

ANALYSIS

This ordinance adds Chapter 12.87 to Title 12 – Environmental Protection of the Los Angeles County Code to establish an Extended Producer Responsibility (EPR) program for the safe, convenient, cost effective and efficient collection of Household Hazardous Waste (HHW) not covered by State legislation.

DRAFT

ORDINANCE NO. _____

An ordinance amending Title 12 – Environmental Protection of the Los Angeles County Code, relating to establish an Extended Producer Responsibility (EPR) program for the safe, convenient, cost effective and efficient collection of Household Hazardous Waste (HHW) not covered by State legislation.

The Board of Supervisors of the County of Los Angeles ordains as follows:

Chapter 12.87 Household Hazardous Waste (HHW) Extended Producer Responsibility (EPR) Program.

SECTION 1: TITLE

This Chapter may be cited as the Household Hazardous Waste (HHW) Extended Producer Responsibility (EPR) Ordinance or simply HHW EPR Ordinance.

SECTION 2: FINDINGS

A. The prevalence of HHW pollution in our environment and its lasting negative impacts on our ecosystems and public health is alarming and poses an immediate and ongoing threat to the health, safety, and welfare to the people and ecosystems of Los Angeles County.

B. To achieve waste and pollution reduction control goals, the Los Angeles County Board of Supervisors adopted the Los Angeles County Zero Waste Plan which establishes several strategies to manage HHW and further protect human health and the ecosystems by maximizing diversion and enhancing HHW collection programs.

C. HHW that is improperly placed in curbside collection bins can cause physical harm to those handling the material, including sanitation and recycling workers as well as potentially damaging the ecosystems of Los Angeles County.

D. Disadvantaged and low-income communities are disproportionately impacted by the human health and environmental effects of improperly disposed HHW.

E. The costs of properly managing HHW programs are increasing, and current funding levels are unsustainable to provide long-term collection, recycling, treatment, and safe disposal of HHW.

F. The annual costs of temporary and permanent collection events have continued to increase by 40 percent, reaching \$13,485,397 for fiscal year 2023-2024.

G. In 2024, HHW programs collected 6,801 Tons of HHW materials. It is estimated that less than 25 percent of HHW is collected annually.

H. Los Angeles County residents need convenient, safe, and cost-effective ways to properly dispose of HHW.

I. Extended Producer Responsibility (EPR) is an important policy tool that makes producers or manufacturers of a product responsible for managing the end-of-life for HHW products, including establishing and sustainably funding a convenient end-of-life management and recycling program.

J. EPR additionally encourages voluntary efforts and initiatives for end-of-life management of Covered Products through product design innovations that minimize negative impacts on human health and the environment at every stage of the product's life cycle, while preventing waste from being generated.

SECTION 3: PURPOSE

The purpose of this Chapter is to establish a HHW EPR Program that:

- (1) allows for the safe, convenient, effective and efficient collection, recycling, and safe disposal of HHW;
- (2) provides for a convenient, safe and cost-effective method for residents to properly dispose of HHW products. This may include voluntary participation by retail businesses where appropriate; and
- (3) protects the environment and natural resources. Producers of Covered HHW Products must participate in the HHW-EPR Program described in Section 5 and Section 6. Los Angeles County Public Works will provide oversight of the HHW-EPR Program.

This Chapter is intended to supplement the provisions of federal and state law by prescribing higher standards of sanitation, health, and safety where not preempted by

federal or state law. Whenever any technical words or phrases are not defined herein, but are defined under federal or state law, such definitions are incorporated into this Chapter and shall be deemed to apply as though set forth herein in full.

SECTION 4: DEFINITIONS

For the purposes of this Ordinance, the following terms have the following definitions, unless the context clearly requires otherwise, and apply to this Chapter:

- A. "Collection Event" means a temporary event authorized under a Stewardship Plan for the collection of Covered Products from Consumers.
- B. "Collection Site" means a location authorized under a Stewardship Plan where Consumers may return Covered Products for collection.
- C. "Collector" means a Person authorized to collect Covered Products pursuant to a Stewardship Plan.
- D. "Consumer" means a person who possesses a Covered Product for personal, family, or household use within the Service Area.
- E. "Contact Information" means a mailing address, telephone number, and electronic mail address.
- F. "County" means the County of Los Angeles.
- G. "Covered Product" means a Household Hazardous Waste product designated by the Director pursuant to this Chapter that is sold or distributed within the Service Area and is subject to the requirements of this Chapter.
- H. "Department" means the Los Angeles County Department of Public Works.
- I. "Director" means the Director of the Los Angeles County Department of Public Works or the Director's designee.
- J. "Disadvantaged community" shall have the same meaning as used by the California Environmental Protection Agency or any successor designation adopted by the County.
- K. "Disposal" means the final treatment, destruction, placement, or disposition of Covered Products in accordance with applicable law.

