



NATIONAL
STEWARDSHIP
ACTION COUNCIL SM

ADVOCATING FOR AN EQUITABLE, CIRCULAR ECONOMY

Truth in Labeling, EPR, & How to Achieve an Equitable Circular Economy in the U.S.

September 20, 2023

NSAC'S VISION: The United States attains an equitable, circular economy.

Who is NSAC & SAF?



The National Stewardship Action Council (NSAC) is a 501(c)4 non-profit organization. NSAC is a network of committed proponents comprised of governments, non-government organizations, businesses, and consumers who advocate that **producers fairly share responsibility in an equitable, circular economy.**



Affiliated 501(c)3 for **education and outreach** initiatives that aligns with NSAC's advocacy work

Mission: Collaborate with public, private, and non-profit stakeholders to achieve an equitable, circular economy.

NSAC Board

8 Board Members, 5 Women, 2 BIPOC



Tim Goncharoff
President



Maia Corbitt,
Vice President
Garver, Black, Hilyard Family
Foundation



Patty Garbarino
Treasurer
Marin Sanitary Service



Constance Hornig
Secretary
Hornig Law



David Stitzhal
Full Circle Environmental



Rubi Soares
Terrascope Consulting



Patti Toews
Aptim Consulting



Rob Hilton
HF&H Consulting



The Stewardship Action Foundation (SAF) is the complimentary 501(c)3 non-profit organization to NSAC focusing on education, facilitation, bridge building & outreach capacity to support NSAC's policy efforts.



Eric Zetz, President
City of Oxnard Public Works



Michael Simpson, Vice President
LA Sanitation
Principal Environmental Engineer



Chiman Lee, Secretary
Corporate eWaste Solutions

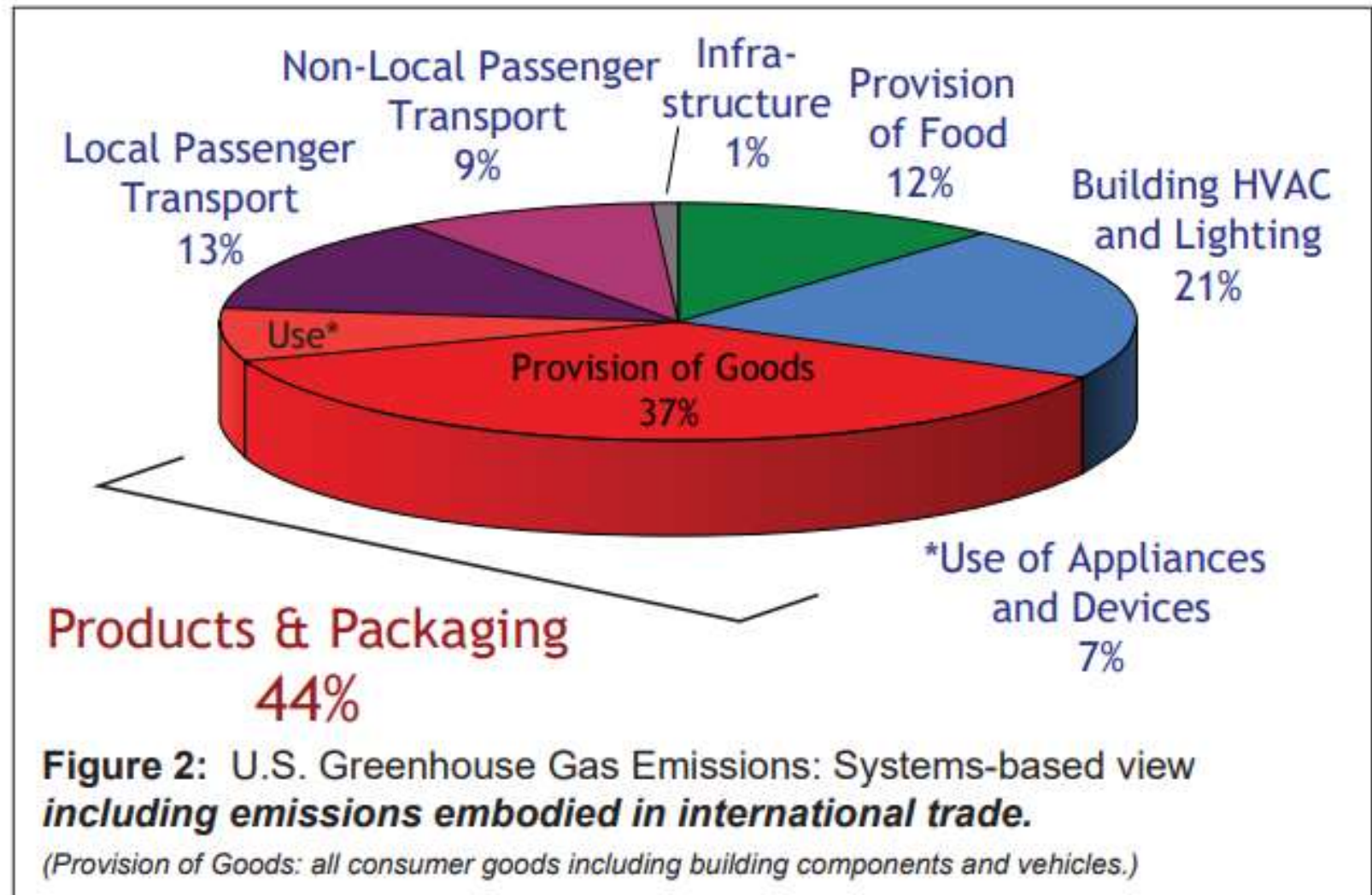


Maia Corbitt, Treasurer
Garver, Black, Hilyard Family Foundation



Shirlene Sitton, City of Santa Fe
Director, Environmental Services Department

Why We Will Be the Climate Champions?



**The bathtub is overflowing, what do you do
FIRST?!**

Second?



Nature is Circular

We Interrupted a Naturally Zero Waste System and Created Waste



What is a Circular Economy?

