

**US EPA Region 10 & Product Policy Institute**  
Product Stewardship Webinar 1

**Product Stewardship for Governments**  
**May 12, 2009**

**SEGO JACKSON'S PRESENTATION**

I am pretty excited about the work of product stewardship councils. Vicki was very generous in her introduction and I wanted to state that while I am out and around quite a lot and am often the voice and personality that some people see associated with the Northwest Product Stewardship Council (NWPSC), there is a whole group of local governments and state agencies and EPA Region 10 that have worked together since 1998 and is really the platform and the basis of all the product stewardship work that has been happening here in the Northwest. So it was very generous of Vicki, but the credit really goes to a lot of folks.

What I am going to do is a quick overview of the NWPSC so you know more about what the council is and then I am going to go through a bunch of examples of things that we have been involved with and in the process of doing that show you some of the tools that we also use. I am going to move pretty rapidly through this. If there is information that you want more detail on later, we can go back to it but just bear with me as we careen through this.

We were established in 1998. It is interesting how we got started actually. We had an EPA staffer from D.C. that was on loan to the region that convened a meeting of a bunch of us and said that you may have noticed what is happening over in Europe with the extended producer responsibility stuff. Is there anything that you would want to do here locally as a region around EPR? And that really began the discussions that led to the formation of the NWPSC, which includes numerous local governments in Oregon and Washington, Dept. of Ecology in Washington, the Oregon, DEQ, and EPA Region 10 as an ad hoc number. We are not an incorporated entity unlike the California Product Stewardship Council (CPSC). We have a structure but it is not a legal structure and we have relationships that are established through a letter of agreement, a process that we undergo through each year. The financing for our activities are predominantly through individual jurisdictional budgets. We combine our resources, not into a bank account, but into projects so for instance, there might be some element that is paid for by Snohomish County on a project such as printing medicine return brochures while King County might take the lead on paying for consultant services and we just piece it together like that as we are able to and as the different jurisdictions can contribute. We coordinate very closely on all these activities. Our steering committee meets monthly. We also have associates who are able to be a part of the council though not part of the decision making and voting process and they participate actively on subcommittees so that involves some other stakeholders.

Here is a list of the different subcommittees that we have. No all of these subcommittees are fully functioning all the time in constant communication. Some of them are more like

disappearing task forces where they come up and you know these are the people that have been keeping track of what's going on with tires for instance but they may not be very active as a committee. In other committees, such as the Communications and Outreach and Policy Committee, the members are even in touch every day. Frequently if not weekly but tend to have meetings more on a biweekly or monthly basis. We have a variety of strategies that we employ. This is out of experience more than out of design. Of course, it's an all government council but the strategies that we are involved with is really kind of serving as a think tank in the region where we are sharing information and challenging each other's ideas and working through pilots together figuring out how we are going to communicate to a broader audience so we are involved in a lot of education, communication, and stakeholder engagement. We have done pilots and we are very particular what pilots we will actually launch together and these are pilots that we think are transformational that have a really significant impact in something key that can be learned or demonstrated that allows an EPR statewide system to move forward.

I also want to say it is very important to us to be involved in national dialogues such as those that the Product Stewardship Institute, Scott Cassel's organization, put together. As I go through the presentation, you will understand more of the importance of that to us. Not everyone can participate in those dialogues because it takes time and expense and all that but by working together as a council and having council members attend, that information can come back to the whole council. Also the council can send its perspective into the national dialogues and it makes that very effective. We have done a lot of policy development legislation as we will get into. Also now that there are other councils that have formed, we've been doing coordination with the other councils, particularly through the Product Policy Institute. We have a website and a number of media tools. We did a trip awhile back to British Columbia and we've got that on videotape. That is really worth seeing. For anyone that is attending the PSI Forum in June in Seattle, we are running that bus trip again so that would be a great opportunity for you. We've been working on a lot of policy.