- L. "End-of-Life" means the point at which a Covered Product is discarded, intended to be discarded, or no longer wanted by the Consumer.
- M. "Equitable distribution" means a fair and balanced allocation of collection opportunities and associated operational impacts across communities, considering population, geography, accessibility, environmental justice considerations.
- N. "Extended Producer Responsibility" or "EPR" means a regulatory framework under which Producers are responsible for financing and managing the collection, transportation, recycling, treatment, and disposal of Covered Products at the end of their useful life.
- O. "Hazardous Waste Disposal Facility" means a facility permitted or otherwise authorized under applicable federal, state, or local law to treat, recycle, store, or dispose of hazardous waste.
- P. "Household Hazardous Waste" or "HHW" as defined by California Department of Toxic Substances Control is defined as waste generated by residents during typical home maintenance, cleaning, or car care that is hazardous in nature, exhibiting characteristics like toxicity, ignitability, corrosivity, or reactivity. It includes items discarded from a single or multi-unit residence.
- Q. "Mail-Back Program" means a method of collecting covered products using pre-paid, pre-addressed mailing envelopes, boxes or other means that are reusable, recyclable or compostable.
- R. "Participating City" means an incorporated city within the County that adopts the requirements of this Chapter into its municipal code.
- S. "Participating Retail Business" means a retail establishment located within the Service Area that voluntarily participates in a Stewardship Plan as a Collection Site for Covered Products.
- T. "Producer" means, with respect to a Covered Product sold, offered for sale, or distributed within the Service Area:
1. The manufacturer of the Covered Product sold under the manufacturer's own name or brand;
 2. If no manufacturer is identified, the owner or licensee of the brand or trademark under which the product is sold; or

3. If neither subsection (1) nor (2) applies, the importer or distributor that first sells or distributes the Covered Product within the Service Area.
- U. “Producer Responsibility Organization” or “PRO” means an entity that is exempt from taxation under section 501 c 3 of the Federal Internal Revenue Code of 1986, is formed for the purpose of implementing a plan to meet the requirements of this Chapter and is approved by the Department.
- V. “Recycle,” “Recyclable,” or “Recycling” means the process of collecting, sorting, processing, and converting materials that would otherwise be disposed of as waste into usable raw materials or new products, excluding landfill disposal and energy recovery through combustion.
- W. “Retail Establishment” or “Retailer” means a commercial establishment that sells goods directly to Consumers for personal, family, or household use.
- X. “Secondary Containment” means systems, structures, or materials designed to prevent the release of Covered Products or hazardous constituents during collection, storage, handling, or transportation.
- Y. “Service Area” means the unincorporated areas of the County and all Participating Cities.
- Z. “Stewardship Plan” means a plan submitted by a Producer or PRO and approved by the Director for the collection, transportation, recycling, treatment, and disposal of Covered Products in accordance with this Chapter.
- AA. “Transporter” means a Person authorized under applicable law to transport Covered Products.
- AB. “Treatment” means any method, technique, or process designed to change the physical, chemical, or biological characteristics of a Covered Product or hazardous constituent.
- AC. “Unincorporated Community” means a community located within the unincorporated area of the County as identified by the County’s Chief Executive Officer.

SECTION 5: STEWARDSHIP PLANS - PARTICIPATION

(a) Within three months of the effective date of this Chapter, each Producer must notify the Director in writing of the Producer’s intent to sell Covered Products in the Service

Area. The notification must include an acknowledgment to participate in a Stewardship Plan for the establishment of collection, transportation, and recycling or disposal of the Covered Products, and identify an individual authorized to be the official point of contact for the Stewardship Plan and the individual's Contact Information. Said Contact Information with the authorized individual shall be kept current at all times. Director shall be notified of any change in such Contact Information within ten (10) business days.

(b) Each Producer of Covered Products shall participate in the development of a Stewardship Plan approved by the Director either by:

- (1) operating, individually or
- (2) entering into an agreement with a PRO to operate on the Producer's behalf.

(c) Each Stewardship Plan must be approved by the Director before establishing take back locations and collecting HHW. Proposed changes to an approved Plan shall be subject to the requirements set forth in Section 13.

(d) Each Producer of Covered Products shall fulfill the following obligations individually or through one or more PROs:

(1) Within six months of the effective date of this Chapter notify the Director in writing of the producer's plan to participate in a Stewardship Plan,

(2) Within twelve months of the effective date of this Chapter submit a Stewardship Plan as described in Section 6, to the Director for review.

