July 16, 2026

**Los Angeles County Public Works**
**Environmental Programs Division**
**Attn: Christopher Sheppard, P.E.**
900 South Fremont Avenue
Annex Building, 3rd Floor
Alhambra, CA 91803

*Submitted via CleanLA Portal*

**Re:** Comments on Proposed Household Hazardous Waste EPR Ordinance and Proposed Covered Product Scope

Dear Mr. Sheppard:

The undersigned organizations appreciate the opportunity to provide comments on Los Angeles County's proposed Household Hazardous Waste (HHW) Extended Producer Responsibility (EPR) ordinance and associated proposed covered product scope. Together, we represent a cross-section of manufacturers, retailers, distributors, formulators, and other stakeholders that would be directly affected by the proposed ordinance and that have practical experience with product stewardship and waste management programs.

We support thoughtful efforts to improve the collection and management of household hazardous waste and recognize the challenges local governments face in funding and operating HHW programs. We also recognize that EPR can be an effective policy tool in appropriate circumstances. Many of our organizations have participated in the development and implementation of EPR programs across the country, including programs for packaging and other product categories.

However, EPR is not universally applicable to every waste stream or policy challenge. Its success depends heavily on program design, scope, producer participation, data quality, and the ability of producers to meaningfully influence end-of-life outcomes. For that reason, the threshold question should not be how Los Angeles County implements an HHW EPR program. The threshold question should be whether a countywide HHW EPR program is the appropriate policy response to the specific challenges the County seeks to address.

At this stage, we do not believe the County has established the factual, operational, or policy basis necessary to answer that threshold question or to justify advancing an ordinance of this scale.

The County's Public Works Report identifies broad concerns regarding collection rates, disposal practices, program costs, and access to collection opportunities. Those concerns warrant attention. However, the County has not yet completed the type of comprehensive needs assessment necessary to determine whether EPR is the appropriate solution, how such a program should be structured, or which products should be included. Indeed, the Public Works Report itself highlights significant information gaps regarding the composition of the HHW stream, the products driving system costs, the prevalence of legacy products, and the factors contributing to the challenges the County seeks to address.

As a result, <u>the County appears to be designing a regulatory framework before fully defining the problem it seeks to solve.</u> For the reasons discussed below, we urge the County to continue the deliberative stakeholder process it has committed to, conduct additional analysis, and allow that work to inform whether EPR is the appropriate policy approach.

**Requested Action**
For clarity, we respectfully request that the County: 1) defer further consideration of the proposed ordinance until a comprehensive needs assessment is complete; 2) publish product-specific data on HHW volumes, costs, risks, collection channels, and improper disposal; 3) evaluate targeted alternatives to EPR; 4) continue the technical stakeholder process it has committed to, including focused discussions on product scope, governance, funding, implementation, and alternatives informed by the additional analysis; and 5) if the County later elects to proceed, substantially narrow and clarify the ordinance before adoption.

**A Comprehensive Needs Assessment Should Precede Any Decision to Pursue HHW EPR**
The County's proposal would establish an entirely new regulatory framework affecting manufacturers, retailers, local governments, stewardship organizations, consumers, service providers, and waste management infrastructure. Before advancing a program of this scale, the County should first develop a detailed understanding of the HHW system it seeks to reform, including baseline data, a clear problem statement, and measurable objectives.

The materials released to date identify several challenges facing the County's HHW system, but they leave critical questions unanswered. For example:

- Which products are actually driving HHW program costs, and in what relative amounts?
- Which products are most commonly collected through existing HHW infrastructure and through which collection channels?
- Which products are most frequently improperly disposed?
- What percentage of current HHW management costs are attributable to specific product categories?
- Where are the most significant collection access gaps, including gaps by geography, operating hours, and product type?
- What infrastructure limitations currently exist within the County, and what investments would address those limitations?
- What service providers currently have the capacity, permits, and operational ability to collect, transport, process, recycle, or otherwise manage the materials contemplated by the proposal?
- What portion of the HHW stream consists of legacy, orphan, or unlabeled products that cannot reasonably be attributed to current producers?
- Which products are already subject to state, federal, or other stewardship, take-back, or hazardous waste requirements?

These questions are not academic; they are foundational.

The products entering HHW collection systems are not necessarily the same products entering the marketplace today. Household hazardous waste is shaped by consumer use patterns, storage practices, product longevity, labeling, and legacy accumulation and disposal decisions that may occur years after purchase.