Multi-faceted with a **focus on producers embracing sustainable design**, using regenerative materials & collecting end of life products & materials for continuous use in the economy. It is based on three principles:

1. **Design out waste & pollution**
2. **Keep products & materials in use**
3. **Regenerate natural systems**



Decouples economic activity from the consumption of finite resources.



EPR is a key policy tool to drive a circular economy



Policy Options



1. Sales Ban
2. Truth in Labeling
3. Product Stewardship
4. Extended Producer Responsibility

Questions to ask:

- 1) How toxic is it?
- 2) Are there safer alternatives on the market, or coming?
- 3) What have other states or countries done with the product/chemical?
- 4) Is the international community limiting shipping/disposal?
- 5) How is the state determining the product to be hazardous? Is that causing problems?

Policies That Support Circular Economy: Bans/EPR/Stewardship in CA

1. Ag Pesticide Containers (2008) – EPR
2. Recalled Products (2008) – EPR
3. Mercury Thermostats (2008) – EPR
4. Paint (2010)
5. Carpet (2010)
6. Mattresses (2013)
7. Medications & Sharps (2018) – EPR
8. Loose batteries (2022) – EPR
9. Packaging (2022) – Circular Economy
10. **Mercury lighting (2022) - BAN**



Therm@statCare



DRUG TAKEBACK SOLUTIONS
FOUNDATION



NATIONAL STEWARDSHIP ACTION COUNCIL

MED-Project™
Medication Education & Disposal

Mercury Thermostat EPR 2008

Creating the **highest
rebate in the nation
(\$30)**



AB 707 (Quirk), 2021

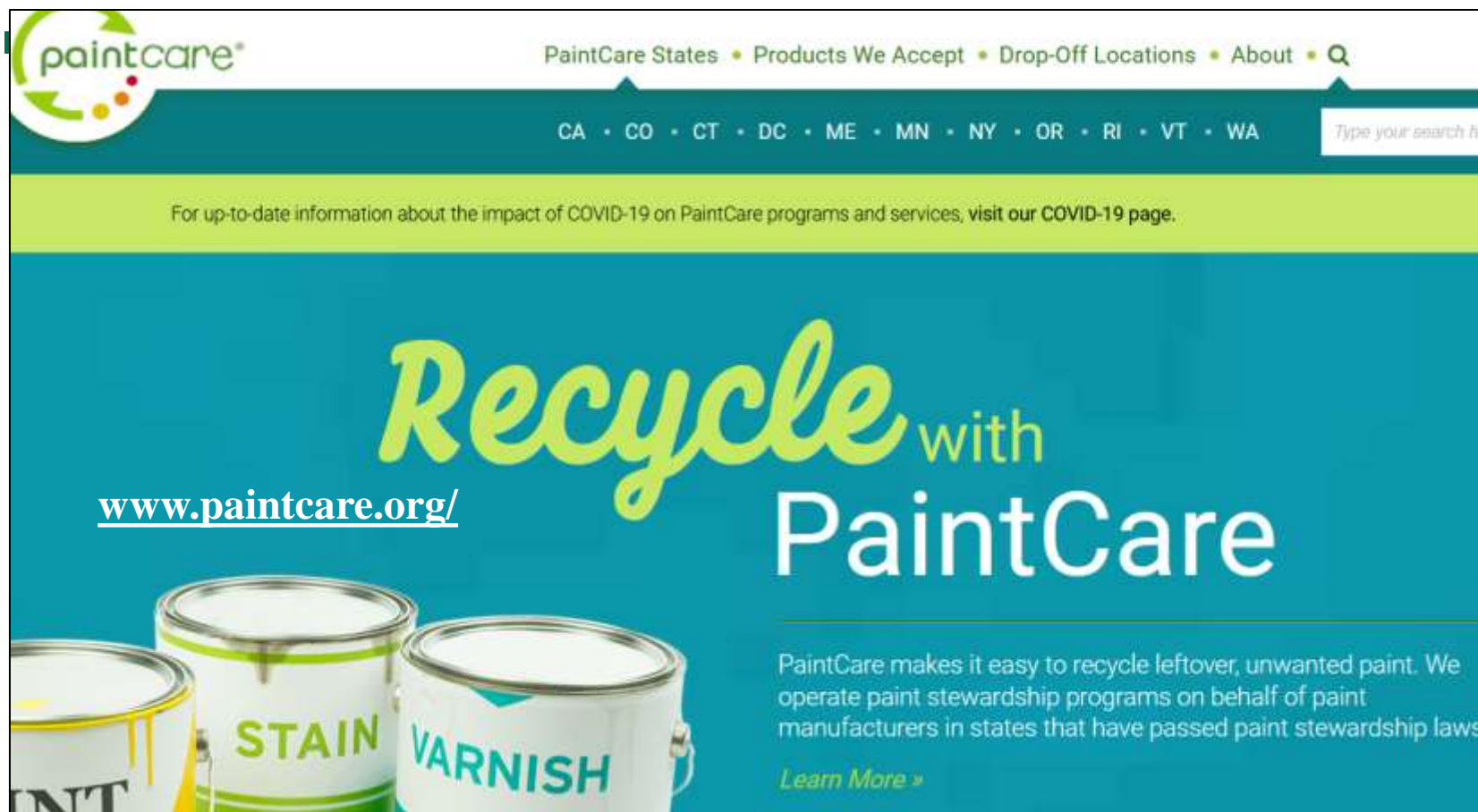
- Convenience standard: 1 location/county & at least 90% of residents have a collection location within 15 mi of their residence
- Any retailer, wholesaler, HHW that sells t-stats can request a free collection box
- Increases public education and outreach fund
- TRC will no longer run the program
- Sunset date of 1/1/2030 - can be extended by the legislature

AB 732 (Quirk), 2022

- Imposes sales ban on the thermostats of every manufacturer not in compliance with the act, notwithstanding good faith effort
- Collection boxes proactively sent to wholesalers

Paint Stewardship - 2010

Paint Stewardship in 11 States saving millions and increasing reuse and recycling!