(3) Within three months of the Director's approval of the Stewardship Plan, the Stewardship Plan shall be implemented in accordance with this Chapter.

(4) At least every three years after the Stewardship Plan commences operation, submit an updated Stewardship Plan to the Director explaining any substantive changes to the Stewardship Plan. The updated Stewardship Plan shall be

accompanied by the plan review fee in accordance with Section 16. The Director shall review updated Stewardship Plans using the process described in Section 12.

(e) A Producer of Covered Products, operating individually, or through a PRO, may enter into agreements with other PROs, service providers, or other Persons as needed to carry out its Stewardship Plan in whole or in part.

(f) Should the Producer of Covered Products undergo any change in ownership or control, it must notify the Director within 30 days of such change, and should ownership or control be transferred to a company not conducting business in the Service Area, the Producer of the Covered Products shall provide the name and Contact Information of the first Person who causes the Covered Products to be brought in or into the Service Area for repackaging, distribution, or sale.

(g) Each PRO shall commence within thirty (30) calendar days good faith negotiations with any other Producer or PROs expressing an interest in creating a Stewardship Plan for Covered Products. For every Producer expressing an interest to participate but not accepted as a participant in a PROs Stewardship Plan, the PRO shall notify the Director in writing within thirty (30) calendar days of the rejection and set forth the reasons for such decision.

(h) After the first full year of implementation of a Stewardship Plan, a Producer or PRO may notify the Director in writing of its intent to submit a new Stewardship Plan. Within three months of such notification, the Producer or PRO shall submit a proposed Stewardship Plan as described under Section 6 to the Director for review. The new Stewardship Plan shall be accompanied by the plan review fee in accordance with Section 16 of this Chapter.

The Director shall review new Stewardship Plans using the process in Section 12.

(i) Should a PRO become aware of any HHW being sold or offered for sale in or into the Service Area whose Producer is neither operating nor participating in a Stewardship Plan, the PRO becoming aware of this shall notify the Director of same and the basis for such belief within thirty (30) calendar days.

(j) The Director may, on a case-by-case basis, approve in writing requests for time extensions related to submission dates and deadlines in this Section 5.

(k) The Director may audit the records of a Producer of Covered Products, group of PROs, or PROs related to a Stewardship Plan or request that the Producer, group of PROs, or PROs arrange for the Director to inspect at reasonable times the facilities, vehicles, and equipment used in carrying out the Stewardship Plan.

SECTION 6: STEWARDSHIP PLANS – COMPONENTS.

Each Stewardship Plan, which must be submitted and reviewed according to Section 13, shall include:

(a) The name of each Producer participating in the Stewardship Plan; the name of each Covered Product; and the name and Contact Information of an individual authorized to be the official point of contact for each Producer and to whom the Director may direct all inquiries regarding the Producer's compliance with the requirements of this Chapter;

(b) A description of the proposed collection method designed to provide safe, convenient, and ongoing collection services for Covered Products from residents within the Service Area in compliance with the requirements set forth in Section 7. The description shall include but not be limited to a list of Participating Retail Businesses and their addresses serving as Collection Sites for various Covered Products in the Stewardship Plan. Collection methods shall be appropriate for the hazard characteristics of the Covered Product,

(c) A description of the proposed handling and disposal system, including the name and Contact Information for each Collector, each Person retained to transport the collected

items, each Hazardous Waste Disposal Facility to be used by the Stewardship Plan in accordance with Section 7 and Section 8, and any other Person retained to implement any portion of the Stewardship Plan;

(d) A description of the policies and procedures to be followed by Persons handling the Covered Products under the Stewardship Plan, including a description of how each Collector, each Person retained to transport the collected items, Hazardous Waste Disposal Facilities, and any other Person retained to implement any portion of the Plan will ensure that the collected items are safely and securely tracked from collection through final disposal, and how the Producers participating in the Stewardship Plan will ensure that all Persons participating in, operating, and otherwise implementing the Stewardship Plan will comply with all applicable federal, state, and local laws and regulations.

(e) A description of the public education and promotion strategy required in Section 18, including but not limited to a copy of instructions, signage, and promotional materials for residents, as well as instructions and signage, as may be needed, for Collectors, Persons retained to transport collected items, Hazardous Waste Disposal Facilities, and all other Persons implementing any portion of the Plan; and

(f) Proposed short-term and long-term plans for frequency of collection from Collection Sites, public education, and promotion of the Plan.

SECTION 7: STEWARDSHIP PLANS – COLLECTION OF COVERED PRODUCTS.

(a) Purpose.

