



Submitted by: Ceil Scandone
Subject: California Product Stewardship Council Presentation
Date: January 17, 2013

Executive Summary

In 2006, California designated as hazardous waste computers, batteries, mercury thermostats, televisions and similar consumer products, making it illegal to dispose of these products in landfills. Local governments bear the responsibility for proper management of these discarded products as well as paints, pesticides and other household hazardous wastes. The costs are considerable and mounting.

The California Product Stewardship Council (CPSC) is a 501c3 nonprofit organization established in 2007 by a coalition of local governments “to shift California’s product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design.” Heidi Sanborn, CPSC’s Executive Director, has worked with legislators, industry representatives, advocacy organizations, and government agencies to develop, and implement state legislation and local initiatives.

Ms. Sanborn recently reported to the Hazardous Waste Management Facility Allocation Committee (HWMC) on product stewardship successes, challenges and CPSC’s current strategies. She stated that local product stewardship initiatives are expected to play an increasingly important role in bringing industry groups to the table to support comprehensive stewardship plans for their products.

The HWMC recommended that Ms. Sanborn present to the Executive Board and seek support for actions the Executive Board might take to advance product stewardship in the Bay Area and the state.

Recommended Action

1. Endorse the work of the California Product Stewardship Council
2. Direct staff to draft a letter to be signed by ABAG President and Chair of the Hazardous Waste Management Committee and sent to all Bay Area cities and counties recommending they take the following actions:

- a. Adopt an Extended Producer Responsibility resolution or legislative policy, if they have not already done so.
- b. Support the work and consider joining the California Product Stewardship Council.
- c. Develop a countywide or model local take-back ordinance for producers and/or retailers of one or more of the following products: architectural paint, sharps, fluorescent lamps, pharmaceuticals, treated wood and non-rechargeable batteries.

Next steps

Staff will draft letter to cities and counties for President Luce review.

Attachments: Memo

Bay Area Hazardous Waste Management Facility Allocation Committee



Administered by:
Association of Bay Area Governments

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P. O. Box 2050, Oakland, CA 94604-2050
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Date: January 17, 2013

To: Executive Board

From: Ceil Scandone, Senior Regional Planner 

Re: California Product Stewardship Council Update on
Extended Producer Responsibility Initiatives

Overview

When the Hazardous Waste Management Facility Allocation Committee (HWMC) was founded over two decades ago, the focus was on wastes which are shipped offsite by industrial generators, at their expense, to hazardous waste management facilities for processing. Since 2006, when California designated commonly-used consumer products such as computers, batteries, and fluorescent lights as universal or U- wastes that are banned from landfills and require special handling, the Committee has also been tracking initiatives and advocating for action to address this high-volume hazardous waste stream.

Local governments bear the responsibility for proper management of U-wastes and other household hazardous wastes such as paints and pesticides. Because of growing concerns about the environmental and health effects of pharmaceutical residues in waterways, it is likely those too will be banned from landfill disposal. The costs to collect and dispose of these products are considerable.

In response to the financial burden and with concern about the environmental and health effects that may occur when these items are disposed of improperly, in 2007 a coalition of local governments formed the California Product Stewardship Council (CPSC) (<http://www.calpsc.org/>), a non-profit, 501(c)3 organization, to promote Extended Producer Responsibility (EPR) for products that end up in the waste stream. CPSC describes its mission as follows: "To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design."

On the recommendation of the HWMC, Heidi Sanborn, Executive Director of the CPSC, will provide an EPR update for the Executive Board. She will describe CPSC's work, identify successes and current strategy, including actions local agencies can consider taking. Ms. Sanborn recently said that local actions may provide the catalyst needed to bring industries to the table to seek statewide solutions and inspire the state to take action where political will has been lacking.

This memo summarizes recent EPR activity, and lists actions the HWMC recommends the Executive Board take to advance product stewardship in the Bay Area and the state.

Legislation

The HWMC reviews Extended Producer Responsibility (EPR) and other relevant legislation and forwards recommended positions to ABAG's Legislation and Governmental Organizations Committee. Staff works with the CPSC and Technical Advisory Committee members to identify bills for consideration.