The screenshot shows the PaintCare website homepage. At the top left is the PaintCare logo, which consists of a green circle with a white 'p' and the word 'paintcare' in lowercase. To the right of the logo is a navigation bar with links: 'PaintCare States', 'Products We Accept', 'Drop-Off Locations', 'About', and a search icon. Below the navigation bar is a teal banner with the text 'CA • CO • CT • DC • ME • MN • NY • OR • RI • VT • WA' and a search input field with the placeholder text 'Type your search here'. Below the banner is a green bar with the text 'For up-to-date information about the impact of COVID-19 on PaintCare programs and services, visit our COVID-19 page.' The main content area has a teal background. On the left, there is a large, stylized yellow text 'Recycle' with 'with' in smaller white text, followed by 'PaintCare' in large white text. Below this, there is a white text link 'www.paintcare.org/'. In the bottom left corner, there are three paint cans: one labeled 'PAINT', one labeled 'STAIN', and one labeled 'VARNISH'. On the right side, there is a white text block that reads 'PaintCare makes it easy to recycle leftover, unwanted paint. We operate paint stewardship programs on behalf of paint manufacturers in states that have passed paint stewardship laws.' Below this text is a green link 'Learn More »'.

Carpet Stewardship – 1st in World Passed in California in 2010



Carpet Stewardship Bill Was NOT a Model!

1. **Failed to have recycling rates and dates** and instead “continuous and meaningful improvement”
2. No stakeholder input required
3. No training of the installers required
4. No assurance fee money would be returned to CA if CARE lost control due to failure to perform (Another reason why we discourage visible fees)
5. **No hammer – enforcement was banning sale of carpet in CA – not realistic to use, should offer state option of take-over of program with producers paying for it**

Carpet Stewardship Clean Up Legislation

- AB 1158 passed 10/17/2017
Authored by Assemblymember Chu & Co-Authored by Stone
- Sponsored by the National Stewardship Action Council (NSAC)

Key Bill Elements:

- *Advisory committee added*
- *Recycling rates & dates set*
- *Prevents fee money from being used to pay fines or sue state*
- *Mandates trades get funding for apprenticeships*



Assemblymember
Kansen Chu



Assemblymember
Mark Stone



NATIONAL STEWARDSHIP ACTION COUNCIL

Mattress Stewardship



Lessons Learned in CA (2013):

1. **Visible Fees do not impact the company bottom line and therefore are NOT a driver for green design**
2. **Illegal dumping will not end without ensuring the producers offer landfill operators enough financial incentive to cover costs to participate** – MRC pushed back and wants mandate on participation without cost recovery
3. **Do not separate budget from the Plan!** Harder to track.
4. **Reimburse counties for costs of collecting abandoned mattresses**
5. ***Lobbied to use fees to sue CA in 2019 and used unions to do it!***



<https://byebyemattress.com/>



NATIONAL STEWARDSHIP ACTION COUNCIL

Examples of **Good EPR**: SB 212 (2018)

California enacts first drugs and needles stewardship law in the nation

- Convenience standard of 1 collection site per 50K people in the county and a minimum of 5 collection sites per county (Meds)
- Sharps is a mail-back program – med mail-back also provided to homebound residents
- Cost reimbursement for HHWs (Sharps)
- Public education and outreach requirements



Examples of **GREAT “EPR”**: (EPR 3.0+)

SB 54 2022

NEWS

California passes strongest EPR and recycling legislation in the US

- PRO must be 501(c)3 non-profit
- Source reduction targets including reuse/refill
- Recycling rates and dates
- Eco-modulation
- Enforcement: \$50K/day & ability to revoke PRO
- Advisory Board for stakeholder input
- Protects existing infrastructure
- Public education and outreach requirements
- \$10B remediation fund (Circular Economy Principle 3)
- Environmental Justice provisions

**California's New Law and EPR
Around Plastics Breaks
Boundaries**



Examples of “**Bad**” “**EPR**”: CA Carpet

- **Product stewardship** – consumer funded, producer run
- [AB 2398 \(Perez\) - 2010:](#)
 - First product stewardship law in the state & first carpet stewardship law in the U.S.)
 - Meaningful and continuous improvement – impossible to enforce!
- [AB 1158 \(Chu\) – 2017:](#) Clean-up #1
 - Established a stakeholder advisory committee
 - Set recycling rates & dates
- [AB 729 \(Chu\) – 2019](#) Clean-up #2
 - FIRST Eco-modulated fees/differential assessments in the US!
 - Contingency plan
 - Trust fund/escrow account



Local Governments Can Implement EPR!

Alameda County: 1st EPR Ordinance in the U.S.

- **7/24/2012:** Adopts first EPR ordinance for meds in U.S.
- **12/29/14:** PhRMA and other plaintiff organizations file a Petition For Writ of Certiorari asking the U.S. Supreme Court to consider the case – [Petition text](#)
- **5/26/15: Denied! National Impact!**
- EPR in U.S. allowed so long as the product has a public health and safety nexus



"We will win legally and will win in the court of public opinion as well," Mr. Miley said.

The Hard Work Has Been Done!

Medication EPR Ordinances



1. Alameda County: Adopted 7/24/2012
2. City and County of San Francisco: Adopted 3/17/2015
3. San Mateo County: Adopted 4/28/2015
4. Santa Clara County: Adopted 5/19/2015
5. Marin County: Adopted 8/11/2015
6. Santa Cruz County: Adopted 12/8/2015 (meds & sharps)
7. City of Santa Cruz: Adopted 8/9/2016 (meds & sharps)
8. City of Capitola: Adopted 8/25/2016 (meds & sharps)
9. Contra Costa County: Adopted 12/20/2016
10. Santa Barbara County: Adopted 6/21/2016
11. City of Watsonville: Adopted 3/16/2017
12. San Luis Obispo County: Adopted 1/10/18 (med & sharps)
13. Tehama County: Adopted 7/3/2018 (after SB 212 pre-emption date of 4/18/2018)



*Heidi Sanborn testifying in support of the
LA County Medication & Needle EPR
Ordinance*

In Progress (2018):