A consumer may purchase a garden care product and use it up within weeks. Another consumer may store a partially used product in a garage for a decade before eventually bringing it to a collection event. A family cleaning out an estate may generate volumes of legacy products that have been sitting unused for years, including products whose current producer is unknown or no longer exists. These scenarios create very different outcomes within the HHW system, yet none are necessarily driven by product design.

This distinction is important because EPR programs are generally intended to create incentives that influence product and packaging design, material choices, and end-of-life management. EPR is most effective when producers can meaningfully affect environmental outcomes through decisions made during product development and manufacturing. In the HHW context, however, many of the challenges the County seeks to address are influenced less by product design than by consumer use patterns, storage practices, accumulation over time, legacy products, and disposal behavior.

A needs assessment should also evaluate alternatives. Its purpose should not be limited to determining how an HHW EPR program would operate. Rather, it should help determine whether EPR is the most appropriate policy intervention at all, and if so, which products and under what conditions. Some challenges may warrant targeted collection investments, public education initiatives, infrastructure improvements, expanded collection, enforcement against improper disposal, or narrowly tailored stewardship programs. Other challenges may support an EPR approach. The County cannot make those determinations without a more complete understanding of the underlying issues and available policy options.

Before determining whether EPR is the appropriate policy response, the County should first determine which products are contributing to the problems it seeks to solve, the magnitude of those impacts, the extent to which current producers can affect those impacts, and whether those impacts can be addressed through less complex and more targeted interventions.

**Household Hazardous Waste Is Not a Single Product Category**

One of the central challenges facing the proposal is that HHW is not a discrete product category. It is a waste management designation applied to a diverse collection of products after consumer use. The proposed covered product list illustrates this challenge.

The scope contemplates products as varied as pesticides, household cleaners, aerosol products, adhesives, propane cylinders, vaping devices, medical devices, lighting products, CPAP machines, automotive products, and numerous other categories. These products do not share a common producer base, risk profile, collection pathway, or end-of-life management system.

These products differ substantially with respect to:

- Chemical composition;
- Hazard characteristics;
- Transportation and storage requirements;
- Collection pathways and consumer access points;
- Recycling, reuse, treatment and disposal opportunities;
- Existing regulatory requirements;
- Producer structures, supply chains, and ability to identify obligated parties; and
- Consumer use, storage, and disposal patterns.

Treating these disparate products as a single category risks creating a regulatory framework that is overly broad, difficult to administer, costly to implement, and poorly aligned with the realities of individual product sectors.

The County's proposed scope appears to assume that products entering the same HHW collection system should be managed through the same EPR framework. That assumption requires substantially more analysis than has been provided to date. A common collection destination does not mean that a common producer responsibility framework is appropriate.

While the ordinance contemplates multiple stewardship organizations, that flexibility does not resolve the underlying question of whether the broad range of proposed covered products should be included within a single HHW EPR framework in the first place. It also does not resolve how costs would be allocated among unrelated products categories, how shared collection infrastructure would be funded, or how products with no clear producer community would be addressed. Before establishing producer responsibility obligations across hundreds of unrelated product categories, the County should first determine which products are contributing to the challenges it seeks to address and whether those products share sufficient characteristics to justify inclusion in a common program.

Experience from other jurisdictions demonstrates the importance of carefully defining scope and understanding the characteristics of individual product categories before assigning producer responsibility obligations. Programs that have achieved long-term stability, such as paint stewardship programs, are built around clearly defined products, identifiable producers, established funding mechanisms, and well-understood management pathways. Broad HHW frameworks present a fundamentally different challenge.

The County should not assume that the success of narrowly tailored stewardship programs can be readily translated to a broad HHW EPR system encompassing dozens of unrelated product categories.

**Experience from Vermont Demonstrates the Challenges of Broad HHW EPR Frameworks**
As the County evaluates potential policy approaches, it should carefully examine the experience of other jurisdictions that have attempted to implement broad HHW stewardship programs and should identify lessons learned before advancing a similar framework.

The state of Vermont is the only example of an effort to address HHW through an EPR framework encompassing multiple product categories. Their experience offers important lessons regarding scope, administration, producer participation, and implementation complexity.

Vermont provides a useful case study in the practical challenges associated with implementing a broad HHW EPR framework. As implementation proceeded, questions emerged regarding producer identification, responsibility assignment, funding mechanisms, cost allocation, and management of products that lacked a clear producer community. Some product sectors were well organized and actively engaged in program development, while others were not. Certain products entering the HHW system did not have a readily identifiable producer base or an established stewardship infrastructure.

