



**County Administrative  
Officer  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** February 2, 2016

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Debbie Vaughn    PHONE: 559-636-5005

**SUBJECT:** Approve letter of opposition

**REQUEST(S):**

That the Board of Supervisors:

Approve sending a letter of opposition to Assembly Bill 45 (Mullin) which would require new model ordinances related to the collection and diversion of household hazardous waste, expand the definition of household hazardous waste, and determine whether a nonprofit organization has been created and funded.

**SUMMARY:**

Assembly Bill 45 (Mullin) would require the Department of Resources Recycling and Recovery ("Cal Recycle") to adopt one or more model ordinances for a comprehensive program for the collection of household hazardous waste (HHW) and would authorize a local jurisdiction that provides for the residential collection and disposal of solid waste that proposes to enact an ordinance governing the collection and diversion of HHW to adopt one of the model ordinances adopted by Cal Recycle. The bill expands the definition of HHW and also requires Cal Recycle to determine whether a nonprofit organization has been created and funded to make grants to local jurisdictions for specified purposes and establishes \$5 million in dedicated grants as the threshold for the determination.

Existing law requires cities and counties to prepare, adopt, and submit to Cal Recycle a Household Hazardous Waste Element which identifies a program for the collection, recycling, treatment, and disposal of HHW. Each jurisdiction is required to report to Cal Recycle how much HHW is collected annually. There is little

**SUBJECT:** Approve letter of opposition

**DATE:** February 2, 2016

guidance in AB 45 to indicate the types of ordinances that might be developed and, since cities and counties have developed their own local ordinances, it is unclear why model ordinances with unspecified content are necessary.

The bill includes home generated pharmaceutical waste such as prescription and non-prescription drugs which would ban the disposal of these drugs without a comprehensive plan in place to collect this material. County association groups have advocated for a product stewardship model for pharmaceutical waste as this type of waste is not appropriate for curbside programs or collection events. The proposed legislation is vague and lacking in detail or measurable criteria regarding the role of industry or other stakeholder participation.

Cal Recycle currently administers an HHW grant program. The proposed legislation does not indicate why an "appropriate non-profit organization has been created and funded for the purpose of making grants to local governments" and there is no language regarding the criteria, specific qualifications, or operations of such an organization. HHW is costly and there is no indication as to why a \$5 million funding level is deemed sufficient for the determination of whether or not the non-profit organization is appropriate.

The California State Association of Counties has taken a position of oppose unless amended. The Board of Supervisors sent a letter of opposition to AB 45 on April 15, 2015. Although amendments have been made, the above outlined issues remain unresolved.

**FISCAL IMPACT/FINANCING:**

N/A

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The letter of opposition supports Tulare County's Strategic Initiative of promoting the economic well-being of the County by opposing legislation which would be costly and burdensome.

**ADMINISTRATIVE SIGN-OFF:**

---

Debbie Vaughn  
Principal Administrative Analyst

---

Michael C. Spata  
County Administrative Officer

Cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF APPROVE  
LETTER OF OPPOSITION**

)  
) **Resolution No.** \_\_\_\_\_  
) **Agreement No.** \_\_\_\_\_

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

Approved sending a letter of opposition to Assembly Bill 45 (Mullin) which would require new model ordinances related to the collection and diversion of household hazardous waste, expand the definition of household hazardous waste, and determine whether a nonprofit organization has been created and funded.

February 2, 2016

The Honorable Kevin Mullin  
State Capitol Building, Room 3160  
Sacramento, CA 95814

RE: AB 45 (Mullin) – As Amended on January 21, 2016

Dear Assembly Member Mullin:

The Tulare County Board of Supervisors respectfully submits its continued opposition to your AB 45. While we appreciate the removal of the household hazardous waste (HHW) diversion mandate we have remaining concerns with the approach outlined in the legislation.

Tulare County has a Household Hazardous Waste Element which outlines our HHW program. The program specifies how HHW must be collected, treated, and disposed. Within Tulare County, there are permanent HHW collection centers in addition to mobile and special collection events. Jurisdictions across the state have adopted ordinances to meet the needs of their communities and it unclear why model ordinances are necessary given that local ordinances already exist. AB 45 does not include guidance regarding the type of proposed model ordinances intended or explain the manner in which they may vary from current law.

We oppose the inclusion of pharmaceutical waste in the definition of HHW. This type of waste is not appropriate for curbside programs or collection centers and therefore necessitates a specific collection model. Our Board supports the California State Association of Counties' position of a product stewardship model for pharmaceutical waste and agree that the role of manufacturers, distributors, and other stakeholder participation outlined in the bill lacks necessary detail.

Cal Recycle currently administers a HHW grant program yet AB 45 requires the department to determine whether an "appropriate nonprofit organization has been created and funded for the purpose of making grants to local governments" and establishes five million dollars in dedicated grants as the threshold for the determination. The legislation does not include information regarding the qualifications of the nonprofit organization, criteria for its operations, or any other relevant details nor does it specify why this organization will be preferable to the existing grant program. Lastly, the specified funding level of five million dollars appears inadequate for statewide grants.

For the above reasons, the County of Tulare respectfully opposed AB 45 as amended January 21, 2016. If you have any questions, please contact Michael C. Spata at [mspata@co.tulare.ca.us](mailto:mspata@co.tulare.ca.us) or 559-636-5005.

Sincerely,

**Mike Ennis, Chairman**  
Tulare County Board of Supervisors

**Allen Ishida, Vice-Chairman**  
Tulare County Board of Supervisors

**Pete Vander Poel, District Two**  
Tulare County Board of Supervisors

**Phillip A. Cox, District Three**  
Tulare County Board of Supervisors

**J. Steven Worthley, District Four**  
Tulare County Board of Supervisors

cc: Paul Yoder, Shaw/Yoder/Antwih