14. Los Angeles County
15. Sonoma County

County Inches Toward Pharmacy-Financed Drug Disposal

Drug Makers Would Run Take-Back Program Under Ordinance



Cost-Recovery: Producers Pay

RecycleSmart Contra Costa County

Central Contra Costa Solid Waste Authority

- Joint Powers Authority (JPA) with six jurisdictions in central Contra Costa County
- Sharps program built into franchise agreement
- Solid waste rates
- Initial partnership with **Central Contra Costa Sanitary District** for pharmaceuticals
- Only meds ordinance in Contra Costa County (no sharps, use state program)



In the Trenches: Getting EPR Done Statewide

1. 2013: SB 727 (Jackson) – **Failed to pass**
2. 2014: SB 1014 (Jackson) – **Failed to pass**



<small>CAPITOL OFFICE STATE CAPITOL, ROOM 2008 SACRAMENTO, CA 95834 TEL 916 651-4019 FAX 916 651-4019</small>	California State Legislature	<small>CHIEF SENATE JUDICIARY JOINT LEGISLATIVE COMMITTEE ON EMERGENCY MANAGEMENT</small>
<small>SANTA BARBARA COUNTY OFFICE 232 E. CARRILLO STREET SUITE 309 SANTA BARBARA, CA 93101 TEL 805-965-0983 FAX 805-965-0701</small>	SENATOR HANNAH-BETH JACKSON	<small>VICE CHAIR CALIFORNIA LEGISLATIVE WOMEN'S CAUCUS</small>
<small>VENTURA COUNTY OFFICE 300 E. ESPERANZA DRIVE SUITE 430 OJIVADO, CA 93028 TEL 805-988-1940 FAX 805-988-1940</small>	NINETEENTH SENATE DISTRICT	<small>COMMITTEES BUDGET & FISCAL REVIEW ENVIRONMENTAL QUALITY ELECTIONS & CONSTITUTIONAL AMENDMENTS NATURAL RESOURCES & WATER</small>
		<small>JOINT COMMITTEES FAPS, ALLOCATION & CLASSIFICATION LEGISLATIVE AUDIT</small>
October 30, 2014		BD. SUP. 114120 64x11:27
Santa Clara County Board of Supervisors 70 W Hedding St San Jose CA 95110-1705		B/S Chair _____ BD of Supv. <u>X</u> Clerk _____
Dear Board Members:		
<p>Over the last two years, I have worked with numerous stakeholders to develop legislation that would create a convenient and environmentally responsible home-generated prescription drug disposal program. These efforts included my hosting several large stakeholder meetings, working with legislative consultants, and meeting with hundreds of individuals with an interest in the safe handling and disposal of unused medications. During that time, I introduced two bills, SB 727 (2013) and SB 1014 (2014) in response to the feedback I received to help decrease the supply of unused prescription drugs in homes across California. Due to the current legislative climate, moving forward with these programs was unsuccessful.</p>		
<p>I am now respectfully requesting your participation and help to move this critical issue forward in our state. Adopting a county ordinance similar to Alameda County's Safe Drug Disposal ordinance will help California residents prevent prescription drug abuse, address their disposal needs now, and increase support for a statewide solution.</p>		
<p>The Alameda County Board of Supervisors unanimously adopted the first Safe Medication Disposal Ordinance in the country in July 2012. Pharmaceutical manufacturers with medications being sold or distributed in Alameda County must participate in and fund a program to collect and dispose of unwanted drugs. The ordinance was challenged by Pharmaceutical Research and Manufacturers of America, Generic Pharmaceutical Association, and Biotechnology Industry Organization on the basis that the ordinance violates the dormant Commerce Clause for interstate commerce and discriminates against out-of-county producers. In August 2013, the U.S. District Court upheld the ordinance, as did the Ninth U.S. Circuit Court of Appeals in September 2014.</p>		
<p>Alameda County's ordinance may be found here: http://www.acgov.org/aceh/safedisposal/documents/SDD_Ordinance.pdf</p>		
<p><i>cc: ea Supervisor, Colyer, Colmason, R. Santiago</i></p>		

In the Trenches: Getting EPR Done Statewide



3. 2015: SB 1229 (Jackson) – **signed into law 8/29/2016!**

- Protects medication bin “collectors” from liability for civil damages or subject to criminal prosecution for maintaining a secure drug take-back bin on its premises

4. 2017: SB 212 (Jackson) – **signed into law 9/18/2018!**

- Requires PRO to be 501(c)3
- Strong enforcement - \$50K/day fines
- Convenience requirements – 1 site per 50,000K people in the county, minimum of 5 per county
- Pre-emption: 4/18/2018

California enacts first drugs and needles stewardship law in the nation

Sharps EPR Program

**8 conveniently located
disposal locations at Police,
Fire, and City Hall**



2420 7.8.7 Sharps Collection

2421 Contractor shall Collect Sharps contained in authorized Sharps containers and placed for Collection in
2422 clearly-marked Sharps collection receptacles, from eight (8) CCCSWA approved drop-off locations within
2423 the Service Area, as identified in Exhibit T. Sharps receptacles shall be labeled with the CCCSWA name
2424 and logo, Contractor's phone number, and instructions for use. Following Collection, Contractor shall
2425 arrange for proper Disposal of Sharps. Contractor shall provide Sharps Collection services according to
2426 the CCCSWA approved schedule in Exhibit T. Contractor shall obtain and maintain through the Term all
2427 Permits required for the Collection location and for Collection, Transportation, and Disposal for Sharps.
2428 In the event that program use requires increased frequency of Collection, Contractor and CCCSWA shall
2429 meet and confer to determine revised program requirements. Contractor shall submit Disposal
2430 information and program data to CCCSWA on a monthly basis, pursuant to Exhibit B. Contractor shall
2431 not be responsible for providing Sharps Collection services to residential care facilities, medical or
2432 veterinary offices, or other Commercial Generators.

County Reimbursement: \$64,000 Annually!

