



# Product Stewardship for Household Hazardous Waste Stakeholder Meeting #2

4/12/2016

Metro Regional Center



Metro | *People places. Open spaces.*



# Topics for Today's Meeting

- Purpose and benefits
- Collection volume & cost
- Producer participation
- Small business participation
- Coordination with partners
- Public education
- Program implementation & performance

# Proposed Legislation

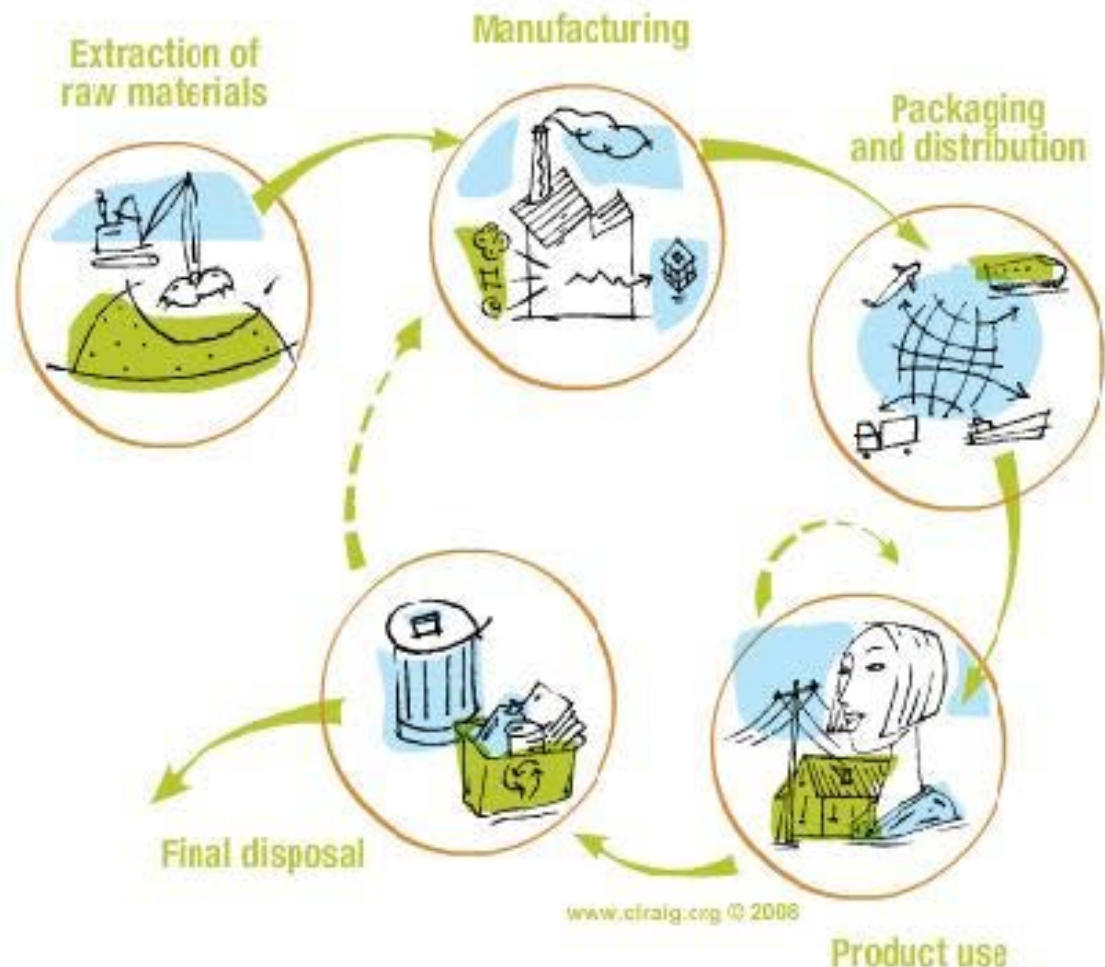
- Policy Approach
  - *Product Stewardship* – Those who manufacture, sell and use products take responsibility for reducing the negative impacts of the product across its lifecycle.
  - *Extended Producer Responsibility (EPR)* – Manufacturer's responsibility for its product extends to post-consumer management of that product