The purpose of this Section is to ensure that all collection facilities, events, and services established pursuant to this Ordinance are distributed in a manner that provides equitable, convenient, and safe access to residents throughout the Service Area, while preventing the disproportionate concentration of facilities and associated operational impacts within disadvantaged communities. Collection methods shall be appropriate for the hazard characteristics of the Covered Product.

(b) Equitable Geographic Distribution Requirement.

Each PRO or producer operating an approved Stewardship Plan shall establish and maintain a system of permanent collection sites, mobile collection services, mail-back programs, and/or collection events that are reasonably and equitably distributed throughout the service Area

The distribution of collection opportunities shall ensure that residents across all geographic, socioeconomic, and demographic communities in the Service Area have substantially equivalent and convenient access to collection services.

(c) Environmental Justice and Anti-Concentration Requirement.

No PRO or producer shall site, operate, or disproportionately concentrate collection facilities, transfer activities, storage operations, or other associated handling infrastructure in disadvantaged communities in a manner that results in an inequitable share of environmental burdens, public nuisance impacts, traffic impacts, noise, emissions, safety risks, or land use incompatibilities.

In evaluating compliance with this subsection, the Department may consider:

1. existing concentrations of waste-related or industrial facilities;
2. proximity to sensitive receptors, including residences, schools, parks, and healthcare facilities;
3. traffic and transportation impacts;
4. socioeconomic and demographic indicators; and
5. environmental justice screening methodologies, including but not limited to CalEnviroScreen or successor tools.

(d) Access Equity Standards.

The Stewardship Plan shall provide collection access that:

1. reasonably serves urban, suburban, and rural communities;
2. minimizes travel burdens for residents;
3. includes consideration of transit accessibility and mobility limitations; and

4. does not create material disparities in service availability between higher-income and lower-income communities.

(e) Siting Plan.

Each Stewardship Plan submitted for approval shall include a Siting Plan demonstrating compliance with this Section. The Siting Plan shall include:

1. maps identifying all proposed and existing collection sites and service areas;
2. demographic and environmental justice analyses of proposed locations;
3. justification for site selection decisions;
4. analysis demonstrating equitable geographic distribution;
5. measures to avoid disproportionate impacts on disadvantaged communities; and
6. community outreach conducted with affected jurisdictions and residents.

(f) Department Review Authority.

The Department shall consider operational feasibility, population density, existing infrastructure, and cost effectiveness in evaluating compliance with this Section, and may reject, condition, or require modifications to any proposed stewardship plan, collection site, or collection network that it determines does not provide equitable geographic access, may create disproportionate adverse impacts on disadvantaged communities, or is inconsistent with the environmental justice and equity objectives of this Ordinance.

(g) Periodic Review and Corrective Action.

The Department may periodically review the distribution and impacts of collection facilities and may require corrective action, relocation, additional facilities, or operational modifications as necessary to maintain equitable access and prevent disproportionate burdens on disadvantaged communities.

SECTION 8: STEWARDSHIP PLANS – DISPOSAL OF COVERED PRODUCTS.

(a) The Stewardship Plan must identify how each Covered Product collected will be recycled or disposed of at a permitted Hazardous Waste Disposal Facility.

(b) Covered Products collected under a Stewardship Plan must be disposed of at a permitted Hazardous Waste Disposal Facility.

(c) A Stewardship Plan may petition the Director for approval to use advanced disposal technologies in compliance with Department of Toxic Substance Control requirements that provide superior environmental and human health protection than provided by the disposal technologies in subsections (a) through (b), or equivalent protection at lesser cost. The proposed technology must provide equivalent or superior protection in each of the following areas: (1) monitoring of any emissions or waste; (2) worker health and safety; (3) reduction or elimination of air, water or land emissions contributing to persistent toxic pollution; and (4) overall impact on the environment and human health.

(d) A Stewardship Plan shall also describe voluntary efforts and initiatives for end-of-life management of Covered Products through product design innovations. This may include, but is not limited to, the use of safer chemical alternatives, reduction or elimination of hazardous constituents, and design modifications that facilitate reuse, recycling, or safer disposal. The Plan shall describe how such improvements will be encouraged among participating Producers and evaluated over time.

SECTION 9: STEWARDSHIP PLANS – ADMINISTRATIVE AND OPERATIONAL COSTS.