Invoice #	Date	Danville	Rossmoor	Walnut Creek Fire	Moraga	Alamo	Walnut Creek City	Orinda	Lafayette	Total
1220846	30-Sep-22	\$428.80	\$857.44	\$857.69	\$214.23	\$428.71	\$857.60	\$214.19	\$857.61	\$4,716.27
1227282	31-Oct-22	\$428.96	\$857.26	\$858.30	\$214.82	\$428.66	\$857.81	\$214.70	\$857.42	\$4,717.93
1242990	30-Nov-22	\$643.42	\$1,071.58	\$1,286.87	\$214.70	\$643.27	\$1,286.31	\$214.55	\$1,071.91	\$6,432.61
1303364	31-Dec-22	\$428.55	\$857.44	\$857.56	\$215.30	\$428.83	\$857.19	\$214.30	\$857.42	\$4,716.59
1316004	31-Jan-23	\$429.19	\$1,072.51	\$1,072.38	\$429.51	\$429.31	\$1,073.34	\$428.93	\$1,072.37	\$6,007.54
1335462	28-Feb-23	\$428.76	\$857.58	\$858.40	\$214.84	\$428.61	\$858.94	\$214.30	\$858.48	\$4,719.91
Contra Costa Health Services 2023 Permit	29-Jan-23	\$116.00	\$116.00	\$116.00	\$116.00	\$116.00	\$116.00	\$116.00	\$116.00	\$928.00
										Reimbursement \$32,238.85



Trilogy Medwaste West LLC
8554 Katy Freeway, Ste 200
Houston, TX 77024
(713) 300-1880

Republic Services

901 Bailey Rd
Pittsburg, CA 94565-4309

INVOICE # 1220846
ACCOUNT # 3382519
DATE September 30, 2022
DUE October 15, 2022

MAKE ALL CHECKS PAYABLE TO:

Trilogy Medwaste West LLC
PO Box 670567
Dallas, TX 75267

Site 3382519002 - Danville Police Department - 510 La Gonda Way

WO #	DATE	DESCRIPTION	QTY	UNIT RATE	TOTAL
1545542	09-06-22	43gal RMW Reusable Tub Per Container	1.00	0.00	0.00
1545542	09-06-22	Stop Charge	1.00	210.10	210.10
1545542	09-06-22	California AB 1807 Tax			0.34
1545542	09-06-22	Temporary Fuel Surcharge	1.00	4.00	4.00
1568439	09-20-22	Stop Charge	1.00	210.10	210.10
1568439	09-20-22	43gal RMW Reusable Tub Per Container	1.00	0.00	0.00
1568439	09-20-22	California AB 1807 Tax			0.26
1568439	09-20-22	Temporary Fuel Surcharge	1.00	4.00	4.00
Taxes					0.00
Site Total					428.80

Today: CA Meds/Sharps Implementation

Two Producer Responsibility Organizations (PROs):

1. Drug Take Back Solutions Foundation

Medications: [Disposal Kiosks](#)



• [Residents Medication Mail-Back Services Order Request Form](#)

Sharps: [Residents Sharps Mail-Back Services Order Request Form](#)

• Local Agency HHW Reimbursement: to initiate email info@takebackfoundation.org (Subject line: HHW Reimbursement).
Provide site name, address, contact information

2. Med-Project

Medications: [Disposal Kiosks](#)



• [Residents Medication Mail-Back Services Order Request Form](#)

Sharps: [Residents Sharps Mail-Back Services Order Request Form](#)


• [Local Agency HHW Registration](#) (for reimbursement)

Meds/Sharps Mail-Back Order Forms for Residents

Choose your package type:

How many packages do you need:

Contact Information

 **DRUG TAKEBACK SOLUTIONS FOUNDATION**

First Name*

Last Name*

Email Address*

Address Line 1*

Address Line 2

City*

CA

95695

Contact Information

First Name*

Last Name*

Email

Address*

Apt #, Building #, Suite #

City*

CA

Zip Code*

MED-Project[®]
Medication Education & Disposal



Form for HHW Reimbursement

Local Agency HHW Registration



MED-Project will provide reimbursement to any facility operated by a local agency that is properly authorized to accept and manage home-generated sharps waste as part of a household hazardous waste collection program. Services are eligible for reimbursement if the cost is incurred after September 5, 2022. MED-Project will respond to requests for reimbursement within 14 days and remit payment within 45 days of receiving the request form and invoice. If you have any questions, please contact us at (833) 633-7765 or email at california@med-project.org.

Registration Info

Register Now

After registering with MED-Project, you may submit a request for reimbursement, including an invoice that includes all eligible costs.

MED-Project[®]
Medication Education & Disposal

Already Registered? Login Below

Email Address

email@domain.com

Password

☐ Remember Me

Log In

The responsibility lies with the local agency to submit a request to the PROs rather than the PROs proactively seeking to reimburse or remove sharps waste.



2020 Trip to Oregon and Seattle



Refillable bottle bill result!



CFEE 2021 – Vancouver & Toronto

CA Foundation for Environment & Economy added Circular Economy to Bylaws in 2022! And CA Battery bills in 2022!



In the Trenches: Getting EPR Done – Batteries



1. **2010: SB 1100 (Corbitt) – Failed to pass**
 - First battery bill sponsored by the CPSC
 - Would require producers to create a stewardship plan and create and meet collection rates
2. **2014: AB 2284 (Williams) - Failed to pass**
 - Would require CalRecycle to develop and fund 3 local battery recycling pilot projects
 - \$1.5 million funded by solid waste disposal facility quarterly fees based on the amount of solid waste disposed of at each disposal site
3. **2015: AB 1159 (Williams & Gordon) - Failed to pass**
 - Covered batteries & home-generated sharps, Product Stewardship Pilot Program
 - Would require producers and product stewardship organizations to develop and implement a product stewardship plan until 1/1/2024
4. **2019: AB 1509 (Mullin) - Failed to pass**
 - Would establish the Lithium-Ion Battery Recycling Program in CalRecycle
 - Would cover lithium-ion battery sold separately or sold with a product, or a product containing a lithium-ion battery or battery pack that is not designed to be removed from the product by a consumer
 - Would require covered entities to establish a stewardship program and achieve collection and recycling targets
5. **2021: SB 289 (Newman) - Failed to pass**
 - Would require producers to establish a stewardship program for batteries and battery-embedded products
6. **2022: AB 2440 (Irwin) – signed into law 9/16/2022!**
 - Requires producers to establish a stewardship program for the collection and recycling of covered batteries
 - Requires PRO be a 501c3
 - Preempts local ordinances adopted on or after 1/1/2023
 - Violations of \$10K/day unless it is intentional (\$50K/day) to the Covered Battery Recycling Penalty Account

