

CALIFORNIA PRODUCT STEWARDSHIP COUNCIL

Changing the Paradigm to Producer Responsibility

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CPSC is a coalition of local governments and associations across California. We began convening in Spring of 2006 in response to the Universal Waste Ban, which went into effect in February 2006.

Mission

© Our mission is ambitious and straightforward: *(pause 5 seconds so people can read slide)*

As you can see, our mission is nothing short of entirely changing the waste management paradigm to one that decreases the burden on local governments and increases accountability on the part of manufacturers.

Let me take you through the reasons we're so committed to this mission.

Bill Worrell (Photo)

This is Bill Worrell. He manages the waste management system for San Luis Obispo County.

High Cost of Compliance (Graph of costs before and after)

© It's a relatively small county -- population 250,000 -- and Bill's budget for the entire household hazardous waste management system is © \$300,000 a year.

California's Universal Waste ban of 2006 banned many toxic products from landfills. The burden fell to local governments to arrange for disposal or recycling of these products including mercury thermostats, rechargeable batteries, alkaline batteries, compact fluorescent lamps and electronics.

But the magnitude of this task is massive. And expensive. Complying with this regulation would explode San Luis Obispo's Household Hazardous Waste management budget.

© \$4 million would be needed to manage U-Waste products alone. The law is a well-intended but unfunded mandate. Local governments simply do not have the capacity to comply with the new regulations.

Product waste is a real and significant problem that must be addressed in a sober way. But simply delegating responsibility to cities and counties is not only unrealistic. The California Product Stewardship Council suggests it is also inappropriate and counterproductive.

Changing Waste (1960 vs 2000)

© In the last 40 years, what we throw out has changed significantly

© -- from a fairly even mix of food and yard trimmings and product discards

© -- to a lopsided, product-heavy mix.

Disposable and Toxic by Design

One of the reasons for skyrocketing waste generation is that products are *designed* to be disposable, with no regard to the environment or public health.

U-Waste: Designed for Disposal (Photos)

Hazardous products that local governments are responsible for keeping out of landfills in California are both toxic and disposable. Things like batteries.

- © Mercury switches
- © Electronic equipment
- © And fluorescent lighting.
- © Soon needles and other sharps will be banned in California
- © And there's momentum behind dealing with pharmaceuticals.

So more and more products will be banned from the trash.

Cell Phones

One example – and there are many – of designing products for disposal is cell phones. There are more than a billion cell phones in existence today.

- © This is an illustration..
- © ... of the extraordinary number of cell phones thrown out in America.
- © Four hundred and twenty-six thousand cell phones are thrown out *every day* in the U.S.
- © 52,000 per day in California alone.

We have a law requiring cell phone recycling, but it's not enforced so most phones aren't handled responsibly.

Landfill

Without policies or programs to manage the disposal of these items, this is where they end up. Fluorescent lamps contain mercury, as do electronics. In the Bay Area alone, more than 13 million bulbs like these are disposed each year.

Batteries contain nickel and cadmium or corrosive acids.

And the EPA tells us that eventually, all landfills will leak.

Ban Without a Plan

The State legislature is trying to address this problem – but when you look closely at how the Universal Waste ban and other bans are constructed, you can see they have little chance for success.

- © They amount to unfunded mandates.
- © They place responsibility on governments who don't have the resources to respond.

- © They are virtually unenforceable.
- © They make taxpayers or ratepayers responsible.
- © And they subsidize manufacturers.
- © And these last two points are especially important.

A compelling case can be made that government should play a key role in providing services that the market can't, or perhaps shouldn't, such as roads and water. It's a much harder case to make that government should be collecting and disposing of privately manufactured products at the end of their useful life.

This system does not send the appropriate economic signals to manufacturers to design durable, non-toxic products. In fact, precisely the opposite.

Growth of CA Total Waste

Here's a quick look at the impact of all of the waste diversion and recycling efforts on the part of local governments.

- © Although the amount of waste diverted has certainly increased, nevertheless
- © we are still sending pretty much the same amount of waste to the landfill in 2007 that we sent in 1990 – 40 million tons.

That's because diversion, recycling and disposal bans are all downstream actions that address end of life management. They do nothing to reduce generation and consumption which has exploded in recent years. And as we all know, reduction ranks *first* on the waste hierarchy – *reduce, reuse, and then recycle*.

Now: Waste is Local

When it comes to products, we operate under two completely separate and disconnected systems.

