

The challenges of implementing EPR

The CPSC is leading the way in the U.S. as extended producer responsibility moves slowly forward

By Heidi Sanborn

In the U.S., not unlike Canada, local governments and service providers struggle to meet the public demand for services and try to do more with less. One such example is public utilities trying their best to prevent household hazardous waste (HHW) from disposal in the garbage or by flushing. This is a real challenge and is costly, considering the variety of issues that come with products such as pesticides, batteries, needles and

The paradigm shift to shared responsibility systems is not easy... We need to move to a more circular economy where we provide a positive and viable alternative to the 'make, take, dispose' linear economic model we have now.

In the U.S., California is leading the paradigm shift towards producers sharing in the responsibility of end-of-life product management, and the "legal rules of the road" are gradually being laid down.

This past May, an Alameda County Ordinance on the establishment of EPR was upheld when the Supreme Court refused to hear the case. In King County, Washington, an EPR ordinance for medicine waste disposal, passed in 2013, resulted in lawsuits from various pharmaceutical associations, but was also recently upheld.

Heidi Sanborn, CPSC

pharmaceuticals. Many challenges associated with safely collecting and managing end-of-life products translate into high costs; we have heard stories from jurisdictions that literally stop advertising their HHW collection program because they can't afford to increase collections.

California Product Stewardship Council (CPSC) is working with the National Association of Counties, and counties like Alameda, San Francisco, San Mateo along with their haulers, in the hopes of finding solutions whereby producers share in the responsibility of end-of-life product management, to reduce public impacts at the source and help provide more convenient collection opportunities, with no charge at the point of disposal.

Leading the paradigm shift

Extended Producer Responsibility (EPR) is supported by over 26 million Californians. That's more than 67 percent of the state population and includes cities as big as Los Angeles and as small as Arvin. California has passed 138 resolutions in local jurisdictions and via organizations supporting a more sustainable and toxic-free environment through product stewardship.

California and other states are looking to the producers, retailers and others in the product chain to assist with funding collections and public education for the proper management of challenging end-of-life products, some of which end up in water sources, such as pharmaceuticals and needles. California passed legislation on recycling mercury thermostats in 2008, reducing copper in brake pads, on carpet and paint in 2010, and mattresses in 2013, all to ensure producers have some share in the responsibility. However, passing statewide legislation for products where producers do not want to share in any responsibility is difficult, even when it has been done in many countries, including Canada, for more than two decades.

In the Alameda case, the court upheld an ordinance stating that any county or local government can pass legislation that will make the manufacturers of pharmaceuticals or any product share in the responsibility for its lifecycle costs. This case is just the beginning of the movement towards producers in the U.S. sharing the responsibility for a wide variety of products. As the appellant lawyer on the case, Michael Carvin stated, "There are 3,000 counties in the United States. If this court upholds this statute, what county is not going to go for this deal? What county is not going to say 'I can either charge a lot of out-of-state pharmaceutical companies, or I can charge the taxpayers who are going to re-elect me, for this kind of waste disposal?'"

So how does this impact the U.S. solid waste management industry? Now that the Alameda and King County ordinances have been upheld, every local government will be able to regulate to make producers pay for management systems for their end of life products – for all products, not just pharmaceuticals. The floodgates have opened and just in the last few months, San Francisco, San Mateo and Santa Clara counties have all adopted similar ordinances for safe medicine disposal. In addition, Los Angeles County and Santa Barbara have begun public discussions about doing the same and Los Angeles is considering sharps/needles as well.

Will sharps be next for an EPR approach? Sharps are a health and safety issue for the industry; a recent study documented that 7 percent of users still flush needles as a disposal method. A new report titled *Sustainable and Safe Recycling: Protecting Workers Who Protect the Planet*, produced in part by the National Council for Occupational Safety and Health, states "Growth in the recycling economy has the potential to not only conserve the environment, but also create 1.5 million new jobs. However,

research indicates that recycling work can be dangerous, with injury rates more than double the national average."