**Lithium Battery Fires Are
Threatening Recycling as
We Know It**

**California legislature advances battery
EPR and takeback bills, aiming to
avert facility fires**

Published Aug. 31, 2022 • Updated Sept. 1, 2022

Final 2022 Report: 34 Recommendations, 17/0 Votes!



California's Statewide Commission on
Recycling Markets & Curbside Recycling
Releases First Report & Policy Proposals

Labeling: The Wild West, With No Sheriff in Town



Purchased at Walmart, 8/2021



NATIONAL STEWARDSHIP ACTION COUNCIL

Ending Greenwashing Through Truth in Labeling

NSAC's Heidi Sanborn in: *The New York Times*

"Nobody should be able to
lie to the public"



Assembly Floor: Bi-Partisan Support

AGUIAR-CURRY
 ▲ ARAMBULA
 ▲ BAUER-KAHAN
 ▲ BENNETT
 ▲ BERMAN
 ▲ BIGELOW
 ▲ BLOOM
 ▲ BOERNER HORVA
 ▲ BONTA, M.
 ▲ BRYAN
 ▲ BURKE
 ▲ CALDERON
 ▲ CARRILLO
 ▲ CERVANTES
 ▲ CHAU
 CHEN
 CHIU
 CHOI
 COOLEY
 COOPER

CUNNINGHAM
 DAHLE
 DALY
 DAVIES
 FLORA
 FONG
 FRAZIER
 ▲ FRIEDMAN
 ▲ GABRIEL
 GALLAGHER
 ▲ GARCIA, C.
 ▲ GARCIA, E.
 GIPSON
 ▲ GONZALEZ
 GRAY
 ▲ GRAYSON
 HOLDEN
 ▲ IRWIN
 ▲ JONES-SAWYER
 ▲ KALRA

KILEY
 LACKEY
 ▲ LEE
 ▲ LEVINE
 ▲ LOW
 ▲ MAIENSCHIN
 ▲ MATHIS
 ▲ MAYES
 ▲ MCCARTY
 MEDINA
 ▲ MULLIN
 ▲ MURATSUCHI
 NAZARIAN
 NGUYEN
 O'DONNELL
 PATTERSON
 ▲ PETRIE-NORRIS
 ▲ QUIRK
 ▲ QUIRK-SILVA
 RAMOS

▲ REYES
 ▲ RIVAS, L.
 ▲ RIVAS, R.
 RODRIGUEZ
 RUBIO
 SALAS
 ▲ SANTIAGO
 SEYARTO
 SMITH
 ▲ STONE
 ▲ TING
 VALLADARES
 VILLAPUDUA
 VOEPEL
 WALDRON
 ▲ WARD
 ▲ WEBER, A.
 ▲ WICKS
 ▲ WOOD
 ▲ MR. SPEAKER

Senate Third Reading
 SB 343 Allen

FILE:144
 ▲ AYE 43 ▼ NO 0 VOTE:Majority

9/8/2021

Bill Votes	
Date	09/08/21
Result	(PASS)
Location	Assembly Floor
Ayes Count	50
Noes Count	3
NVR Count	27

“Truth in Labeling” NSAC Sponsored Laws

1. Recycling: SB 343 (Allen), 2021 – **no PFAS!**
2. “Flushable” Wipes: AB 818 (Bloom), 2021
3. Cannabis Vaping Devices: AB 1894 (L. Rivas), 2022

Universal ‘chasing arrows’ recycling symbol could be dumped in US

Biden officials consider whether symbol, created for first Earth Day in 1970, is misleading because of use on non-recyclable material



NATIONAL STEWARDSHIP ACTION COUNCIL

We Make Big Things Happen!



CA's SB 54 EPR for Packaging



Signed into Law, 6/30/2022

FOR IMMEDIATE RELEASE:

Thursday, June 30, 2022

Governor's Press Office: (916) 445-4571

Governor Newsom Signs Legislation Cutting Harmful Plastic Pollution to Protect Communities, Oceans and Animals

New California law requires all packaging to be recyclable or compostable, significantly cutting plastics use

Legislation strengthens state's recycling system and shifts burden of plastic waste from Californians to the plastics and packaging industry

SACRAMENTO – On the same day that the U.S. Supreme Court kneecapped the federal government's ability to reduce pollution and tackle climate change, California took nation-leading steps to cut plastic pollution and hold the plastics industry accountable for their waste.

Governor Gavin Newsom signed SB 54.



L to R: Senator Ben Allen; Tina Andolina, Office of Senator Ben Allen; Governor Newsom; Assemblymember Luz Rivas; Senator Robert Hertzberg; Christine Aurre, Office of Sen. Hertzberg; Melissa Immel, Office of Governor Newsom

Key Features of SB 54 (Allen): **EPR v. 3.0+**

- **Must be recyclable or compostable by 1/1/2032**
- **Recycling Rate and Dates:**
 - 1/1/2028: Not less than 30%
 - 1/1/2030: Not less than 40%
 - 1/1/2032: Not less than 65%
- **25% Plastics Source Reduction by Weight & Unit by 2032**
 - 10% by 1/1/2027
 - 2% **reuse & refill**
 - 20% by 1/1/2030
 - 4% reuse & refill
 - 2030: Evaluation (& every 5 years thereafter) to determine if actions to secure greater source reductions are necessary
- Other reduction tools focused on optimization:
 - Lightweighting, concentrating, shifting to another packaging type
 - Recycled content capped at 8% & considered “alternative compliance”
- **Environmental justice & \$5 Billion Mitigation Fund!**



100% Packaging in California
Recyclable by 2032



65% of Single-Use Packaging
Recycled by 2032



25% of Plastic Packaging
cut by 2032

Expanded Polystyrene



- **De facto ban**
- Cannot sell unless:
 - Meets a 25% recycling rate by 1/1/2025
 - 30% by 1/1/2028,
 - 50% by 1/1/2030,
 - 65% by 1/1/2032, and annually thereafter.