Now I want to talk about a number of different product areas that we are engaged in. I will use electronics as an example and move quickly into some other areas so you can see how we've used some of these different strategies. We all know what's happening June 12, that's the switch from analog to digital. Some of that has already happened. I don't know how many of you had to get converter box coupons. It would take me too long to explain the stories that I know of and my personal experience with my converter box coupon but think about this in terms of government involvement in product stewardship. Here is a situation where the government has done something to cause a whole new product to be put on the market, which is the converter box, and millions and millions of them are going out and yet there was nothing done to require a take back program or recycled content. There is some Energy Star work that was done around some of the converter boxes but this is a golden opportunity for the government to have said we are creating this new market but this is not going to be dumped in the local communities and local government to deal with. There has got to be a take back system for them as part of the deal. I put together this little countdown. We're less than 30 days away or so but I just enjoy these graphics so I am going to click through them quickly for you as we reflect what's going to happen with the switch to digital. What some people think is that when we hit the D-day that everything is going to go dead and this is what

our living rooms are going to look like on June 13. Obviously that's not true. Many of us will have converter boxes, many of us are on cable, many of us have already switched to digital TV's. But what is true is that there are going to be a lot of televisions that still function that are no longer wanted that people don't want to put converter boxes on them or they've used this chance to switch to digital. This is a slide I like a lot from the electronic take back campaign, Barbara Kyle's organization, about the toxic un-dead roaming our streets as of June 13.

NWPSC has been reflecting on electronics issues for a long time. It was one of our initial areas of concern and activity. I am going to go through this in some detail. We identified very early on the need to prepare for what we saw as an e-waste tsunami, not only coming from the switch to digital, which was by the way originally intended for 2006 so that was the date we were shooting for but also from all the other electronics that quickly become obsolete and are being replaced with new products. We worked with the National Electronic Product Stewardship Initiative when that was launched. Scott Cassel helped get us involved with that. There were 15 government seats at the table and two for local governments. Snohomish County held one of those which is where I got a lot of my experience with product stewardship. Scott Klag was my alternate with Portland Metro. We also had other council members involved from the state of Washington and the state of Oregon, plus Dave Stitzhal, our council coordinator. So we were able to give a lot of input into that national process and bring all that knowledge that we were getting there back to the local level and apply it locally. At the same time we knew that what we needed to do was to get collection programs on the ground here in Washington state that were very convenient and far more convenient than what government could afford to provide itself. Our motto was to make it as easy to recycle as it is to buy. A lot of this work was done in Snohomish County and especially with King County, who took a prime leadership role in this as well. What we did is we created a take it back network and the take it back network was set up to be private locations that could provide electronics collection for an end-of-life fee interim to their being an EPR finance system. So we were very clear from the beginning that the end game was a lot of convenient collection locations, primarily privately and financed by the producers ultimately but as a stop gap measure, we used end-of-life fees. In doing this we worked with a whole variety of partners: retailers, charities, environmental groups, and local governments. Ultimately what this led to was a lot of experience for all of us in government on the electronics issues and what the different stakeholders needed and what the challenges were. That along with many more things, I am telling you very much the short story, but these things led to the passage of Washington state's electronic law in 2006. Now there were stakeholder processes, the legislative charge was not really led by the local governments or the stewardship council but it was all these other partners that we developed over time including several corporations like HP, Washington Retail Association, and especially the environmental organizations, Washington Resource Conservation and Washington Environmental Council. So I want to give credit where credit is due on that.

We passed legislation in 2006 in Washington. Oregon did very similar legislation in 2007 and we were really the battle ground area at that time for whether we were going to go with consumer fees and taxes as in California or cost internalization and EPR. The law was passed in California in 2003 and as I understand it, it was really meant to be a producer responsibility

model and things got changed in the process of the legislation going forward that made it an advance recovery fee model. But there was a lot of concern about that. Then in 2004 Maine passed a partial producer responsibility system or a producer responsibility that covered part of the program, not all of it. Maryland came through the next year and then Washington became the battle ground state in 2006 where we were able to pass a full producer responsibility system that paid for processing of electronics from collection through processing. Oregon in 2007. This map is outdated too. Hawaii should be greened in, which was a software problem for me. It was Indiana, Heidi, is that just passed legislation. There may be some other states too and certainly New York City.