(a) Each Producer, group of Producers, or PRO participating in a Stewardship Plan shall prepare and implement its Stewardship Plan as required by this ordinance at its own cost and expense. This includes all administrative and operational costs associated with establishing and implementing the Stewardship Plan, such as:

- 1) Program Management: Expenses related to day-to-day operations of the PRO, including hiring staff, maintaining an office, and managing contracts with recyclers and transporters

- 2) Reporting: Costs for generating and submitting required reports to the Department, including data on collection rates, recycling volumes, and financial performance.
- 3) Compliance: Expenses for ensuring the program meets all regulatory requirements and addressing any compliance issues that may arise.
- (4) Reimbursement of County HHW Program Costs: Producers of Covered Products, individually or through a PRO, shall be financially responsible for reimbursing the Department for the actual and reasonable costs incurred by the Department in operating HHW programs to the extent such programs collect Covered Products. These costs shall be provided annually through a report by a Department accountant, and the PROs, at its own cost, may independently audit the report. Reimbursable costs shall be limited to costs directly attributable to Covered Products managed under this Chapter.

Reimbursable costs may include, but are not limited to, costs associated with temporary and permanent HHW collection events, including event operations, staffing, contractor services, transportation, treatment, recycling, disposal, public outreach, and program administration, as determined by the Director. PROs may submit a phased reimbursement schedule based on standard accounting methodology to transition to a full reimbursement to the Director for review and approval.

(b) No Producer, group of Producers, PRO, or any other Person may charge a point-of-sale fee to consumers to recoup the costs of any Stewardship Plan, nor may they charge a specific point-of-sale collection fee at the time that Covered Products are collected.

(c) Producers are not required to pay for costs of staff time at Collection Sites provided by Collectors volunteering to participate in a Stewardship Plan.

(d) Producers are responsible for the costs of collecting, transporting, and safely managing the recycling or safe disposal of Covered Products, which include:

- 1) Collection: Expenses for establishing and operating a convenient and accessible collection network. This may include collection events, permanent drop-off sites, or mail-back programs.
- 2) Transportation: Costs for moving collected materials from Collection Sites to processing facilities, including fuel, labor, and vehicle maintenance.
- 3) Safe Management and Recycling in accordance with Section 7 and Section 8. All costs associated with final processing of materials, including dismantling, sorting, and proper recycling or safe disposal of hazardous components.

(e) Producers, through the PRO, shall reimburse the Department for its role in overseeing and regulating the EPR program. Covered costs include:

- 1) Monitoring: The Department's expenses for verifying that the PRO meets its collection and recycling targets.
- 2) Enforcement: Costs associated with enforcement action on Producers or PROs for persistent non-compliance with the ordinance.
- 3) Review and Audit: Expenses incurred by the Department in reviewing and auditing the program's records and performance.

SECTION 10 STEWARDSHIP PLANS – REPORTING REQUIREMENTS.

(a) Within three months after the end of the first 12-month period of operation, and annually thereafter, each Producer, group of Producers, and PRO shall submit a report to the Director on behalf of participating Producer describing their collection activities during the previous reporting period. The report must include:

- (1) A list of Producers participating in the Stewardship Plan;
- (2) The amount, by weight, of Covered Products collected;
- (3) A list of Collection Sites;
- (4) The dates and locations of collection events held;
- (5) The transporters used and the disposal facility or facilities used for all Covered Products;
- (6) Whether any safety or security problems occurred during collection, transportation or disposal of Covered Products during the reporting period and, if

so, what changes have or will be made to policies, procedures or tracking mechanisms to alleviate the problem and to improve safety and security in the future;

(7) A description of the public education, outreach and evaluation activities implemented during the reporting period;

(8) A description of how Secondary Containment for HHW was cleaned, reused, disposed, and/or recycled to the extent feasible, including the recycling facility or facilities used, and documentation sufficient to demonstrate that Secondary Containment for HHW was managed in a manner that minimizes environmental impacts and maximizes reuse and recycling to the extent feasible.

(9) A summary of the Stewardship Plan's goals, the degree of success in meeting those goals in the past year, and, if any goals have not been met, what effort will be made to achieve the goals in the next year.

(10) The total expenditure of the Stewardship Plan during the reporting period.

(11) Specific, quantifiable targets for collection and recycling rates, and an evaluation of progress toward meeting those targets. Targets shall be based on measurable increases in the amount of HHW collected and properly managed over time, considering product use patterns, the proportion of products that are fully consumed and therefore not returnable, and other factors that influence return rates. Targets shall reflect continuous improvement in the collection system performance rather than a fixed minimum recycling percentage.

(12) Executive Summary.

(b) Each Producer, group of Producers, and PRO shall provide on a quarterly basis, a list of Producers participating in the Stewardship Plan. Any change in the official point of contact for the Plan must be provided to the Department within 30 days of the change.