The result was a program that proved substantially more complicated to implement than initially anticipated. Ultimately, no qualified stewardship organization registered to operate the program, and Vermont's Agency of Natural Resources ultimately determined it would implement and administer an agency-led program itself, raising significant questions that a producer-led stewardship may not materialize evenly across a broad and disparate set of covered products.

The lesson is not that stewardship programs cannot play a role in HHW management. Rather, it is that broad HHW frameworks are considerably more complex than traditional product stewardship programs focused on a single, clearly defined product category. The County should carefully evaluate these experiences, including any statutory revisions, implementation delays, administrative burdens, and changes in state responsibility, before proceeding with a program of similar breadth.

**County-Level EPR Creates Significant Jurisdictional and Administrative Challenges**
The proposal raises several unique implementation questions that stem from its county-level structure. Most EPR programs are implemented at the state level. This reflects the reality that products move freely across municipal boundaries and are distributed through regional, statewide, national, and international supply chains.

The proposed ordinance would establish a county-level system for products sold through distribution networks that extend far beyond Los Angeles County, including products sold online and through national retailers. This raises practical questions regarding reporting, cost allocation, consumer access, data availability, and program administration.

The proposal also contemplates participation by incorporated cities that choose to adopt the ordinance. While the ordinance establishes the concept of participating cities, it provides little clarity regarding how and when cities would join the program and how participation would affect producer obligations. As currently drafted, the proposal creates the possibility of a continually changing service area. Producers and stewardship organizations could be required to develop collection systems, budgets, outreach plans, and compliance strategies without knowing the ultimate geographic scope of the program.

The ordinance also does not establish clear parameters regarding when cities may join the program, whether participation occurs on a fixed schedule, how plan amendments would be handled, how budgets would be adjusted, or how stewardship plans would be adjusted when the service area changes. Absent clear rules, producers could be required to repeatedly modify plans, budgets, collection networks, contracts, and performance assumptions as additional jurisdictions enter the program.

The difference between serving unincorporated Los Angeles County and serving all incorporated cities within the County is substantial. The ordinance should not assume that such changes can be accommodated without significant impacts on program design, infrastructure needs, collection access, program costs, and implementation timelines.

**Interaction with Existing California EPR Programs Remains Unresolved**
The proposal also raises important questions regarding interaction with existing California EPR programs. California is currently implementing SB 54, the most significant packaging EPR program in the nation. Producers are investing substantial resources in compliance, reporting, packaging redesign, recycled-content requirements, and stewardship obligations associated with the program.

The County's proposal does not adequately address how HHW EPR requirements would interact with existing state obligations. For example, many products that may be covered by the HHW proposal are sold in packaging already subject to SB 54. In such cases, questions arise regarding responsibility, cost allocation, consumer communications, and stewardship obligations.

For some products, the packaging may be managed through California's packaging EPR system, while the product contents could be subject to a separate HHW stewardship program. The proposal does not contemplate how those systems would interact in practice, how stewardship responsibilities would be divided, how consumers would receive clear instructions, or how duplicative fees and administrative requirements would be avoided.

These questions become even more complicated if additional state-level stewardship programs are adopted in the future. Before moving forward, the County should conduct a comprehensive analysis of how the proposed HHW program would interact with California's existing and emerging EPR framework and should build clear statutory protections against duplicative, conflicting, or inconsistent obligations.

**The Proposed Scope Needs Greater Precision**
The proposed covered product scope is extraordinarily broad and encompasses numerous product categories with distinct regulatory, operational, and end-of-life management considerations. The pesticide category provides one example. As currently proposed, the scope appears to treat pesticides as a single product category. In reality, pesticides encompass an extremely diverse range

of products, including low-risk and minimum-risk products, consumer insect-control products, rodenticides, herbicides, fungicides, pool and spa products, and professional-use formulations. A pesticidal product can be anything from garlic oil to complex formulated products.

The challenges associated with broad pesticide categorization are not unique to Los Angeles County. Vermont ultimately excluded pesticides from its HHW stewardship framework, underscoring the need for careful product-specific analysis before assigning responsibility.

The products in the proposed scope differ significantly with respect to their risk profiles, packaging characteristics, collection needs, existing regulatory status, and disposal pathways. Some products may be safely managed through existing systems when emptied and properly rinsed. Others may require entirely different management approaches.

