gas emission (GHG) reduction targets established pursuant to AB 32 (Nunez, 2006). These landmark pieces of legislation are intertwined and according to CalRecycle are the main drivers for the packaging initiative as packaging makes up a significant portion of the State's waste stream.

The Background Paper discusses several policy approaches to significantly reduce the amount of packaging that is landfilled. The Task Force has been a long-time supporter of balanced approaches for the management of solid waste as long as the result is a reduction of landfilling of valuable resources, local governments are not left absorbing increased waste management costs, the material is accountable and not shipped overseas, and the State's residents quality of life and treasured environment are protected. A combination of policy approaches could potentially fulfill these requisites if they are well-thought out and consideration of unintended consequences is included prior to developing and enacting the policy. With these principles in mind, the Task Force offers the following comments on the Background Paper:

1. Extended Producer Responsibility (EPR)

As discussed in the Background Paper, mandatory approaches, such as EPR, help assure a level playing field for producers of covered products and/or packaging types. When end-use is not taken into consideration, the potential for recovery of the material can be limited. When sound EPR policies are implemented,

manufacturers take into account end-use management when designing their products and packaging.

Among the mandatory approaches discussed, the Task Force is most supportive of sound EPR policy and legislation but must underscore the importance of involving affected stakeholders throughout the process. A sound EPR policy/legislative effort would include the establishment of recovery goals, convenience standards for consumer take-back, as well as key metrics to ascertain efficacy of the policy. Moreover, EPR policy should include appropriate oversight from CalRecycle or another appropriate agency with the ability to review and approve EPR plans developed by producers of covered products. Since an open and transparent stakeholder process can be limited during an EPR legislative effort, EPR legislation should contain the essential elements discussed above and require a post legislative regulatory process in order to provide an adequate timeframe for an open and transparent stakeholder process.

2. Advanced Recovery From Materials That Cannot Be Recycled

While the Task Force fully supports EPR as a viable approach to reducing the landfilling of packaging material, it would be impractical to believe the approach can capture every type of packaging material and combination of materials used in commerce today. The Task Force has long promoted the use of conversion technologies to divert post-recycled municipal solid waste, which includes packaging, from landfill disposal. Conversion technologies are non-combustion processes capable of converting unrecyclable packaging and other organic materials into energy, biofuels, chemicals and other marketable products in an environmentally friendly manner. Unfortunately, conversion technologies have been stifled by antiquated and unscientific legislative and regulatory barriers which are solely being pursued in California while being in contrast with the goals established by AB 32 (2006).

Although the Background Paper mentions energy recovery as a key take-away from the December 2013 packaging workshop hosted by CalRecycle, the Background Paper failed to consider energy recovery as a viable option for reducing the landfilling of packaging. Attendees at the November 2014 Workshop, including Mike Mohajer representing the Task Force, asked CalRecycle staff how energy recovering technologies can assist in this effort to help keep packaging materials out of landfills. Unfortunately, their inquiries were brushed aside as CalRecycle staff stated that energy recovery technologies were a separate issue to be addressed in a separate effort. Meanwhile, millions of tons of packaging material are landfilled taking up valuable space, releasing potent GHGs, and wasting valuable raw materials.

AB 341 made it a State goal to significantly reduce the landfilling of the solid waste. However, AB 341 established a limited scope that provides only two pathways for managing materials once generated: recycling and composting. As discussed in the Background Paper, many types of materials, including contaminated paper/cardboard, higher number plastics and other types of packaging material simply cannot be recycled or composted for a variety of reasons. Other than shipping these materials overseas or to other States, the utilization of conversion technologies is presently the only viable option to keep these unrecyclable non-compostable materials out of landfills at the rate CalRecycle is seeking. 2020 is only five years away; all viable environmentally sound solutions should be on the table at this point. The Task Force strongly recommends that CalRecycle support legislative proposals which would allow conversion technologies to utilize unrecyclable non-compostable materials as a viable feedstock on a level playing field with other technologies, based on their demonstrated environmental benefits.

3. Avoid Landfill Bans On Recyclables

The Task Force is concerned with the proposed policy approach which would ban the landfilling of recyclables. This approach is impractical for a variety of reasons, particularly in regards to how this type of approach would actually be enforced. Moreover, the Task Force is all-too-familiar with how landfill bans work in California: a product or list of products are identified by a State regulatory agency and local governments are left figuring out how to implement the ban while incurring costs associated with carrying out related programs. The ban on landfilling universal waste is a prime example of this phenomenon colloquially known as the “ban without a plan.” Over the past decade local governments have had to absorb costs associated with the prevention of landfilling products identified as universal waste such as batteries, cell phones, and fluorescent lamps. The Task Force strongly recommends avoidance of this approach as it is impractical to identify and separate covered items from the waste stream as well as costly to local governments.

4. Energy And Water Usage Associated With Proposed Approaches

The Task Force recommends strong consideration for each proposal’s potential for unintended consequences related to increased usage of energy and water. As indicated in the Background Paper, adding new materials in the existing recovery stream sometimes presents a predicament when increased energy usage is required. Increased usage effectively negates energy savings recycling is supposed to provide as well as GHG reductions. Mandatory approaches such as landfill bans and minimum recycled content requirements could result in inefficiencies related to energy and transportation intensive processes in order to collect, transport, and ultimately transform the material into a marketable manufacturing material.

The Background Paper discussed water quality impacts as a driver for the packaging initiative in addition to AB 32 and AB 341. However, a discussion of the

amount of water needed for processing and recycling packaging is noticeably absent. Water is necessary to thoroughly clean the materials in order avoid contamination. While the State is in the midst of an historic drought, water usage necessary for each approach needs to be considered.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

We appreciate your consideration of our comments and look forward to developing a sensible and effective approach or combination of approaches which results in keeping packaging out of landfills.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

cc:

- CalEPA (Matt Rodriguez)
- CalRecycle (Caroll Mortensen, Howard Levenson)
- California Air Resources Board (Mary Nichols)
- California State Association of Counties
- League of California Cities
- Each Member of the Los Angeles County Board of Supervisors
- Each City Mayor and City Manager in the County of Los Angeles
- League of California Cities, Los Angeles County Division
- San Gabriel Valley Council of Governments
- South Bay Cities Council of Governments

Ms. Cynthia Dunn
January 21, 2015
Page 5

Gateway Cities Council of Governments
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force