(c) All records and reports shall be maintained in a format mutually agreed upon by the Department and the PRO. The PRO shall establish a robust record-keeping system to monitor the program's success and compliance with all applicable laws. Records shall include, but not be limited to, the quantity of material collected,

recycled, and properly disposed of, participation rates, and financial data. The PRO shall submit periodic quarterly reports to the Department, with the frequency to be specified in the Plan.

(d) The PRO shall reimburse the Department for all costs associated with the Department's review and audit of the program's records and performance in accordance with Section 16.

(e) The Director shall make reports submitted under this Chapter available to the public.

(f) Each Producer subject to this Chapter shall maintain records, in either written or electronic form, evidencing compliance with this Chapter, for a period of three (3) years, and shall make them available for inspection at the request of the Director of Public Works.

(g) For the purposes of this Section 10, "reporting period" means the period from January 1 through December 31 of the same calendar year, unless otherwise specified by the Producer, group of Producers, and PRO to the Director.

SECTION 11: STEWARDSHIP PLANS – IDENTIFICATION OF PRODUCERS OF COVERED PRODUCTS.

Any Person receiving a letter of inquiry from the Director regarding whether or not it is a Producer under this Chapter must respond in writing within 60 days. If such Person does not believe it is a Producer under this Chapter, it must state the basis for such belief. It must also provide a list of all Covered Products it repackages, distributes, sells, or offers for sale within the Service Area, if any, and identify the name and Contact Information of the Person(s) from whom it acquired said Covered Products.

SECTION 12: STEWARDSHIP PLANS – REVIEW OF PROPOSED PLANS.

(a) By six months after the effective date of this Chapter, each Producer, group of Producers, or PRO shall submit its proposed Stewardship Plan to the Director for review, accompanied by the plan review fee in accordance with Section 16 of this Chapter. The Director may upon request provide information, suggestions, and technical assistance about the requirements of this Chapter to assist with the development of a proposed Stewardship Plan.

(b) The Director shall review the proposed Stewardship Plan and determine whether it meets the requirements of this Chapter.

(c) After the review under subsection (b) and within 90 days after receipt of the proposed Stewardship Plan, the Director shall either approve or reject the proposed Stewardship Plan in writing and, if rejected, provide reasons for the rejection.

(d) If the Director rejects a proposed Stewardship Plan, a Producer, group of Producers, or PRO must submit a revised Stewardship Plan to the Director within 60 days after receiving written notice of the rejection. The Director shall review and approve or reject a revised Stewardship Plan as provided under subsections (b) and (c).

(e) If the Director rejects a revised Stewardship Plan, or any subsequently revised plan, the Director may deem the Producer, group of Producers, or PRO out of compliance with this Chapter and subject to the enforcement provisions in this Chapter.

(f) The Department, at the sole discretion of the Director, may establish a technical advisory committee to assist the Department in reviewing Stewardship Plans or otherwise assisting in the implementation of this ordinance.

(g) The Director shall reserve the right to make all or a portion of the proposed and/or approved Stewardship Plans, excluding confidential business information and trade

secrets protected by law submitted under this Chapter available to the public for review and comment.

SECTION 13: STEWARDSHIP PLANS – PRIOR APPROVAL FOR CHANGE

a) Proposed changes to an approved Stewardship Plan that substantively alter plan operations, including, but not limited to, changes to participating Producers, Collectors, Collection Sites, collection methods, introduction of new products to the Covered Products List, Hazardous Waste Disposal Facilities, policies and procedures for handling Covered Products, or education and promotion methods, must be approved in writing by the Director before the changes are implemented.

(b) A Producer, group of Producers, or PRO shall submit to the Director any proposed change to a Stewardship Plan in writing at least 30 days before the change is scheduled to take effect. Any such submittal shall be accompanied by the review fee in accordance with Section 16 of this Chapter.

(c) A Producer, group of Producers, or PRO shall notify the Director at least 15 days before implementing any changes to Collection Site locations, methods for scheduling and locating periodic collection events, or methods for distributing Mailers, that do not substantively alter achievement of the service convenience goal under Section 7 of this Chapter, or other changes that do not substantively alter plan operations under subsection (a).

(d) A Producer, group of Producers, or PRO may request an advance determination from the Director whether a proposed change would be deemed to substantively alter plan operations.

SECTION 14: STEWARDSHIP PLANS – ENFORCEMENT AND PENALTIES.

(a) The Director shall administer the penalty provisions of this Chapter.

(b) If the Director determines that any Person has violated any provision of this Chapter or a regulation adopted pursuant to this Chapter, the Director shall send a written warning, as well as a copy of this Chapter and any regulations adopted pursuant to this Chapter, to the Person or Persons who violated it. The Person or Persons shall have 45 days after the date of mailing of the warning to come into compliance and correct all violations.