This report lists needle sticks as a significant issue on sort lines, but EPR policies to reduce them from ending up in the trash in California have "died" two years straight due to producer opposition. Recent court rulings may entice local governments to start implementing EPR ordinances for needles – or maybe the hauling community will request this to help increase safety and proper collections so that they don't end up on the sort line.

In several provinces of Canada, sharps are managed and paid for by the pharmaceutical and sharps producers through the Health Product Stewardship Association of Canada. Why can't the companies that do this in Canada and Mexico, provide the same sharing of responsibility in the U.S.? What other products are ending up in waste streams and water sources, in which producers could help by redesigning the product or paying for cleanup?

There are many products that might be ripe for an EPR approach such as those that currently do not have a market, are problematic/costly to manage, and have negative health and environmental impacts. Products widely covered by EPR in other countries, such as Canada, include e-waste, batteries, solvents, pesticides, solar panels, paint and even product categories as large as packaging.

EPR: the positive and viable alternative

The paradigm shift to shared responsibility systems is not easy, but worth doing, and we need to work together to be successful at reducing waste and the negative impacts of waste. We need move to a more circular economy where we provide a positive and viable alternative to the "make, take, dispose" linear economic model we have now. EPR is a policy approach that is a tool towards driving a more circular economy – like Denmark has done while achieving a 60 percent recycling rate and creating jobs and closed-loop recovery systems.

Will other counties and cities across the U.S. start adopting EPR ordinances for pharmaceuticals, sharps and other products? Will producers of these products now offer a voluntary solution?

We don't know for sure, but based on the calls being received at CPSC, we suspect soon there will be more ordinances in more states, and covering more products than just pharmaceuticals.

Heidi Sanborn, M.P.A. is the executive director of the California Product Stewardship Council based out of Sacramento. Upcoming, Heidi is a featured speaker at the Conference on Canadian Stewardship, being held in conjunction with the Recycling Council of Alberta's annual Waste Reduction Conference, September 30 - October 2nd, in Banff, Alberta.

ADVERTISERS' WEBSITE DIRECTORY

- 28 **Bateman Manufacturing Inc.**
www.batemanmanufacturing.com
- 29 **Benzaco Scientific**
www.benzaco.com
- 27 **BM&M Screening Solutions**
www.bmandm.com
- 21 **Buffalo Turbine**
www.buffaloturbine.com
- 2 **Caterpillar, Inc.**
www.cat.com/MH3000
- 20 **CDEnviro**
www.cdenviro.com
- 16 **ECO Green Equipment USA**
www.ecogreenequipment.com
- 13 **Ecoverse**
www.Ecoverse.net
- 18 **E-Z Crusher / R.M. Johnson Co.**
www.ezcrusher.com
- 21 **Gensco**
www.genscoequip.com
- 9 **Herbold Meckesheim USA**
www.herboldusa.com
- 28 **Industrial Netting**
www.industrialnetting.com
- 25 **IPL Inc.**
www.ipl-plastics.com
- 31 **Kobelco**
www.kobelco-usa.com
- 32 **Liebherr**
www.liebherr.ca
- 26 **MegaDome by BuildWorks**
www.megadomestructures.com
- 13 **Moley Magnetics Inc.**
www.moleymagneticsinc.com
- 15 **Neuenhauser North America**
www.neuenhauserna.com
- 7 **OverBuilt**
www.OverBuilt.com
- 28 **Paradigm Software**
www.paradigmsoftware.com
- 14 **Recycling Equipment Manufacturing (REM)**
www.remfg.com
- 19 **Rend Lake Carbide**
www.rendlakecarbide.com
- 5 **Rotochopper**
www.rotochopper.com
- 23 **SAS Forks**
www.sasforks.com
- 17 **Terex Fuchs**
www.dealresearch.terex.com
- 11 **Winkler Structures**
www.winklerstructures.com

FOR A FREE SUBSCRIPTION OR RENEWALS VISIT
<http://mysubscription.ca/rpn>