Similar distinctions exist across many of the categories included in the proposal. A successful stewardship framework requires clear, predictable, and carefully defined product scope. Regulated entities must be able to determine whether products are covered and understand the obligations associated with those products. Ambiguous scope will increase compliance disputes, free-rider concerns, and administrative burden.

Importantly, the ordinance currently provides broad authority for future administrative modification of covered product categories (e.g., Section 15(e), authorizing the Director to maintain, update, and define Covered Product categories by rule). While flexibility may appear beneficial, it creates significant uncertainty regarding future compliance obligations and program costs. If the County elects to continue pursuing this proposal, covered products should be clearly defined and established through a transparent public process, with notice, data support, stakeholder input, and an opportunity for public comment rather than through open-ended administrative discretion.

**Significant Governance and Implementation Questions Remain Unresolved**
While we strongly urge the County to conduct additional analysis before advancing the proposal, the current draft ordinance also raises significant implementation concerns that warrant attention. The proposal establishes broad producer reimbursement obligations without clearly defining how costs will be allocated among participating producers and product categories, which governmental expenses are reimbursable, how costs will be audited, how disputes would be resolved, what cost controls would apply, or how confidential business information would be protected. In particular, Section 9(a)(4) would require producers to reimburse the Department for the "actual and reasonable" costs of operating County HHW programs "to the extent such programs collect Covered Products," yet attributing shared program costs to specific Covered Products presupposes precisely the product-level cost characterization the County has not yet performed.

The proposal establishes aggressive implementation timelines requiring producer participation notices, stewardship plan development, plan approval, and program implementation within relatively compressed timeframes. Successful stewardship programs require significant planning and coordination, including producer identification, stewardship organization formation, governance development, contracting, collection network development, transportation arrangements, outreach planning, reporting systems, financial management structures, and regulatory approval. The timelines contemplated by the ordinance do not appear to reflect the complexity of these activities, particularly given the breadth of the proposed product scope. The ordinance is also internally inconsistent on this point: Section 5(d)(2) directs producers to submit a

Stewardship Plan within twelve months of the effective date, while Section 12(a) calls for submission within six months. These provisions should be reconciled, and the overall schedule lengthened to reflect the lead time these activities realistically require.

The proposal also leaves substantial discretion regarding future program requirements, covered products, reimbursable costs, and compliance obligations. Greater specificity and predictability will be necessary if the County elects to continue pursuing this framework. At a minimum, the ordinance should include clear standards for plan approval, plan amendment, enforcement, service area changes, cost allocation, dispute resolution, performance measurement, and coordination with existing laws.

**Recommended Path Forward**

Given the issues discussed above, we strongly recommend that the County:

1. Conduct a comprehensive HHW needs assessment before assuming that an EPR ordinance is the appropriate solution;
2. Perform product-specific waste characterization, improper disposal, risk, and cost analyses to better understand which products are driving identified challenges;
3. Evaluate existing HHW infrastructure, service provider capacity, collection access, geographic coverage, permitting needs and operational limitations;
4. Analyze interactions between the proposed HHW program and existing California EPR programs, including SB 54, and identify mechanisms to avoid duplicative or conflicting obligations;
5. Continue the technical stakeholder discussions the County has committed to, including focused discussions on program design, covered product scope, governance, funding, cost allocation, service area changes, implementation timelines, and alternatives to EPR;
6. Reevaluate the proposed covered product scope and consider whether targeted or category-specific approaches may be more appropriate than a broad HHW framework; and
7. Revise the ordinance to address unresolved governance, service area, funding, reimbursement, dispute resolution, scope, and implementation issues.
8. Provide a revised proposal and supporting analysis for public review and comment before any ordinance is advanced.

The County has identified issues that warrant attention and has initiated an important discussion regarding the future of HHW management in Los Angeles County. However, the proposal currently advances a regulatory framework before establishing the factual foundation necessary to support a program of this scale and complexity.

Before identifying EPR as the solution, the County should first develop a more complete understanding of the problems it seeks to solve, identify the products contributing to those challenges, evaluate alternative policy approaches, and carefully consider the lessons learned from other jurisdictions.

We appreciate the opportunity to provide comments and the County's commitment to continued stakeholder engagement through a more deliberate technical process. We look forward to continued engagement as the County evaluates policy options.

Sincerely,

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