One of the systems is controlled by producers who make the design, production and marketing decisions

- © that cause raw materials to be extracted, and
- © products to be manufactured,
- © transported and
- © sold to consumers. But then the job of the producer and retailer is over.

Once the consumer is finished with the product, the *other* system is engaged,

- © wherein local governments become financially responsible for collecting and managing the disposal of these private goods.

These systems have little in common and do not communicate with each other. Local governments have no input into how toxic or durable the products are, and manufacturers don't have to design creative and safe ways to dispose of them.

Local government's willingness to take responsibility for a private brand owner's products at the end of their useful life actually incentivizes the design of toxic and disposable products, thereby exacerbating our growing waste problem.

A Better Way - Producer Responsibility

There is a better way, and it's called **Producer Responsibility**, meaning whoever designs, produces, sells, or uses a product takes responsibility for minimizing the product's environmental impact throughout all stages of the products' life cycle. And the party having the greatest ability to minimize impacts, the producer, has the most responsibility.

Business can do a better and more cost-effective job than government at managing their own products – the distribution systems are already in place.

© Product recycling should be an extension of the product marketing system and mirror the production and distribution process in a kind of “reverse retail” process, managed through commercial arrangements – all as part of excellent customer service.

This idea is taking hold across the world. EPR programs have been successfully implemented in Canada and many European countries. And studies are finding that EPR laws prompt eco-design changes. For example, several Japanese electronics manufactures changed materials to improve the recyclability of their products; others adopted modular design to facilitate re-use.* The U.S. is far behind other industrialized countries in adopting EPR. And it's time for us to catch up.

CIWMB and EPR

The California Integrated Waste Management Board became a real state and national leader in EPR by adopting Strategic Directive 5 in February 2007, which makes EPR a core value of the Board. (*pause to let people read the slide*)

California is the only state in the U.S. to have adopted such a clear policy statement about EPR. And we are providing energetic grassroots support for this State leadership.

CPSC Participants 1 (List)

Here in California, participants of our organization come from all parts of the state, and include © 24 cities and counties and © other governmental groups like storm water management associations and a municipal utility district.

© and the Regional Council of Rural Counties, comprised of 22 counties.

30. CPSC Participants 2 (Map)



From this map you can see that we've covered a substantial portion of the state ... These are the 24 cities and counties that are actively participating in the Council



and the stippled area shows the 22 member counties of the Reg'l Ccl of Rural Counties

Our goal is to turn this whole map green.

EPR Resolutions, Ordinances, Plans & Policies (Map)

Many cities and counties are also moving forward with EPR resolutions, ordinances, plans and policies. Such policies integrate EPR into local purchasing specifications, develop local take-back plans for problem product and urge state lawmakers to develop statewide producer responsibility policies.

Cities like Oakland, Morgan Hill and Fresno have passed EPR resolutions ... as well as individual counties and coalitions of counties.

We encourage you to join our efforts by considering these three action steps.

Join CPSC and Speak with a Unified Voice

The first is to join California Product Stewardship Council as a participant and help us speak with a unified voice here in California. I have a form here that you can fill out and return, and you'll be added to our email distribution list. There IS power in numbers.

Lobby for Statewide Legislation

The second is to add producer responsibility to whatever lobbying efforts you are pursuing in Sacramento.

Pass Resolutions, Ordinances, Plans and Policies

And third, we ask that you adopt local resolutions, ordinances, purchasing contracts, and implementation plans based on the producer responsibility approach.

We have model EPR plans and policies on our website as a way to jumpstart this process in your community.

Contacts

Please contact us if you have any questions or suggestions on how to move the EPR effort forward.

36. Black - TURN ON LIGHTS

Thank you for your time and attention. Are there any questions?

(Here are some last points to make after q & a)

I want to leave you with just a few thoughts.

First, we have a problem that few people contest. Our waste has changed, and the way we manage it has to change as well. Despite diversion efforts, we're throwing away more and more product waste.

Second, the reason we continue to throw away more and more products is – at least in part – because the early solutions to this challenge did not address the root cause of the problem: the manufacturing of products that are designed to be thrown away. Manufacturers do not have the incentives they need to reduce the waste problem they are causing, because regulations have placed responsibility on local government. We have to turn that model around, and we need your help to do it.

We encourage you to join us.

**Van Rossem, Tojo, Lindhqvist, September 2006, *Extended Producer Responsibility: An Examination of its Impact on Innovation and Greening Products*, Greenpeace International, Friends of the Earth, European Environmental Bureau*