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## The Smoldering Trash Revolt

Recycling is leveling off, trash is piling up and cities are broke. In a throwaway society, who should pay for waste disposal?

By: [Melinda Burns](#) | January 21, 2010 | 05:00 AM (PST) |



Every time a Californian breaks the law and throws a battery into the trash, it's a headache for someone like Kevin Hendrick.

As director of the Del Norte Waste Management Authority, Hendrick spends \$50,000 in taxpayer money providing one day per year on which county residents can bring in their household hazardous waste, including batteries, for proper disposal. The problem is, only 5 percent of them ever show up.

It's driving cities and counties crazy all over the country. In California alone, they spend \$500 million yearly trying but failing to manage discarded household batteries, fluorescent lights, hypodermic needles, cell phones, radios, microwaves, printers, computers and televisions — "problem products" that the state has banned from municipal landfills.

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As in Del Norte, most people don't bother to bring in their hazardous waste on special collection days. And that means a lot of toxic mercury, cadmium, nickel, arsenic and lead is getting buried in the dump.

"We can't let that stuff come in the garbage," Hendrick said. "These products get banned without a plan. And because we don't know any better, we in local government just keep stepping up and trying to solve the problem. We need to push back. I keep thinking of Gandhi. If we refuse to cooperate, then what?"

The "push-back," in fact, is under way. During the past year, lawmakers in Maine, California, Minnesota and Oregon have proposed ways to start shifting the burden of waste disposal from the public to the private sector. Washington state has looked into the idea, and Rhode Island is studying it. They call it "product stewardship," "extended producer responsibility" and "responsible recycling."

Whatever the label, it means manufacturers themselves would be required to pay for collecting, recycling and disposing of designated products after their customers are through with them.

Supporters — local governments and environmentalist groups — say product stewardship would encourage manufacturers to design less-toxic products and reduce packaging waste. Prices would likely go up for consumers, they say, but ratepayers would not be subsidizing waste disposal for things they didn't buy.

Business groups say the practice would hurt consumers and kill jobs.

In a letter to the California Assembly last year, the [California Chamber of Commerce](#) said that a broad framework for product stewardship would raise prices and impose a "vast new regulatory regime," under which "virtually any product could be selected."

"This will make covered products more expensive at a time when businesses are struggling to stay afloat and consumers are trying to stretch their resources as far as possible," the chamber said.

## **Out in front**

Because of industry opposition in California, it's fallen to Maine, the most sparsely populated state east of the Mississippi, to take the legislative lead.

Maine faces a \$400 million budget shortfall, and the [bill](#), "An Act to Provide Leadership Regarding the Responsible Recycling of Consumer Products" stands a good chance, said Rep. Melissa Innes (<http://www.maine.gov/legis/housedems/minnes/>), D-Yarmouth, the author. A joint state House and Senate committee hearing on the legislation is set for Jan. 22. Democrats have a majority in both houses.

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"It could be a nice feel-good bill," Innes said. "I don't expect to get support from the Chamber of Commerce, but I'm trying not to get a stampede of opposition."

Product stewardship is well established in Europe, Canada, Japan and South Korea, and it's not foreign to the United States. In recent years, 19 states, including Maine and Minnesota, but not California, have passed "take-back" laws requiring producers — that is, manufacturers, brand owners and importers — to collect and recycle household electronics.

Maine has five product-by-product stewardship laws, the most in the nation. In 2004, it was the first state to require producers to take back discarded televisions, computer monitors, desktop printers and video game consoles.

According to a study by the University of Southern Maine, published in the December issue of [Waste Management](#), Maine nearly quadrupled its collection and recycling of electronic waste from 2006, when the law went into effect, through 2008. Many of the used televisions and monitors likely came out of people's attics and garages, the study said. According to the U.S. Department of Commerce, nationwide, 75 percent of obsolete electronics end up in storage.

Under Maine's e-waste program, producers pay most but not all of the recycling and disposal costs. In 2008, the study shows, Maine's cities and towns paid about \$382,000 to collect and store discarded TVs and monitors, and producers paid \$1.9 million to transport, dismantle and recycle them. Some residents paid a small drop-off fee, and others paid nothing.

In addition, Maine requires producers to take back mercury-containing thermostats and auto-switches, [compact fluorescent light bulbs](#), and, beginning in 2011, mercury lamps. A current bill also would require producer take-backs for [drugs](#).

What's different about Innes' new bill is that, rather than continue with product-by-product legislation, it would give the state's Department of Environmental Protection broad authority to choose what to regulate. Producers would be required to turn in recycling and disposal plans and meet collection rates approved by the department. Companies that failed to participate would be fined up to \$10,000 daily, and so would retailers that sold their products.

If the bill passes, the state would likely focus on products that contain toxics, and products such as paint and pesticides, Innes said.

"We're going after the low-hanging fruit," she said. "This is just the next smart step."

Yarmouth spends \$10,000 yearly to hold one household hazardous waste collection day, a cost the city cannot afford, Innes said. Plus, she added, Canada has created many new jobs through product stewardship. And if businesses are required to bear the disposal costs for their own products, they might choose greener ways to make them, Innes said.

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"All of our waste goes to a waste energy plant, where it burns and goes into the air," she said. "Even though we have scrubbers and filters, they can only capture so much. We pay for that in our health."

## 'Tired and mad'

Maine may be ahead, but California is giving it a push, said Bill Sheehan, executive director of the [Product Policy Institute](#), an Athens, Ga.-based nonprofit group that advocates for a "zero-waste" society.

