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Product makers take back disposal duty

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Laws make producers collect banned waste.

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While states are banning items, such as computers, thermostats and fluorescent bulbs from landfills, local governments often are still responsible for collecting and managing the products. That is why some of them are pushing for legislation that would require producers to handle the discarded materials instead.

California has banned dozens of materials from landfills at different times, but local governments there and in other states are not told what to do with banned products, says Rob D'Arcy, hazardous materials program manager for Santa Clara County, Calif. "It's left up to local governments to figure out," he says. In California alone, local governments spend \$100 million annually collecting and managing household products deemed hazardous waste, according to the California Product Stewardship Council.

In September, San Francisco adopted a resolution encouraging state lawmakers to pass legislation based on the Extended Producer Responsibility (EPR) Framework. EPR motivates producers to make their products easier to recycle by requiring them — not local governments — to be financially responsible for collecting, managing and recycling the products. The California Waste Management Board and the Washington-based National Association of Counties also have adopted the framework, and are pushing for EPR legislation. "Local governments providing free disposal to the makers is a form of enablement," says Bill Sheehan, executive director of the Athens, Ga.-based Product Policy Institute.

To make their voices stronger, cities and counties are banding together through stewardship councils that also involve retailers and non-governmental organizations, among others, to extend producer responsibility. The work of the local stewardship council is a major reason why Washington state's e-waste law, which will take effect in January, passed, says Segoo Jackson, principal planner for the Snohomish County, Wash., Solid Waste Management Division. After meeting with manufacturers and other stakeholders to determine how banned waste would be handled in the state, local government representatives concluded that a mandatory — not voluntary — system was needed.

Under the law, each of the 39 counties and every city with more than 10,000 residents must have a collection site. Manufacturers must pay for collecting and transporting the discarded products, and the recycling system. Rather than covering the processing costs for those electronics, Snohomish County, for instance, now will receive 9 cents per ton from their manufacturers.

Since the bill passed in 2006, 15 other states have passed some form of producer responsibility legislation. "It showed other states the direction it was going to go and provided an example of how to finance it," Jackson says.


While some local governments wait for state legislation, others are taking alternative measures. This year, New York became the first city to pass a mandatory producer responsibility ordinance. By July 2009, producers in the city must begin taking back their used electronics for recycling. One year later, the Department of Sanitation will no longer collect products covered under the ordinance, and by 2018, manufacturers must collect 65 percent of their sales by weight.

Meanwhile, some cities are writing take-back stipulations into their bidding contracts, and others are working with businesses to establish voluntary take-back sites. "Thousands of little things are happening to help product stewardship councils shift the current waste systems funded by taxpayers to one funded by the parties that design and market the products," Sheehan says.

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