# Proposed Legislation

- Purpose
  - Provide more convenient collection services in order to address health and environmental impacts
  - Establish sustainable financing to ensure that collection can be provided
  - EPR for HHW is the path that can do that

# Responsibility across the lifecycle

The life cycle of a product




# Manufacturing



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PRODUCTS & TECHNOLOGY

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## RESPONSIBLE CARE

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- ▶ PROGRAM ELEMENTS
- ▶ PERFORMANCE RESULTS
- ▶ BUSINESS VALUE
- ▶ SERVICES/RESOURCES
- ▶ PARTNERSHIP PROGRAM
- ▶ NEWS

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### PRODUCT SAFETY CODE

Developed by ACC and its member companies based on industry best practices to drive continuous improvement in chemical product safety, as part of the industry's signature environmental, health, safety and security program. » [Learn More](#)

### RESPONSIBLE CARE COMPANY OF THE YEAR

NOVA Chemicals, OxyChem recognized. » [Watch Video](#)

### CHEMICAL MANUFACTURERS HONORED FOR OUTSTANDING HEALTH, SAFETY INITIATIVES



### A History of Excellence

Since 1988, Responsible Care has helped American Chemistry Council (ACC) member

CONTACT

# Distribution/Retail

“The fact is that any retailer that sells such everyday items as fertilizer, bug spray, nail polish, bleach or some over-the-counter medications generates hazardous waste.

The U.S. Environmental Protection Agency and state governments have recently turned their enforcement eyes on retailers’ role as hazardous waste generators, hitting these companies with tens of millions of dollars in fines based on violations of state and federal hazardous waste laws.”

Spotlight on Hazardous Waste Laws - Retailers subject to increasing — and costly — environmental scrutiny Jan. 7, 2014  
<http://www.chainstoreage.com/article/spotlight-hazardous-waste-laws>



# Distribution/Retail

## **United States: EPA Is Hitting Retail Stores For Hazardous Waste Violations**

Last Updated: June 19 2013

Article by [Stephen Berlin](#) and [Richard L. Sieg](#)

Kilpatrick Townsend & Stockton LLP



Wal-Mart Stores, Inc. must pay \$81.6 Million to the United States government after pleading guilty to criminal charges of mismanagement of hazardous waste. The criminal charge related to the negligent management of hazardous waste at many facilities. This is just one of several similar actions that Environmental Protection Agency (EPA) and/or state regulators have pursued against similar retail facilities for similar alleged violations (not a complete list): Walgreen Co., \$16.6 Million (2012); Costco Warehouse, \$3.6 Million (2012); CVS Pharmacy, \$800,000 (CT, 2013) and \$13.75 Million (CA, 2012 settlement); Target Corp., \$22.5 Million (2011); Home Depot, \$425,000 (2006) and \$10 Million (2007).



# Consumers



There is public demand for collection services, and public support for producer responsibility.

# Health & Environmental Impacts



- *May be: flammable, corrosive, reactive, poisonous*
- *Long term storage in the home may result in:*
  - *poisoning*
  - *fires*
- *Disposal in the solid waste system may result in:*
  - *exposures to solid waste workers*
  - *damage to trucks & waste processing equipment*
  - *releases to the environment*

# Health & Environmental Impacts

- *Down the drain- not appropriate for most hazardous products, can damage pipes & treatment plants, may pass through the system untreated*
- *At the landfill- while HHW is RCRA exempt, there is still CERCLA liability*
- *Other- discharge to stormwater, abandoned, buried, etc.*

# Collection and Cost Estimates

## Collection

- Current
- “Targeted”

