

Guide to Incorporating Extended Producer Responsibility (EPR) Principles into Purchasing and Procurement Documents

PESTICIDES AND PESTICIDE CONTAINERS

Overview

Why are Hazardous Pesticides a Disposal Issue?

According to the Environmental Protection Agency, hazardous pesticides include any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

- (a) Is a new animal drug under FFDCFA section 201(w), or
- (b) Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or
- (c) Is an animal feed under FFDCFA section 201(x) that bears or contains any substances described by paragraph (a) or (b) of this section.¹

Hazardous pesticides must be contained in a container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. Hazardous pesticides can cause a number of health problems ranging from simple eye and skin irritation to birth defects, nervous system issues, reproductive problems and cancer. On average it costs a jurisdiction \$1,100 per ton to manage Household Hazardous Waste.

How do I Control Disposal of Hazardous Pesticides?

Follow the mantra “Reduce, Reuse, Recycle”. Incorporating Environmentally Preferable Purchasing and Extended Producer Responsibility language into your procurement policies will encourage smart procurement of pesticides if they are needed. Extended Producer Responsibility (EPR), otherwise known as Product Stewardship, calls for producers, and all entities involved in the product chain, to take responsibility for reducing the impacts of a product and its packaging throughout the entire lifecycle of the product (cradle-to-cradle).

First and foremost, encourage adoption of Integrated Pest Management solutions for your local agency. Integrated Pest Management (IPM) is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. IPM programs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

If you do purchase hazardous pesticides, promote Extended Producer Responsibility by requiring vendors to take back unused pesticides and empty pesticide containers. This reduces disposal costs and ensures environmentally responsible disposal. Unused pesticide containers have unique issues on what they can be recycled into for safety reasons.

How do I Create Smart Procurement Policies?

- **Review procurement specifications** to remove any provisions that may exclude the procurement of products from vendors who support pesticides Extended Producer Responsibility.
- **Amend your specifications by adding** Extended Producer Responsibility (EPR) language into your procurement policies which requires take-back and management services for Pesticides.

¹ <http://www.epa.gov/pesticides/factsheets/ipm.htm>

Sample Policy Language

Producers must propose a program in which they agree to provide take-back and management services for unused Pesticides and end-of-life Pesticide containers at no additional cost to (INSERT JURISDICTION), as this cost should already be incorporated into the original product proposal. This can be accomplished through a variety of contractual provisions whereby the Producer agrees to be responsible for taking back unused Pesticides and end-of-life Pesticide and providing for appropriate reuse or recycling when Procurement no longer needs the unused Pesticides and end-of-life Pesticide. Such take-back methods and parameters may include, but are not limited to:

- One-for-one exchange of end-of-life products offered by, or previously purchased from the Producer, upon purchase of new products from said Producer.
- Collection of any end-of-life products by Vendor (or subcontractor) for reuse or recycling, preferably to also include provisions that ensure Vendor will continue the program should a subcontractor no longer be able to perform such activities.
- Requirement that vendor must manage all end-of-life collection of their products at a collection facility provided or funded by Vendor.
- Coupon system for pre-paid take-back at permanent regional collection centers (at no additional cost to Procurement).
- Requirement that vendor must provide information to the agency on available take-back and end-of-life product management options.
- Requirement that product packaging and containers must clearly display information that the pesticide includes hazardous materials and on the Vendor's environmentally preferable end-of-life recycling and disposal options for the product and its packaging, as applicable.
- Requirement that vendor must post the aforementioned consumer information on at least one clearly visible sign at the point-of-purchase for the end user of the product.

Sample Proposal Language

End of Life Management 1 [Mandatory]: Vendors must propose a program in which they agree to provide take-back and management services for end-of-life pesticide containers and unused pesticides that are classified as Hazardous Waste (also known as Universal Waste) at no cost to the Jurisdiction. This can be accomplished through a contractual provision whereby the seller agrees to be responsible for taking back the products and providing for disposal that prevents the release of any hazardous pesticides into the environment, when the buyer no longer needs the products. Such take-back methods may include but are not limited to:

1. One-for-one exchange of equipment offered by, or previously purchased from the Vendor, upon purchase of new pesticides or pesticide container from said Vendor.
2. Collection of any unused pesticides or empty pesticide container with proof of proper disposal.
3. Coupon system for pre-paid take-back at permanent regional Universal Waste collection centers.
4. Sign, or otherwise agree to provide take-back programs. This program must comply with The Department of Toxic Substances Control (DTSC's) hazardous waste regulations. These regulations are located in the official version of the California Code of Regulations (CCR) at Title 22 Social Security, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste. <http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>
5. Provide proof of proper disposal upon take-back of unused pesticides or empty pesticide containers.

If applicable, refund residual value of disposed assets to the Jurisdiction.

If take-back provisions are proposed, agencies must follow applicable laws, procedures and guidelines relating to disposing of pesticides or empty pesticide containers prior to invoking disposal procedures. The proposed programs shall continue for the life of the product; e.g., beyond the product contract period. Vendor should also highlight if they are willing to take-back products other than their own.



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