



MAGAZINE



Too Much "Stuff": Toward a Culture of Producer Responsibility

by Heidi Sanborn

How have we managed to get to the point where we have so much 'stuff'? Product and packaging waste are wreaking havoc on our planet and on local government budgets. At the turn of the Century, we were a far less wasteful society. Our waste stream mainly consisted of coal ash left over from heating and cooking; the rest was mostly food waste and scraps from manufactured products like paper and glass.

Fast forward a hundred years. Today, according to the Environmental Protection Agency, seventy-five percent of our waste stream is product waste and associated packaging from products. Granted, these are items that make our lives easier, and some would say better, but at a price. Many contain toxic constituents such as the organic chemicals that make up plastics, as well as acids, mercury, lead and other heavy metals.

If disposed of improperly, they become a danger to our health and to the environment. California's Department of Toxic Substances Control (DTSC) has responded by banning some products from landfill disposal, but landfill bans without any collection system or funding mechanism equate to "bans without plans" and do nothing to address the source of the problem, which is packaging design and content decisions.

There is a solution: a concept called Extended Producer Responsibility (EPR), which engages all those in the product chain with the responsibility for the lifecycle management of the product. This means that producers, retailers, and consumers all have a role to play. And producers, having the greatest ability to influence product design, have the primary responsibility.

We are fortunate in California that the Governor signed AB 1879 (D-Feuer) a Green Chemistry bill that gives DTSC the authority to restrict the use of chemicals of concern in products and require take-back for recycling, among other alternatives. This will provide DTSC the tools to have "bans with a plan" in the future.

However, the California Integrated Waste Management Board (CIWMB) also needs authority to require EPR for products. The Board's mission is to implement state laws like AB 393 which characterizes the waste hierarchy as source reduction first, then recycling and composting. To date, source reduction efforts have been minimal and have not been successful because waste generation is increasing in California according to CIWMB data. After months of stakeholder consultation and workshops, in January 2008, CIWMB adopted an EPR Policy Framework that provides a thoughtful base for EPR Framework legislation in 2009.



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The California Product Stewardship Council (CPSC) is a coalition of local governments, business partners and other stakeholders working together to achieve producer responsibility and support EPR Framework legislation. CPSC is supported by local governments all over California from rural Del Norte County in the north, to the Cities of Sacramento and Fresno in the central valley, to our biggest cities – Los Angeles and San Francisco. It doesn't seem like rocket science that those who design and profit from a product should take it back, yet this isn't how product waste is handled today. Local governments are currently responsible for waste management and they pay for it through garbage rates and taxes.

When you think about it, the present system makes little sense: the producer creates a product and sells it for a profit to a retailer, who markets it and sells it at a profit to a consumer, who buys it, uses it and eventually disposes of it. Yet government, which has no input into design or packaging decisions and did not make a dime from the sale, gets saddled with the costs and responsibility for managing everything ever sold.

More often than not, local government tries in vain to enforce landfill bans. But how, for example, can local governments enforce against homeowners who throw batteries into the trash instead of recycling them? They can't – the bans are unfunded mandates and are unenforceable. It's also extremely expensive to even try to comply with the disposal bans. San Luis Obispo County estimates that its Household Hazardous Waste (HHW) budget would increase to \$4 million per year (from its existing \$300,000) if it attempted to manage 100 percent of banned universal wastes.

As we, and a growing coalition in California and elsewhere see it, the solution lies with Extended Producer Responsibility. Until we have EPR, there's no doubt that cash-strapped local governments will raise garbage fees, landfill fees, and local taxes to cover costs. When the State bans certain products from disposal, the intent to protect the environment is good, but the outcome is bad when the most successful HHW programs are only used by 14 percent of households. We can safely assume most HHW ends up somewhere else outside of the the proper hazardous waste facilities.

Again, disposal bans do nothing to send a message to the producer to stop producing toxic and over packaged products. In fact, many of the products on the market today are intentionally designed for disposal or obsolescence because that's what generates more sales. According to the Computer Take Back Campaign, the average life span of a personal computer is less than three years. We need the producers to participate in the end-of-life management of what they produce. What we need is producer responsibility to design cost-effective and convenient collection programs for these products.

Organizations like CPSC are calling attention to these issues, creating dialogs between local elected officials and other stakeholders and addressing the concerns of all parties in a product chain to try to find workable solutions. CPSC is advocating for EPR legislation in California very similar to policies already implemented in most of Canada, Europe, Japan, and other countries.

In coordination with the Sierra Club, CPSC recently co-sponsored a successful EPR bill, AB2347 (D-Ruskin), which mandates a producer take-back program for mercury thermostats. This bill is an important milestone, showing that producers can and will take responsibility for the products they create. Honeywell, one of the nation's largest mercury thermostat producers, supported the bill, as did the California Retailers

Association.

Mandatory producer responsibility will create a level playing field so that all producers are held to the same standards of accountability, rather than just the few who already voluntarily hold themselves to high standards. It is clear that voluntary programs don't work because they put the companies who try to "do the right thing" at a competitive disadvantage in this price-sensitive world.

Most importantly, CPSC advocates for EPR "Framework" legislation that will give the State the ability to regulate multiple products with a single law, rather than the cumbersome, product-by-product legislation. We need to move faster than one bill for each product type to address waste issues.

Disposal bans as the only answer to product waste is a strategy of the past. EPR is the future.



For more information, please visit CPSC's website at www.caIPSC.org

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