



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

March 10, 2022

The Honorable Thurston “Smitty” Smith
Member, California State Assembly
1020 O Street, Room 4320
Sacramento, CA 95814

**RE: Assembly Bill 2481 – SPONSOR
As Introduced February 17, 2022**

Dear Assembly Member Smith:

On behalf of the Rural County Representatives of California (RCRC), we are pleased to sponsor your Assembly Bill 2481, relating to hazardous waste collection and management. RCRC is an association of thirty-nine rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each member county.

Assembly Bill 2481 makes several changes to laws related to transportation of household hazardous waste (HHW) and operation of household hazardous waste collection facilities (HHWCFs). AB 2481 is intended to clarify and resolve ambiguities in existing law while reducing administrative and financial burdens on local governments that administer HHWCFs; provide flexibility for operation of local HHWCFs; and facilitate proper disposal of hazardous waste.

Every California jurisdiction is required to have a program for managing HHW and many jurisdictions operate their own facilities to provide households and small businesses with a convenient opportunity to properly dispose of those wastes. Local governments are also often responsible for the collection and proper disposal of improperly disposed or abandoned hazardous wastes. To the extent that AB 2481 seeks to make it easier for residents and businesses to properly dispose of hazardous waste at a HHWCF, it will help avoid illegal disposal and the need for local governments to address those situations. Similarly, to the extent that AB 2481 reduces costs and administrative burdens for local governments to run HHWCFs, the bill will reduce cost pressures on local governments and taxpayers.

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AB 2481 Increases Convenient Disposal Opportunities. Under existing law, only individuals from the household that generated the HHW can take that waste to a HHWCF. This provides no flexibility or pathway for a family friend or relative to assist an ill or mobility-impaired individual by taking the HHW to a HHWCF. AB 2481 provides a clear pathway for friends and family members to take HHW to a HHWCF (provided there is no compensation) when death, illness, or disability precludes a member of the household from doing so.

AB 2481 also facilitates proper disposal of hazardous wastes by providing flexibility as to how much can be transported to a HHWCF in a given month. Existing law allows HHWCFs to accept up to 100kg (220 pounds) of hazardous waste from very small quantity generators (VSQG) each month, up to a total of 1200kg in a calendar year. This means that if a VSQG brings 101kg of hazardous waste to a HHWCF at one time, the HHWCF must tell the VSQG to come back the following month to dispose of the excess 1kg of wastes, thereby increasing vehicle miles traveled (VMT) and the risk of improper disposal. Furthermore, the monthly limits severely disadvantage small businesses that go out of business and seek to discard all of their hazardous wastes (above the 100kg limit) in a single month. AB 2481 fixes these problems by allowing a local HHWCF to accept more than 100kg of hazardous wastes from a VSQG in a calendar month as long as the VSQG does not exceed the existing 1200kg/year limit.

Other provisions of existing law impose restrictive conditions on when and how generators can drop hazardous waste off at a HHWCF. There are clear prohibitions against the generator exiting his or her vehicle that puts the HHWCF out of compliance if the generator exits the vehicle despite being instructed to remain in the car. AB 2481 provides HHWCFs with flexibility to allow households and VSQGs to drop off wastes in the same location and at the same time if they choose to do so. Furthermore, AB 2481 clarifies that the HHWCF will not be violating the law if the customer exits his/her vehicle after being instructed to stay inside.

Under existing law, curbside HHW collection programs are limited to only accepting up to five gallons of latex paint from a single residence at one time. This fails to recognize that households may have accumulated larger quantities of paint over the years, which would require multiple trips by the curbside HHW collection program. AB 2481 allows a curbside HHW collection program to accept more than five gallons of paint at a time from a single residence.

AB 2481 Reduces Local Government Costs and Administrative Burdens. Several other provisions of the health and safety code have been found unnecessarily restrictive or costly for local governments. For example, HHWCF’s must prepare a manifest for the shipment of wastes from remote facilities to a central HHWCF. A manifest is a federal form that contains information on the type and quantity of the waste being transported, instructions for handling the waste, and signature lines for all parties involved

in the disposal process. Manifests must be submitted to the federal government, generator, transporter, and facility receiving the waste. Federal law exempts these types of shipments from manifest requirements; however, California still requires use of the federal manifest. This means that the local government must prepare the manifest, give a copy to itself as the transporter, give a copy to itself as the destination facility, and send a copy to the federal government. Even though use of a manifest is not required by federal law, preparation of a manifest requires payment of a fee of roughly \$20/manifest to the federal government. This can quickly add up to tens of thousands of dollars a year for local governments operating remote and central collection facilities. (While the state abolished the state manifest fee in 2021, federal fees still apply even though a manifest is not required by the federal government). While there is utility in tracking these shipments, this can be achieved through alternative methods, including use of a shipping paper. AB 2481 allows local governments operating HHWCFs to use alternative shipping papers instead of a federal manifest, thereby avoiding these unnecessary costs paid to the federal government.

Additionally, existing law provides limited pathways for a local government to transport abandoned hazardous waste it finds on the side of a road, homeless camp, or empty building to the HHWCF that it operates itself. Currently, that abandoned waste must be transported by a registered hazardous waste transporter, often required to use a federal manifest, which adds unnecessary costs and administrative burdens for an entity to take abandoned wastes to its own facility that is charged with managing and properly disposing of that waste. AB 2481 simply allows a local agency that discovers abandoned household waste to transport it to a HHWCF it operates without having to use a registered hazardous waste hauler or federal manifest.

AB 2481 Resolves Internal Code Inconsistency and Ambiguity. Over the years, certain hazardous waste laws have been found to be internally inconsistent or ambiguous. For example, certain portions of the statute seem to exempt HHWCFs that take latex paint from limits on the quantity of all hazardous wastes that they can accept, rather than just waiving the maximum limit of latex paint that can be accepted. AB 2481 resolves that issue by clarifying that the exemption only applies to latex paint accepted by the HHWCF. Similarly, AB 2481 clarifies ambiguity about whether certain HHWCFs that operate under the state’s paint collection laws can also accept oil-based paint.

Under current law, VSQGs can transport waste to a HHWCF in a vehicle owned and operated by the VSQG. Unfortunately, this fails to recognize that many small businesses lease their vehicles rather than purchase them outright. AB 2481 updates the statute to allow VSQGs to use leased vehicles to transport hazardous wastes to a HHWCF.

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For the above reasons, RCRC is proud to sponsor your AB 2481. Please do not hesitate to contact me at jkennedy@rcrcnet.org or (916) 447-4806 with any questions.

Sincerely,

A handwritten signature in blue ink that reads "John Kennedy". The signature is written in a cursive style with a large, looping "J" and "K".

JOHN KENNEDY
Policy Advocate

cc: Members of the Assembly Environmental Safety and Toxic Materials Committee
Josh Tooker, Chief Consultant, Assembly Environmental Safety and Toxic
Materials Committee
Greg Melkonian, Consultant, Assembly Republican Caucus