I am going to go through the basics of the Washington and Oregon EPR e-waste laws quickly. The product manufacturers implement and finance the recycling program throughout the state. There is no state tax or fee charge to the consumer at the point of sale or the end-of-life. Covered products are computers, computer monitors, televisions, and laptops and there is a geographic convenience requirement. I will talk about that more in a second. The program was put on the ground January 1, 2009, in both states. Of course, there is a tremendous amount of work that happened since legislation passed to get these on the ground. What it means for Washington state is there is now service in all 39 counties of the state. There is service in all cities with a population greater than 10,000. There is currently over 220 collection sites throughout Washington state. There is new businesses that have started, new processors have been established in the state and in the first three months of operation over 9.1 million pounds of electronics have been collected. 55% of what has been collected has been televisions and by my estimation that means over 100,000 televisions were collected the first three months. If this trend continues, we are heading for 5.56 pounds per capita per year.

Now what this means for Snohomish County is when we started doing electronics collection we put in a ban on the disposal of electronics in 2002. We thought that we should also help provide collection infrastructure along with the private take it back network members, you know, private retailers, charities, and others that started collecting. We, over time, have developed a program at three of our public transfer stations and in the last year the cost for just the transportation and processing of the electronics that we collected was \$370,000.00. Those costs now are completely covered by the manufacturers. We don't write any check for that. That's a cost that has disappeared from us. We have also now got a payment that is made to us that is 9 cents per pound for every pound of electronics that we collect and put into that system and this covers the cost of our staffing and the collection costs at our stations. So as it looks now, that will yield a payment of \$180,000.00 to Snohomish County in 2009. So the total value to Snohomish County is \$550,000.00 per year just for these three transfer stations. Just so that you understand that this is not just about Snohomish County getting paid to provide electronics recycling, it's a convenience factor too. There are 15 additional locations here in Snohomish County with similar benefits as I described that the county is getting but these are private locations and charity locations such as Goodwill. The price paid per pound varies based upon the collector. So all those arrangements are different between us so I cannot tell you what they are all getting.

You can't also make the assumption that this is playing out the same way for all local governments in Washington because many have chosen not to collect at all because the

private sector has stepped in and provided so they have avoided costs but these are costs that they didn't incur because they couldn't frankly afford electronics ongoing collection in the past. They might have just had periodic collection events. You can see here the different entities that the program is available to. 18 of our 19 cities can use it for their own institutional e-waste and we have a lot of schools that can use it and special service districts like libraries, ports and things like that, fire districts. And then, of course, small businesses with 15 employees or less and there are many of those.

So it is not all just about electronics. It is also about medications and we are involved in a lot of different programs dealing with the medicine issue. I am not going to go into all the different concerns around medication but it is not just environmental. It's poisonings and diversion and all that. It is a pretty serious subject but here is a cartoon from the Oregonian that gives it a little bit of a lighter side. Similar to the electronics, we have done a significant piloting program here for drug take back. We had to do everything from designing the containers, this was in cooperation with group health and Bartel drugs, because containers like this didn't exist before for secure collection. Developed a tagging system, a security system, documentation process for the drugs, how the drugs are returned to the pharmacist in a warehouse and are locked in these lock cages.

We are working on fluorescent lights ... we are involved with setting up a take it back network for fluorescent lights, PSI national lighting dialogue and have worked on legislation. Here is one of the take it back network locations for fluorescent lights. Paint, same thing, involved with the national dialogue and Oregon has produced legislation that we have all had input into.

Those of us who work on a product by product basis and have done this for awhile have found it very frustrating that it seems like as you are hit with all these different product areas, it's almost like you have to start over and, in fact, you don't. There is a pattern developing for EPR policy where producers have primary responsibility. They are going to fulfill that responsibility independently or collectively. They are responsible for financing and organizing for collection through processing and, as Heidi said, shared responsibilities. Others have a lot of roles but these are cost internalization systems so when you see that pattern, you can see that it can be applied from one product to the next and what we are saying now is don't get frustrated but get framework. The NWPSA began work on detailed framework legislation, which we are going to discuss in the next EPA call, so I am not going to go into it now.