“It’s a de facto ban,” said Jay Ziegler with the Nature Conservancy, of the bill’s polystyrene recycling requirement. He added that current recycling rates for polystyrene are in the low single digits, making it improbable that a 25% recycling target could be met in three years.

EPR v. 3.0+: Enforcement



- **\$50,000/day/violation** civil penalties
- **New tool – revoking the PRO – “Heidi clause”**
- Authorizes CalRecycle to pursue enforcement against a PRO or individual producers who are in violation of the Act with, or without, revoking the plan.
 - Includes an additional regulatory “backstop” if the PRO or a producer fails to meet the recycling & source reduction targets established that would allow CalRecycle to adopt regulations to require producers or the PRO to take the actions necessary to achieve the recycling rates or source reduction requirements.
- CalRecycle must submit reports every two years regarding implementation

PFAS: DDT of Our Generation!

Turn the spigot off first!!!

2021-2022 Session:

1. AB 652 (Friedman): PFAS in Juvenile Products, **signed into law**
2. AB 1817 (Ting): PFAS in textiles, **signed into law**
3. AB 2771 (Friedman): PFAS in cosmetics, **signed into law**
4. AB 2247 (Bloom): PFAS disclosure, **vetoed**

NSAC advocated successfully for PFAS to be included in the U.S. Plastics Pact's Problematic & Unnecessary Materials List. Pact Activators will take measures to eliminate intentionally added PFAS by 2025.



Sales Ban - 2022

Mercury-Containing (Fluorescent) Lamps

- California EPR legislation was introduced and died 2007-09 **FAILED**
- Environmental groups would not support EPR because they were more concerned about GHG emissions than mercury impacts
- With NEMA and ENGOS opposing, we gave up on EPR for years....
- Waited until there was ENGO support for a sales ban and LEDs were prevalent on market

Hg=Mercury but many people do not know that



Introduced and Passed AB 2208 (Kalra) 2022 Fluorescent Lamps

- Mercury is a potent neurotoxin - World Health Organization puts mercury in the top ten most problematic chemicals for public health
- Light Emitting Diodes (LEDs) use approximately half the electricity as fluorescent lamps to produce the same amount of light, and last 2-3 times longer than fluorescents - GHG & energy saving, toxics reduction
- Cost savings with compacts – linear soon!
- Worker safety
- Labeling



Mercury Lighting Considerations Federal & International



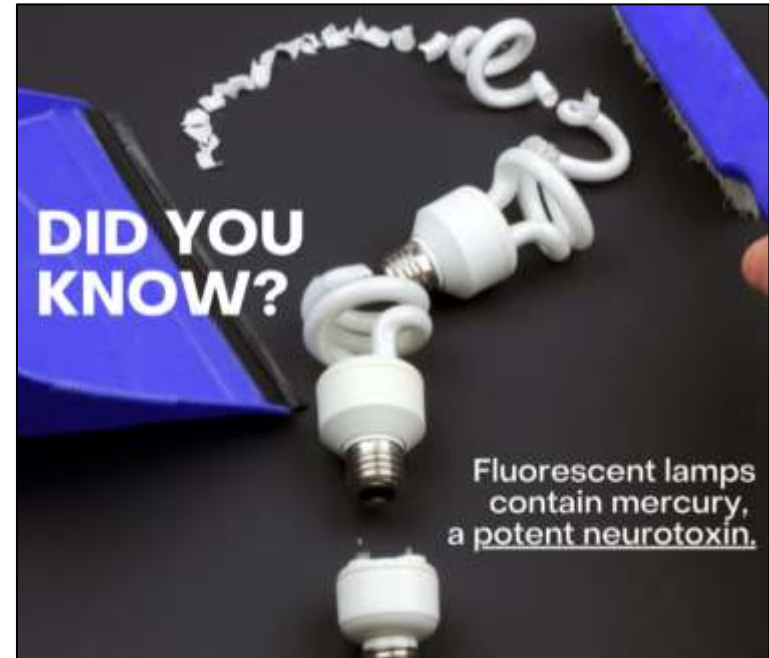
- [Minamata Convention on Mercury](#): multilateral environmental agreement that addresses specific human activities that contribute to widespread mercury pollution.
 - On 11/6/13: U.S. signed the Convention - requires that party nations: phase-out or take measures to reduce mercury use in certain products such as batteries, switches, lights
 - 137 Parties to the Minamata Convention on Mercury agreed at COP 4 to phase-out compact fluorescent lamps (CFLs) by 2025
- U.S. Department of Energy proposed to double the current minimum light bulb efficiency level, from its current standard of 45 lumens per watt to over 120 lumens per watt for the most common bulbs
 - Designed to discourage the use of fluorescents

Sometimes Sales Bans are Warranted

Mercury Lamp Pollution Prevention Act

AB 2208 (Kalra & Becker)

- EPR? NO! Toxic & unnecessary!
- Bans the sale of fluorescents -
 - 1/1/2024: screw or bayonet base CFLs
 - 1/1/2025: pin-base CFLs & LFLs
- **FIRST IN THE NATION** to include LFLs up to 8'
- GHG & energy saving, toxics reduction
- Exemptions for academia & research, disinfection, suntanning, pharmaceutical product manufacturing or quality control, etc.
- Recommendation from the Statewide Recycling Commission!



AB 2208 (Kalra & Becker): Supporters



Vermont, California, who is next?