## Costs

- Current
- “Targeted”

# Collection – Current

Collected	Paint	HHW (no paint)	
<i>in millions of pounds</i>			
Oregon (not including Metro)	3,400,000	<del>2,100,000</del>	1,000,000
Metro (3 counties)	3,500,000	2,100,000	
<i>per capita</i>			
Oregon (not including Metro)	1.5	<del>0.9</del>	0.5
Metro (3 counties)	2.1	1.3	
<i>Population (2011)</i>			
Oregon (not including Metro)	2,200,000		
Metro (3 counties)	<u>1,700,000</u>		
TOTAL	3,900,000		

# Collection – Current

Metro (3 counties)			
<b>Newly Covered Products</b>			
Solvents & flammables	53%	700,000	
Pesticides & Fertilizers	21%	300,000	
Aerosols	15%	200,000	
Acids, bases and oxidizers	12%	<u>200,000</u>	
		<b>1,300,000</b>	
	<b>HHW (no paint)</b>	<b>Newly Covered Products</b>	
<b>Oregon (not including Metro)</b>	<b>1,000,000</b>	63%	<b>600,000</b>
<b>Metro (3 counties)</b>	<b>2,100,000</b>	63%	<b>1,300,000</b>

# Collection – “Targeted”

	HHW (no paint)	Newly Covered Products	"Targeted"
<b>Oregon (not including Metro)</b>			
"Catch up"	1,000,000	50%	500,000
	2,100,000	50%	1,000,000
<b>Metro (3 counties)</b>	2,100,000	50%	1,000,000



# Costs

	<b>Newly Covered Products</b>		
	<i>Pounds</i>	<i>Direct</i>	<i>Overhead</i>
<b>Oregon (not including Metro)</b>			
Currently collected	600,000	\$ 800,000	\$ 400,000
"Catch up"	500,000	\$ 700,000	\$ 300,000
"Targeted"	1,000,000	\$ 1,400,000	\$ 600,000
<b>Metro (3 counties)</b>			
Currently collected	1,300,000	\$ 1,800,000	\$ 900,000
"Targeted"	1,000,000	\$ 1,400,000	\$ 600,000
Currently collected	1,900,000	\$ 2,600,000	\$ 1,300,000
"Catch up"	500,000	\$ 700,000	\$ 300,000
"Targeted"	2,000,000	\$ 2,800,000	\$ 1,200,000
		\$ 6,100,000	\$ 2,800,000

# Producer participation

***Basic system:*** Sell product into state, belong to stewardship organization with a plan to ensure collection services

- Manufacturers selling covered products into Oregon market
  - *Several hundred manufacturers*
- Covered products
  - *Thousands of products in the identified categories*
- How will this be is manageable?

# Producer participation - # of SO's

Manufacturers are expected to break into a relatively small number of stewardship organizations, for example:


1. All in one (e.g., Canada's Product Care \Regeneration)
2. By product sector (e.g., by use - household, automotive; or type – solvents, pesticides, etc.)
3. In several competitive SO's (e.g., Oregon E-cycles)

While each producer *can* form their own SO under draft statute – hard to see why they would.

# Producer participation - # of products

How will such a broad number of products be managed?

1. We believe existing regulations require that manufacturers know what products fall into each category.
2. Stewardship organizations will be able to call on that knowledge to enlist their members. The more members potentially the lower cost for each.
3. Advances in product tracking should assist ensuring all products are stewarded.



# Should small businesses be allowed to bring waste into the program?

## Arguments for

- Some would try to bring them to collection points, it can be difficult to screen customers to determine whether the waste is from a household or a business.

## Arguments against

- Increased cost of the program
- Proper disposal of waste generated in the course of doing business should be part of the generators cost of doing business.