As we worked on the details of legislation, Scott Klag who is one of the policy committee members, suggested that we back up and look at the principles we need to have addressed by any legislation. That led to the development of these framework principles for product stewardship policy which are based on a lot of previous work and a lot of new work by the councils as well. This got tossed back and forth between the CPSC and the NWPSA folks several times before we adopted them and now they have been adopted by others as well. When we heard the California governments were looking up here and interested in what we were doing and wanted to do something themselves, this is our steering committee for the NWPSA and our retreat and we sent the message down to California to go for it and it has just

been fantastic what's happened. Heidi and the crew down there have done an incredible job and what's been nice for us is a lot of the stuff we were out there doing sometimes created it by ourselves just within this region. Now we've got another council that has surpassed a lot of the tools that we have developed and passed them back to us. We've got other folks working on things that we can quickly utilize and it has been very helpful to us and very effective to collaborate that way. Here is the contact information. I also put the website information for the medicine return program because I went through that very quickly but I know many of you are interested with that.

### **Q & A Period following Sego Jackson's Presentation**

**What is being done to safeguard the health and safety of workers who are handling toxic or dangerous materials at the collection centers? Are there any training requirements or something to protect those workers?**

In terms of the take it back locations, these are locations that are collection locations, not processing locations so in that case there has been a manual that we produced and guidelines on how they are to handle things that came in and we initially even provided them with clean up buckets and supplies so if a CRT broke when it was brought in. We really didn't see a lot of problem with that. Probably there is a lot more concern that one should have once the stuff has gotten into the processing system where people are actually doing the de-manufacturing on site and in the electronics program, there is very good performance requirements that have been adopted by the manufacturers through their authority.

**You mentioned that there might be some guidelines for health and safety on your website. Is that right?**

There are not guidelines on health and safety related electronics on the website. This is all done through the take it back ... well, I actually haven't looked at the site that King County maintains so there might be more information there but I think this is one of those things that we will have to get back to you on.

**Can a take back program itself ensure that products are safely recycled? Producers may take back products due to existing legislative requirements but then pass on the burden of recycling to developing countries or to someone else.**

Yes, a big problem and certainly one we have worked really hard on here. Basel Action Network is located here in Seattle and has had a lot of input to all of us and organizations have done a lot to raise the issue of harmful exports. So in the Washington legislation we did have an export ban. Unfortunately, it was determined that that was not constitutional in the state constitution and maybe came up against commerce laws so the governor did basically a line item veto of that section not because she didn't support what was being attempted but because legal advice was that we couldn't do it as a state. What we did instead was developed the strongest standards that we could within the legal boundaries and developed preferable performance standards which went much further than what the state could legally require and that is what was adopted by the manufacturers. They attained that much higher level than

what the state thought it could do. It's still not good enough so this is why we need federal legislation that does deal with the export of electronics and I can't give you the details on that right now but I know this is something that the electronic take back campaign and others are diligently working on. Some of these things are not going to be adequately fixed at the local or the state level. So if you think it's hard to have a statewide system that is paid for by the manufacturers that is that protective, try doing it out of those 3,000 county governments and numerous cities that are trying to arrange for electronics recycling and make sure that it's responsible.

**One last thing, Sege. You mentioned something about a bus tour or some event that you have coming up. Is that open to people?**

The Product Stewardship Institute has its forum that Vicki mentioned at the beginning of the presentation that is going to be in Seattle in very early June and those tend to be really great events and I'd encourage everyone to come. Part of what piggy backed on that is a bus tour up to British Columbia to look at some of the British Columbia systems and that would be an amazing tour for people to get on. I have been up a number of times. I'll be emceeding the bus ride up and every single time it's a big eye opener for me.