- 14 states introduced/plan to introduce mercury lighting sales bans: Connecticut, **Colorado**, **Hawaii**, Illinois, **Maine**, Massachusetts, Maryland, Minnesota, **Rhode Island**, New Jersey, New Mexico, New York, Nevada, **Oregon**, Washington

Policy 20-01: Extending Producer Responsibilities Framework for Household Hazardous Waste (HHW)

In order of priority,

- 1. Establish a Framework for EPR** delegating to either CalEPA, CalRecycle, and/or DTSC the authority to develop criteria and identify toxic products each year to be transitioned to EPR programs until such a time that no toxic or hazardous products are costing local governments money to manage.
- 2. Establish EPR programs** for the product categories below to reduce known fire and operational hazards
 - A. Explosive Hazards.
 - i. Sealed single-use products containing Li-Ion batteries - such as vaping products, *should be banned from sale*. Products with Li-ion batteries should be mandated to have take-back programs.
 - ii. 1 lb. propane gas cylinders - this is NOT a traditional EPR program *but should ban the sale of single-use cylinders*
 - iii. Projectile or explosive marine flares *should be banned from sale*.
 - B. Aerosol cans.
 - C. Rooftop photovoltaic systems.
 - D. Battery walls.
- 3. Ban sale of products or require takeback when needed.** We recommend that California consider banning the sale of products that are toxic and unnecessary in that there are safer alternatives that are often less expensive.
- 4. Update requirements for labeling** (and/or color container changes) of all packages for products that CalRecycle and the Department of Toxic Substances Control determine should be managed as HHW.



H.67 (Dolan): Vermont HHW EPR

VERMONT ENACTS FIRST-IN-THE-NATION HHW EPR LAW

- **Enacted 6/13/23 - First in the nation!**
- Covered materials: product or product components that are hazardous waste and gas cylinders
- **Covered materials will be banned from landfill disposal after 7/1/2025**
- Required to form a Producer Responsibility Organization (PRO)
- PRO must register annually with the Agency of Natural Resources
- First stewardship plan due 7/1/25, which must include a participation goal of 5% of households
- After the initial approved program plan, the PRO shall propose performance goals for subsequent program plans and submit annual reports
- The plan must include public education and outreach regarding collection program locations and any special handling considerations, **as well as information on source reduction.**

Enforcement: Producers will be prohibited from selling covered products in the State six months after the' approval of a PRO's stewardship plan, if they are not participating in a PRO implementing an approved plan

Local governments may opt into the program and be reimbursed for their costs of collection by the PRO

In the Trenches: Getting CE Bills Done

- Collect Data
- Find Your Allies
 - Political champions
 - Unlikely bedfellows – stakeholders, legislators
- Educate the Legislature
- Create a Package
- Go Local (SB 212!)

CA Foundation for Environment & Economy



Sen. Ben Allen says its time to remember recycling

CircleKicker 4 months ago · Ben Allen · COVID-19 · environment · politics · recycling



California governor signs full slate of circular economy bills

The package includes bills regulating recyclability and compostability claims on products, restricting exports of plastic scrap and updating the state's container redemption program.

Published Sept. 14, 2021 • Updated Oct. 6, 2021



Megan Quinn
Reporter

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to EPR for HHW

- **Lots of lessons learned from Stewardship & EPR laws**
- **EPR has evolved to include removing toxics from products**
- **EPR has evolved to include labeling requirements**
- **Some states are now EPR experts**
- **CA Statewide Recycling Commission #1 recommendation is EPR for all HHW!**
- **Having some HHW under EPR makes it seem like natural next step**
- **HHW Costs are outrageous**
- **HHW program convenience is low**
- **Public is aware about EJ issues & Toxics (cancer alley)**



EPR Concept for Fossil Fuels

Coal

Oil

Gas

Mitigation for ash disposal, air pollution, etc.

Mitigation for groundwater contamination, capping wells, etc.

Mitigation for methane leaks, contamination, etc.

Mitigation for wildfire recovery, habitat restoration, coastal erosion, cooling centers, etc. Proportional to contribution to those impacts. Offset by investment in transition away from FFs.

2023-2024 CA EPR Legislation

- *SB 303 (Allen): SB 54 Packaging EPR Cleanup*
- AB 863 (Aguiar-Curry): Carpet – NSAC Sponsored
- AB 2 (Ward): PV End-of-life
- SB 615 (Allen): EV Batteries
- SB 560 (Laird): Gas Cylinders
- SB 707 (Newman): Textile EPR



National Work

- National Bottle Bill/Recycling Refund
- WIPPES Act & PIPES Act
- Truth in Labeling laws. Ex: Maryland
- Fluorescent lamp bans. Ex: Colorado
- PV Recycling National Dialogues

OREGON'S HB 2531

Prohibits the sale or distribution of compact fluorescent lamps on or after January 1, 2024



Could save consumers **\$49 million** in energy costs by 2030 if passed into law!



America's
Bottle Bill

**BOTTLE BILLS
CREATE JOBS**

HR 2964 & S1350: The Wastewater Infrastructure Pollution Prevention & Environmental Safety (WIPPES) Act



Rep. McClain (R-MI)



Rep. Sattler Peltola (D-AK)



Rep. Merkley (D-OR)



Rep. Collins (R-ME)



Rep. King (I-ME)



&
Rep. Shaheen (R-TX)
Rep. Wyden (D-OR)
Rep. Markey (D-MA)
Rep. Blumenthal (D-CT)
Rep. Warren (D-MA)



Introduced 4/27/2023 in the House and referred to committees

PRESS RELEASE [HERE](#):

"It is time to pass this bipartisan legislation and spare Americans from being misled to think these wipes are flushable that results in unnecessary stress and costly repairs." **said Heidi Sanborn, Founding Executive Director, National Stewardship Action Council.**



Clean
Lighting
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State of the Lightbulb: Saying Farewell to Fluorescents

4 October 2023 | 3:00 – 4:00 (EST)



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NATIONAL STEWARDSHIP ACTION COUNCIL

"Twenty years from now, our hope is that nothing goes onto market that has no end-of-life management program in place."

HEIDI SANBORN



*Join & Follow
Us!*

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Executive Director

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