In recent years, a number of EPR bills were introduced. Stewardship for mercury thermostats and a green chemistry framework passed in 2008, and for paints and carpets in 2010. However, a comprehensive product stewardship act introduced in 2010 and bills on mercury lamps, sharps and batteries introduced in 2011/12 were unsuccessful. Fewer bills were introduced in 2012. That is not expected to change in 2013.

One bill germane to the Committee's mission and supported by ABAG passed in 2012: ***AB 1442, Wieckowski, Unwanted Pharmaceuticals Reverse Distribution***. It redefines pharmaceutical waste and allows common carriers (instead of medical waste haulers) to transport pharmaceutical waste. This will make it easier and cheaper to recover unwanted pharmaceuticals by reducing transport costs, and bring California one step closer to EPR.

Other Initiatives

The HWMC also follows local initiatives and implementation of previously enacted legislation. Two successful initiatives are described below.

Local Producer Responsibility Ordinances:

While statewide legislation faltered, CPSC worked first with the City of San Francisco to draft the first EPR ordinance for pharmaceuticals in the U.S. This passed first reading and after heavy lobbying from the Pharmaceutical Research and Manufacturers Association (PHRMA), was not taken up for the final reading but instead, PHRMA donated \$110,000 to the City to establish a drug take-back program.

Basing their efforts on San Francisco's first attempt and with technical support from CPSC, in July of 2012 Alameda County took significant local action and adopted the Alameda County Safe Drug Disposal Ordinance. Approved by unanimous vote of the Board of Supervisors, the ordinance requires any person who produces a drug for sale in Alameda County to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources.

The ordinance is the first in the nation to make pharmaceutical manufacturers take responsibility for the lifespan of their products. The goals are to reduce teenage prescription drug abuse, expand local medication collection sites in the county and prevent discarded drugs from entering waterways and landfills. View the adopted ordinance at http://calpsc.org/admin-document-upload/doc_download/258-alameda-county-safe-medication-disposal-ordinance-12-11-12. Several counties are considering following Alameda's lead.

On December 7, 2012, PHRMA sued Alameda County and made the announcement in the New York Times, starting a national discussion.

Paint Stewardship

According to a technical report published in 2004 by the Product Stewardship Initiative, paint represents 40-60%, by volume, of all Household Hazardous Waste collected at public facilities. Paint management at public facilities in California is estimated to cost \$20 million each year.

In 2010, California passed AB1343 creating the first permanent paint stewardship program in the United States. CPSC was involved in the effort to enact and is helping to implement the paint stewardship legislation.

The legislation required that on or before April 1, 2012, a manufacturer or designated stewardship organization shall submit an architectural paint stewardship plan to CalRecycle. It defines a "stewardship organization" as a nonprofit organization created by the manufacturers to implement the architectural paint stewardship program.

PaintCare® Inc. ("PaintCare") was formed to serve as the architectural paint industry's stewardship organization and to fulfill the obligations of participating manufacturers under the California Paint Stewardship Law. In July 2012, CalRecycle approved the California Architectural Paint Program Stewardship Plan submitted by PaintCare. The plan is available at <http://www.calrecycle.ca.gov/EPR/PolicyLaw/PntCare0604.pdf>. The PaintCare website at <http://www.paintcare.org/california/index.php> has links to fact sheets for consumers, retailers, manufacturers and municipal paint management programs with details about the California program. Currently, the state has 350 operating take-back locations mostly at retail sites and plans to have 750 by the end of 2013.

Conclusion

The product stewardship campaign has had many notable successes thanks to the efforts of CPSC, committed legislators, local agency officials and staff, and other stakeholders. However there has been significant resistance on the part of some industries. New approaches and wider support are needed to continue the progress. The HWMC is therefore requesting that the Committee consider the following actions.

Action Requested:

1. Endorse the work of the California Product Stewardship Council
2. Direct staff to draft a letter to be signed by ABAG's President and Chair of the Hazardous Waste Management Committee and sent to all Bay Area cities and counties recommending they take the following actions:
 - a. Adopt an Extended Producer Responsibility resolution and ensure EPR is in the legislative policy platform, if they have not already done so.
 - b. Support the work and consider joining the California Product Stewardship Council.
 - c. Develop a model ordinance for producers and/or retailers of one or more of the following products: household batteries, sharps, fluorescent lamps, or pharmaceuticals.