(c) If the Person or Persons fail to come into compliance or correct all violations, the Director may impose administrative fines for violations of this Chapter or of any regulation adopted pursuant to this Chapter, Los Angeles County Code, Title 1, Chapter 1.25, as amended, is hereby incorporated in its entirety and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Chapter or any rule or regulation adopted pursuant to this Chapter. Each day shall constitute a separate violation for these purposes.

(d) County Counsel and the District Attorney may bring a civil action to enjoin violations of or compel compliance with any requirement of this Chapter or any rule or regulation adopted pursuant to this Chapter, as well as for payment of civil penalties and any other appropriate remedy. The County shall seek to recover all reasonable attorney's fees and costs to County Counsel, the District Attorney, and any applicable City Attorney.

(f) Any Person in violation of this Chapter or any rule or regulation adopted pursuant to this Chapter shall be liable to the County for a civil penalty in an amount not to exceed one thousand dollars (\$1,000) per day per violation. Each day in which the violation continues shall constitute a separate violation. Civil penalties shall not be assessed pursuant to this subsection (f) for the same violations for which the Director assessed an administrative penalty pursuant to subsection (c).

(g) In determining the appropriate penalties, the court or the Director shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.

SECTION 15: STEWARDSHIP PLANS – REGULATIONS, GUIDELINES, AND REPORTS.

(a) The Director may adopt regulations and guidelines necessary to implement, administer, and enforce this Chapter.

(b) The Director may work with each Producer, group of Producers, and PRO as needed, but no less than annually, to define goals and performance, including but not limited to collection amounts, education, and promotion for a Stewardship Plan. Trade secrets and proprietary information shall be protected consistent with applicable law.

(c) The Director shall report every two years to the Board of Supervisors concerning the status of all Stewardship Plans and recommendations for changes to this Chapter. The biennial report may also include a summary of available data on indicators and trends of HHW collection. The first report shall be due two years from the effective date of this Chapter.

(d) Each Producer or PRO shall establish a clear process for scheduling regular coordination meetings with County staff, local municipalities, and other key stakeholders. These meetings are intended to facilitate communication, address operational challenges, and ensure the seamless integration of cost effective and efficient collection program with existing waste management infrastructure.

(e) The Director of Public Works may:

- 1) maintain and update Covered Products categories.
- 2) issue rules and guidelines that set forth the requirements for when Covered Products are considered HHW or E-Waste, consistent with the definitions of those terms in this ordinance; and
- 3) identify specific products and categories of products that are, and are not, considered HHW or E-Waste.
- 4) remove a product or product category from the list of Covered Products when:

- a. The California Department of Toxic Substances Control determines that the product is no longer considered hazardous or toxic for purposes of household hazardous waste management; or
- b. The product becomes subject to a separate federal, state, or local Extended Producer Responsibility program or other legally mandated product stewardship program that substantially governs the collection, recycling, or end-of-life management of that product.

SECTION 16: PLAN REVIEW AND ANNUAL OPERATION FEES.

(a) Each Producer, group of Producers, and PRO participating in a Stewardship Plan shall pay to the Director “plan review” fees to be established under subsection (d) for the performance of certain functions as applicable, including but not limited to:

- (1) Review of a proposed Stewardship Plan;
- (2) Review of a revised, proposed Stewardship Plan;
- (3) Review of changes to an approved Stewardship Plan;
- (4) Review of an updated Stewardship Plan at least every three years as required under Section 5 of this Chapter;
- (5) Review of any petition for approval to use alternative final disposal technologies under Section 8 of this Chapter;

(b) In addition to plan review fees, each Producer, group of Producers, and PRO shall pay the Director annual operating fees to be established under subsection (d) of this Section 16.

(c) A PRO may remit the plan review fee on behalf of its participating Producers.

(d) As soon as practicable, the Director shall propose to the Board of Supervisors a schedule of fees charged to each Producer, group of Producers, and PRO to cover costs of administering and enforcing this Chapter. The Director shall set the fees to recover but not exceed actual and reasonable costs to the County. The Board of Supervisors must approve the schedule of fees after a public hearing for it to become effective. The Auditor-Controller shall confirm that the fees set by the Director do not exceed the actual and reasonable costs to the County.

SECTION 17: INFORMATION REQUIRED AT POINT OF SALE.

(a) Any Person selling or offering for sale Covered Products to the public shall post display materials approved by the Director explaining how and where members of the public may safely and lawfully dispose of Covered Products at no cost to the consumer. The materials shall be in English, Spanish, and other languages as determined by the Department and shall be legible and easily understandable by the average person. The materials shall be posted on the premises of the Person's place of business in a location visible to the public, if applicable, and near service registers.