"Maine is clearly a leader in being first and most prolific," Sheehan said. "They 'got it' early on. But a lot of the energy for extended producer responsibility is coming from local governments, and that movement is sweeping down the West Coast."

The [California Product Stewardship Council](#) a coalition of local governments, has collected 76 endorsements for product stewardship from frustrated cities, counties and government associations.

"We're at a place in time where local government is saying, 'We're tired, we're mad and we're not going to take it any more,'" said Rob D'Arcy, who manages hazardous materials for the County of Santa Clara and is the council's chairman.

"Our county spends \$4 million to collect hazardous waste from five percent of households," D'Arcy said. "It's almost disgraceful, the responsibility that's placed on local government to pay for these services, when they should be functions of the market."

To help address these concerns, California Assemblyman [Wesley Chesbro](#), D-Humboldt, proposed sweeping product stewardship legislation similar to Maine's last year, but it never came to a vote. At the end of this month, his aides said, Chesbro will introduce a new bill naming five or six products that manufacturers would have to collect, recycle and dispose of once they are discarded, including a few that are banned from landfills and a few that contaminate the ocean.

"When you try to create a comprehensive framework, you allow every manufacturer to imagine that they're going to be first on the list," Chesbro said in December. "It's not hard to scare them. That's the political difficulty we've run into."

As an example, the [Pharmaceutical Research and Manufacturers of America](#), representing the leading drug research and biotechnology companies in the U.S., says product stewardship could increase the cost of drugs and create a greater potential for drug diversion through theft, because the discarded medicines would be collected in one place.

"Take-back programs do not make environmental sense when the easiest, most acceptable way to rid the home of unused medicines is to dispose of them in household trash," the trade group said

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in a recent press release. "... Creating a new process for disposing of unused medicines would be a complex task that will require significant financial resources. ..."

Chesbro has had more success with a bill that would require California to recycle 75 percent of its municipal waste by 2020. His [bill](#) was approved last year by the Assembly and is now under review in the state Senate.

Back in 1971, Chesbro was the founder of one of the state's first recycling centers. Recycling, he said, has created 85,000 jobs in California and could create more "green" jobs, if product stewardship becomes the law.

"We talk about going green as a way of getting out of our economic troubles," Chesbro said. "Recycling is the proven way of doing that. The problem is that the responsibility has always fallen on local cities and counties. There's never been any kind of comprehensive responsibility on the manufacturers of the products."

In Minnesota, another legislator with experience in the recycling business is promoting a product stewardship bill like Maine's. [Rep. Paul Gardner](#) of Shoreview, a member of the Democratic-Farmer-Labor Party, said, it's hard "to get people to understand what we're doing," but, he said, his bill, [HF 2047](#), is becoming more attractive in a bad economy.

"Governments are looking for ways to cut costs, and this is one way to do it. You shift the cost from taxpayers to people who buy a particular type of product. And if every manufacturer has to comply with the same law, that can force them to work together and figure out how to pool resources."

## **The mounting trash heap**

There's no question that Americans are throwing away more trash than ever before. It's up from 2.7 pounds per person per day in 1960 to 4.5 pounds in 2008, according to the U.S. Environmental Protection Agency. About 75 percent of trash is products and packaging, materials that may contain plastics, acids, heavy metals and petroleum by-products harmful to public health.

Recycling, meanwhile, has leveled out nationally at about 33 percent of the municipal waste stream. (California leads the nation with a recycling rate of 58 percent). On average, then, most of the trash in the United States is buried or burned.

Around the country, a few companies are already investing in recycling. Battery manufacturers run recycling centers for used rechargeable household batteries. Gas stations take back used oil. Coca-Cola has built the world's largest plastic bottle-to-bottle recycling plant. Anheuser-Busch has been recycling aluminum cans for 30 years. Hewlett-Packard takes back cell phones. Ford

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vehicles are 85 percent recyclable. And carpet manufacturers recycle about 5 percent of used carpets.

These efforts are welcome, but they do not go nearly far enough, said Heidi Sanborn, executive director of the California Product Stewardship Council.

"Our per-capita waste generation is still going up," Sanborn said. "We're not anywhere close to where we need to be. We've got to stop the bleed. Manufacturers have to meet a collection rate, and fund and manage the system, and part of the discussion is how many products are being sold into the market. Otherwise, there is no transparency."

Generations ago, American soft drink and beer manufacturers voluntarily ran "take-back" programs to collect bottles, refund deposits and refill the returned bottles. This is "cradle-to-cradle" packaging, and many environmental groups favor it as a way to reduce ocean litter.

Geoff Brosseau, executive director of the [California Stormwater Quality Association](#), a nonprofit group that supports product stewardship, said Bay Area cities and counties are spending tens of millions of dollars to capture street trash before it gets into the storm drains. The state recently ordered a 40 percent reduction in storm water trash for the region by 2015.

"We're not sure how we're going to comply," Brosseau said. "The timing couldn't be any worse. Cities have less money than even last year. They're not the source of the pollution: It's the residents and the manufacturers."

Only one prominent business group in the state, the [California Retailers Association](#), has announced that it favors product stewardship, if it's phased in slowly. The owners of supermarket chains and department stores do not want to be on the hook for collecting or recycling the tens of thousands of products they sell, said Pamela Williams, senior vice president.

Williams predicts that eventually, the cost of waste disposal will pass to the private sector. The list of products requiring a manufacturer "take-back" will continue to grow and might soon include bug sprays, dog collars and even shampoos, Williams said.

"This is a massive change in the marketplace," she said, "but the world isn't going to end. We know it's coming."