# Coordination with Partners

3 categories of HHW:

- Newly covered under this program
- Covered by other stewardship programs
- Non-covered

Other stewardship programs:

- PaintCare (coordination required in the bill)
- Call2Recycle
- TRC
- Oregon e-cycles

# Coordination with partners

## At permanent facilities

- We already handle 3 stewardship programs + non-covered at Metro facilities





# Coordination with partners

## At collection events

- Multiple stewards on site?
- One contractor who sorts for delivery to stewards?
- Who pays for non-covered products?



# Coordination with partners

## *Tracking of covered vs. non-covered products*



# Coordination with partners

What about waste from retail sector-returns & damaged products?

It's the same products, going to the same disposal facilities, are there ways to coordinate, synergies, or economies of scale?

# Public Education

Three questions:

1. Will bill require changes in what households \ consumers do?
2. Could the bill help reduce the generation of HHW?
3. What are the roles of manufacturers, state, local government and retailers?



# Public Education

1. Will bill require changes in what households \ consumers do with their HHW? More trips to different facilities?

No, not at all intended to. Bill supports current HHW infrastructure where you can take all products. Coordination and cooperation between government and any stewardship organization run events will be important.



# Public Education

## 2. Could the bill help reduce the generation of HHW?

Bill includes no provisions to require changes to the formulation of a product or to restrict the sale or use of any product.

Bill does requires stewardship plans to include public education on the use of non-hazardous alternatives.



# Public Education

What are the roles of manufacturers, state, local government and retailers?

## Manufacturers

Belong to a plan that addresses reducing use of hazardous products and increasing use of non hazardous alternatives when available

Provide retailers with information on collection services





# Public Education

## Retailers

Provide information on available collection opportunities

## State & local governments

Bill assumes will continue existing roles in promotion and education to the public

# Program Implementation & Performance – HB 3251-1

- Intent
  - Set clear objectives & allow manufactures flexibility in achieving them
  - Ensure program builds on current HHW services and increases what's collected
  - Establish an implementation timeline that industry and DEQ can meet

# Program Implementation & Performance – HB 3251-1

- Legislative concept
  - Establish process for recognition of Stewardship Organizations (Sec. 4)
  - Set clear requirements for plans (Sec 5.)
  - Use of HHW infrastructure (Sec. 5 (3)(c); Sec.11)
  - Establish collection standards (Sec. 5. (f)) and performance targets (Sec. 6 (3)(4))

# Program Implementation & Performance – HB 3251-1

- Discussion
  - How to ensure adequate service in both urban and rural parts of the state
  - How to set performance targets to ensure continuous program improvement

# Survey

The survey will be in two parts.

Part 1 will be specific questions to specific stakeholder groups. *(Anyone is invited to respond to any question they choose.)*

Part 2, will be a set of open ended questions (for example, what are your greatest concerns about the legislation)



# Survey

## Manufacturers

### 1. Scope of products

Using the definitions in the bill, will the companies you work with be able to identify which products they sell are covered (or not covered) by the bill?

### 2. Stewardship organizations

The bill allows makers of covered products to choose what stewardship organizations they engage to meet their obligations. How would you expect the companies you work with to respond to this if the bill were to pass?

# Survey

## State government - DEQ

### 1. Plan review and oversight

Are the plan requirements as set out in the bill clear and adequate to allow for DEQ to effectively review, approve and oversee the program?





# Survey

## Local Governments

### 1. Coordination with existing services

The bill requires coordination with existing services including the PaintCare program and gives public HHW collection sites first opportunity to participate as a collection site.

Are there changes to the bill that might improve coordination with existing local government infrastructure?

# Survey

## Public interest groups

1. Are there any additional elements, for example to the public education requirements, that need to be added in the interests of the general public?

## All

1. Collection convenience standard

How should a more detailed collection service standard be worked up? Should Metro and our consultant bring a proposal to this group or might a subgroup from this group to develop one?

# Next Steps

- Questions and concerns coming out of today
- Topics for next meeting
- Date for next meeting



## Questions

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