(b) The Director may, at his or her discretion, authorize a business to use alternate means to comply with the requirements of this subsection.

(c) No Person may sell or offer for sale Covered Product to the public using any alternate means of compliance with this Chapter unless specifically authorized to do so in advance, in writing, by the Director.

SECTION 18: STEWARDSHIP PLANS – PROMOTION, OUTREACH AND EDUCATION.

(a) Each Producer, group of Producers, or PRO shall develop a system of promotion, outreach, and public education to be included in the Stewardship Plan. This system shall include:

(1) Promoting the collection options offered under its Stewardship Plan to residents. Promotion shall include outreach and educational materials that do the following:

- A. Promote safe storage of Covered Products at home;
- B. Describe where and how to return Covered Products under the Stewardship Plan;
- C. Expressly discourage stockpiling of Covered Products; and
- D. Expressly discourage disposal of said items in the trash or through a plumbing or septic system.

- (2) Use Plain language and explanatory images so as to be readily understandable by all residents, including individuals with limited English proficiency;
- (3) Work with Collectors participating in Stewardship Plans to develop clear, standardized instructions, signage and promotional materials for residents on the use of collection receptacles and a readily recognizable, consistent design of collection receptacles;
- (4) Establish a 24-hour, toll-free phone number and single website where information can be obtained regarding collection options and current locations of Collection Sites;
- (5) Within six months of the effective date of this Chapter, and biennially thereafter, conduct a survey of residents and retailers voluntarily participating as Collection Sites. Survey questions shall include, but not be limited to, questions designed to assess:
 - (A) awareness of the County's HHW EPR Program, the Stewardship Plans in operation, and the location of all available Collection Sites;
 - (B) the extent Collection Sites and other collection methods are safe, convenient, easy to use, and utilized by residents. Collection methods should be appropriate for the hazard characteristics of the Covered Product; and
 - (C) knowledge and attitudes about risks of Covered Products purchased, used, and stored.
- (6) Draft survey questions shall be submitted to the Director for review and comment at least 30 days prior to initiation of the survey. Results of the survey shall be reported to the Director and made available to the public on the website required in this Section 18 within 90 days following the end of the survey period. Each Producer, group of Producers, and PRO shall ensure the privacy of all survey respondents.
- (7) The Stewardship Plan shall include a proposed timeline and phased rollout strategy for the HHW EPR program, including a clear communication strategy for informing consumers about how to participate. The Plan shall also include a schedule for engaging with all relevant stakeholders, including but not limited to

the public, retailers voluntarily participating in the program, and local recycling and waste management facilities.

(b) All surveys, outreach, education, promotion, websites, and toll-free phone numbers required by this Section 18 shall be in English, Spanish, and other languages as determined by the Department.

(c) If more than one Stewardship Plan is approved, then to the extent feasible, all Stewardship Plans shall coordinate with each other and develop a single system of promotion and education, with a single toll-free hotline and website and consistent signage and materials across the Service Area.

SECTION 19: UNDERTAKING FOR THE GENERAL WELFARE.

In adopting and implementing this Chapter, the County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any Person who claims that such breach proximately caused injury.

SECTION 20: COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS.

(a) Each Producer, group of Producers, and PRO operating under this Chapter must:

- (1) comply with all applicable federal, state, and local laws and regulations.
- (2) ensure that each Collector, each Person retained to transport the collected items, and any other Person implementing any portion of the Stewardship Plan complies with all applicable federal, state and local laws and regulations.

(b) This Chapter shall be construed so as not to conflict with applicable federal or State laws, rules or regulations. Nothing in this Chapter shall authorize any agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by State or federal law at the time such agency or department action is taken. The County shall suspend enforcement of this Chapter to the extent that said enforcement would conflict with any preemptive State or federal legislation subsequently

adopted. Nothing in this Chapter is intended or shall be construed to protect anti-competitive or collusive conduct, or to modify, impair, or supersede the operation of any of the antitrust or unfair competition laws of the State of California or the United States.

(c) Federal and State-Regulated Hazardous Waste: This ordinance would not apply to hazardous waste from businesses or industries already subject to federal or state regulations, such as those under the Resource Conservation and Recovery Act (RCRA) and the California Department of Toxic Substances Control (DTSC).

SECTION 21: SEVERABILITY

If any of the provisions of this Chapter or the application thereof to any Person or circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

SECTION 22: EFFECTIVE DATE

Except as otherwise expressly provided, this ordinance shall be effective thirty (30) days after adoption by the Los Angeles County Board of Supervisors.