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September 20, 2016

Scott Smithline  
California Department of Resources Recycling and Recovery  
1001 I Street  
Sacramento, CA 95812

Dear Mr. Smithline:

**PACKAGING - CALRECYCLE'S SUMMARY OF MANUFACTURERS CHALLENGE AND POTENTIAL NEXT STEPS, AND SEPTEMBER 16, 2016 REQUEST FOR APPROVAL**

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates this opportunity to comment on the staff's "Request for Approval" dated September 16, 2016, and the "Summary of Manufacturers Challenge and Potential Next Steps" together with five attachments, on the Agenda for September 20, 2016, see the following link:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1884&aiid=1721>

The Task Force has been involved with the subject matter for the past three years and its representative, Mike Mohajer has also been attending and offering comments/suggestions at CalRecycle's workshops involving the subject matter. The Task Force has also 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 our environment are protected. With these principles in mind, the Task Force is in support of the Staff's combined Option 1 and Option 2 to reduce landfill disposal of packaging materials in California, emphasis added. However, as further discussed below, we have a number of concerns and suggestions which we respectfully request your consideration and action during the development of Option 1 and Option 2 with a goal for a new waste management system hierarchy for the 21<sup>st</sup> Century to supersede the existing 20<sup>th</sup> Century system with antiquated legislative and regulatory components.

**1. Extended Producer Responsibility (EPR)**

Among the mandatory approaches discussed (Attachments 2 and 3), Extended Producer Responsibility (EPR) needs to be an element of both Option 1 and Option 2. 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).

The Summary of Manufacturers Challenge and Potential Next Steps (background information, and Attachment 2 and 3) simply mention energy recovery as a recommendation from the industry to assist in this effort to help keep packaging materials out of landfill. Unfortunately, the summary fails to include further discussion on the topic and continues to regard energy recovery technologies as 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 (2011) 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 Attachments 2 and 3, and further discussed at the January 5, 2016 Workshop, 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, emphasis added. 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 continued proposal to explore a policy approach which would ban the landfilling of recyclables, including recyclable packaging materials. 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 also recommends strong consideration for each proposal's potential for unintended consequences related to increased usage of energy and water as a topic to explore during the development of Options 1 and 2, and during public consultation process. Increased energy 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 Summary of Manufacturers Challenge and Potential Next Steps fails to include as a topic of discussion the amount of water needed for processing and recycling packaging. Water is necessary to thoroughly clean the materials in order avoid contamination. This Issue needs to be considered during the developments of Options 1 and 2, considering that the State is in the midst of an historic drought, water usage necessary for each approach needs to be considered.

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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 work closely with your staff during development of the Option 1 and 2 of the staff recommendation.

If you have any questions, please contact Mr. Mike Mohajer, a Member of the Task Force, at [MikeMohajer@yahoo.com](mailto: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  
Council Member, City of Rosemead

cc:

CalRecycle (Ken DeRosa, Howard Levenson, Cynthia Dunn)  
Each Member of the Los Angeles Board of Supervisors  
Los Angeles County Chief Executive Officer  
League of California Cities, Los Angeles County Division  
Each City Mayor and City Manager in LA County  
San Gabriel Valley Council of Governments  
South Bay Cities Council of Governments  
Gateway Cities Council of Governments  
Each Recycling Coordinator in Los Angeles County  
Each Member of Los Angeles County Integrated Waste Management Task Force