

Memorandum

Date: February 4, 2013

To: Legislative Program Committee

From: Mark Schleich, Deputy Director of Public Works, extension 3603

Subject: Extended Producer Responsibility (EPR)

CC: Leslie Wells, Program Leader, Department of Public Works



SUMMARY OF ISSUE

As supported by the Board of Supervisors in Resolution Number 236 (passed on June 7, 2011), Extended Producer Responsibility (EPR) is an alternative approach to materials management that requires manufacturers and retailers to take greater responsibility for reducing the life-cycle impacts of their products and packaging. This is achieved through improved product design – including design for recycling and the elimination or reduction of toxic constituents – and effective end-of-life collection and management programs.

PUBLIC BENEFIT/IMPACT

Among EPR's many benefits are:

- Increased reuse and recycling of materials
- Reduced use of toxic chemicals
- Reduced consumption of energy and natural resources
- Reduced air and water emissions
- Reduced greenhouse gas impacts
- Improved worker safety
- Reduced costs to local government

COST TO THE GOVERNMENT

Local governments are currently responsible for providing recycling and disposal programs for unwanted products. Particularly for products containing hazardous materials (e.g. paint, batteries, pesticides, pharmaceuticals, etc.), management costs are very expensive. As EPR programs shift the financial burden of managing products to producers and retailers of those products, local governments achieve significant cost savings and potentially enhanced customer service.

As described below, the County has recently been asked to sponsor EPR legislation. The first bill, potentially to be authored by Assembly Member Williams, would be clean-up legislation for California's new Paint Stewardship Program. The second EPR bill, potentially to be authored by Senator Jackson, would address unwanted household pharmaceuticals. The Resource Recovery and Waste Management Division believes it can support the paint clean-up legislation without

additional staff resources; however, support for the pharmaceuticals EPR bill would require an additional staff person and an increased travel budget. Attached is a summary prepared by a lobbyist with the California Product Stewardship Council (CPSC), a non-profit organization devoted to increasing EPR programs in the state that describes the requirements for sponsoring or co-sponsoring legislation.

REQUESTED ACTION AND STRATEGY

The County requests that its delegation actively support existing and new legislation to foster EPR programs, either for individual products or through a framework approach. CPSC anticipates that EPR bills will be introduced this session for single-use batteries and home-generated “sharps” (e.g. needle, syringes, and lancets). If the bills are indeed introduced, the Resource Recovery and Waste Management Division will seek the Legislative Committee’s consent to send letters of support.

Additionally, the County has been approached by CPSC to help sponsor EPR legislation related to paint and pharmaceutical waste.

Paint

The proposed paint EPR bill would be a clean-up bill for AB 1343 (Huffman) that was signed into law in September 2010. The law established the California Paint Stewardship Program that requires manufacturers of covered paint sold in the state to create and fund a program to collect and recycle unwanted paint. The intent of the law was to make paint collection more convenient for the public and to reduce costs for local government household hazardous waste (HHW) collection programs.

Contrary to the legislative intent, very few local governments are currently experiencing any financial relief from paint management costs. PaintCare, the non-profit organization overseeing the paint industry’s stewardship programs, has refused to provide an adequate level of indemnity and insurance protection in its proposed contracts with local agencies. As a result, local agencies have been unable to enter into a contract with PaintCare, thereby excluding them from participating in the program. Specific to the County of Santa Barbara, PaintCare’s reticence to take responsibility for the paint collected is costing County ratepayers over \$100,000 per year. Clean-up legislation is needed to ensure that local governments are able to fully participate in the program. Per discussions with CPSC, Assembly Member Das Williams has expressed interest in introducing a bill this session, and CPSC has requested that the County of Santa Barbara sponsor or co-sponsor this clean-up legislation.

Pharmaceuticals

To address the issue of pharmaceutical waste, State Senator Hannah-Beth Jackson is also interested in introducing an EPR bill. A pharmaceuticals EPR program is unprecedented at the state level, and only one local jurisdiction, Alameda County, has adopted an EPR ordinance for pharmaceutical waste. While the details have yet to be discussed, a statewide EPR program for pharmaceuticals would require the pharmaceutical industry to play an active role, both programmatically and financially, in the collection and proper disposal of unwanted household pharmaceuticals.

For a variety of reasons the proper management of pharmaceutical waste is a growing concern for local governments. When poured down the drain or flushed down the toilet, many medications pass untreated into wastewater effluent; sanitation facilities simply do not have the ability to remove or treat these types of chemicals. As a result, pharmaceutical byproducts in the environment are creating documented ecological harm, particularly for aquatic organisms. On the

other end of the spectrum, people of all ages are abusing pharmaceuticals collected in homes at an alarming rate. Unwanted medications left in medicine cabinets are prime targets for these individuals.

The Resource Recovery and Waste Management Division has partnered with the Sheriff's Office to establish pharmaceutical collection receptacles at each of the nine substations throughout the County, and use of the program is very high. A pharmaceuticals EPR program would include the requirement that pharmacies take back unwanted medications from the public, thereby increasing customer convenience and shifting programmatic and financial burden away from local governments. It is anticipated that this type of EPR legislation may take several years before it would be passed by the legislature.

ATTACHMENTS:

1. Legislation Sponsor/Co-Sponsor Responsibilities

Extended Producer Responsibility (EPR)
ATTACHMENT
Legislation Sponsor/Co-Sponsor Responsibilities

Sent via e-mail from Justin Malan of Ecoconsult, a lobbying firm hired by the California Product Stewardship Council:

A sponsor is the source and primary supporter of a bill. Is usually responsible for drafting language, factsheets, listing and contacting other allied groups and supporters, will testify and help with generating support at strategic points of process and will generally be available to testify at hearings. Most sponsors will have a lobbyist based in Sacramento that will attend to most of this work, but the principal (lobbyist employer) is often asked to testify or attend a few meetings.

A co-sponsor may do all or some of above. Most commonly the co-sponsor will be expected to compliment the sponsor by bringing in other support (different geographical/political/demographic perspective).

Tasks:

- Placeholder bill (spot bill) to Legislative Counsel ; was completed on 1/25/2013 (CPSC)
- Secure formal sponsors/co-sponsors ; needed ASAP (CPSC)
- Secure author (legislator – Senator or Assemblymember – to "carry" the bill); needed by 2/22/2013 (Sponsors/Co-sponsors)
- Introduce bill; needed by 2/22/2013 (Author – the Senator or Assemblymember)

There may be one or multiple legislative authors. Typically we have a principal author with co-author, but we can have "joint-authors" in some cases where the legislators have equal standing on issue

At a minimum a co-sponsor should:

- Officially indicate willingness to sponsor/co-sponsor the bill
- Provide a written letter of support well before first committee hearing (mid to late March)
- Send principal or lobbyist to policy hearing(s)
- Be available for occasional conference call
- Provide technical assistance
- Offer suggestions for soliciting additional support