

## Meeting #3 Summary

Held April 29, 2010 at Oregon Metro



State of Oregon  
Department of  
Environmental  
Quality

**Land Quality  
Solid Waste**  
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### Work Group Member Attendance:

#### In person

Emily Ackland, Association of Oregon Counties (AOC)  
Pamela Brody-Heine, Zero Waste Alliance, EcoStewardship Strategies  
Duke Castle, Oregon Natural Step  
Jim Craven, Tech America  
Betsy Earls, AOI, Retail Council  
Jen Dolin, OSRAM Sylvania, for Mark Kohorst NEMA  
Renee Hackenmiller-Paradis, Oregon Environmental Council (OEC)  
Frank Marella, Sharp Electronics PS Program

Michael Mason, Confederated Tribes of the Warm Springs  
Jeff Murray, Far West Fibers  
Garry Penning, ORRA: Rogue Disposal  
Wayne Rifer, RBRC, EPEAT, and Rifer Environmental  
Bruce Walker, City of Portland Office of Sustainable Development  
Wendy Wiles, Oregon DEQ  
Rick Winterhalter, Association of Oregon Recyclers

#### By phone:

Rick Paul for Katy Daily, Recycling Advocates  
David Skakel, Tri County HHW Facility

David Stitzhal, NWPSC

#### Staff

Mary Fritzmann, DEQ  
Scott Klag, Metro  
Christie Nuttall, DEQ  
Jan Whitworth, DEQ

Sylvia Ciborowski, JLA Public Involvement  
Doug Zenn, JLA Public Involvement (facilitator)

#### Guests

State Senator Jackie Dingfelder

#### Not present

Katy Daly, Recycling Advocates  
Betsy Earls, AOI, Retail Council  
Scott Forrest, Paint PS Program, Forrest Paint  
Kathy Frevert, CALRecycle  
Brenda Hoppe, Oregon Health Division

Mark Kohorst, NEMA  
Matt Korot, Metro  
Jay Shepard, Washington Department of Ecology  
Andy Sloop, EcoLights NWR

### List of Handouts and Presentation Notes

- ❖ Product Stewardship Definitions and Principles
- ❖ California E-Waste Program Description
- ❖ EPEAT Program Description
- ❖ Producer Financing Approaches
- ❖ Convenience Standards for Collection Programs
- ❖ Disposal Bans

## Introductions and Agenda Review

Doug Zenn welcomed everyone to the meeting, introduced himself and reviewed the agenda. Members made self-introductions.

Doug summarized the main issues discussed in Meetings# 1 and #2. Following up from the last meeting, he noted that the meeting packet includes a document listing multiple definitions for “product stewardship” and various requests for information. Staff is keeping track of requests for information and will distribute information electronically as it is assembled.

## Producer Financing Approaches and Discussion

Scott Klag of Metro gave a PowerPoint presentation about financing end-of-life services, focusing on programs in which the producer picks up the cost of end-of-life services. The member packet includes a white paper on this topic.

His presentation covered three main topics: the pattern for voluntary programs, stewardship programs required by state legislature, and the benefits and drawbacks of visible and invisible fees.

### *1) Voluntary Product Stewardship Initiatives*

Scott explained the two main approaches taken by industries that have voluntary programs. An individual company may start its own program and absorb costs itself, or multiple producers may collaborate to create a program together. In either case, the cost may ultimately be borne by the consumer through a higher price for the product.

Group discussion:

- Members noted that products can have unique characteristics that influence the effectiveness of voluntary programs. For example, old thermostats may be better collected by installers for disposal rather than returning them to retail. In retail drop-off systems, individual consumers may need to be motivated to drop the product off themselves.

### *2) Legislated Programs*

Scott discussed programs that are required by state legislation. He noted that it is important to allow producers to maintain choice in how to finance their program in response to legislation, for example, whether they want to join with other producers or meet requirements on their own. He explained that there are three main types of legislated programs: individual company programs, stewardship organizations, and industry-wide stewardship organizations.

Group discussion:

- Members discussed the Oregon E-Cycle program. In this program, each manufacturer is required to take back an assigned share in pounds of e-waste. Manufacturers can take back computers and television to meet their requirements.



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- Members also noted that, while the E-Cycle program is an Oregon program, collectors do not check IDs to make sure that only Oregonians drop off electronics, nor do they ascertain the state the product was actually purchased in. However, collectors can refuse to take back suspect products.
- Staff clarified that, while the Oregon Paint Pilot has not yet been approved or begun, no paint manufacturer has refused to participate.
- A member noted that internalizing costs could be more difficult for inexpensive products. For example, manufacturers of high price tag products might offset the cost of recycling by increasing the price of their products. It is not as suitable for less expensive products like household light bulbs.

### **3) Visible and Invisible Fees**

Scott explained that there are various arguments for whether visible or invisible fees are more appropriate to pay for recycling and disposal. Invisible fees let consumers know that the recycling is available for the product and that recycling is costly. Invisible fees, on the other hand, send a price signal up stream to the producer and provide incentives to the producer to field the product and reduce the cost at end-of-life.

Scott also made a distinction between traditional government fees and legislated stewardship program fees. For example, the Oregon Tire Fee was a traditional government fee that added \$2 to the price of any tire to clean up waste tires. The Oregon Paint Stewardship has an industry fee that is reviewed and approved by, but not managed or handled by the government.

Group discussion:

- Members discussed an inherent concern about government fees: fees that are meant to pay for recycling and stewardship could be used for something else in times of financial crisis. One member noted an example in which Oregon has used funds raised for potential super fund clean-up for another purpose.
- One member noted that a private fee that is visible to the public might make the stewardship organization more accountable for the way it uses funds, since the public will want to see that the fee is well used for recycling or take-back purposes.
- One member explained that whether a private fee should be visible or invisible will depend on the goal. Invisible fees put an onus on the producer to find a way to make their item easier to recycle, and therefore reduce cost. Some products, however, are difficult to be made easier to recycle. If the goal of the fee is to recycle more, then consumers should be made aware of this goal by seeing a visible fee.

## **Convenience Standards Presentation and Discussion**

Jan Whitworth of DEQ gave a presentation about convenience standards for collection of materials for end-of-life management. The member packet includes a white paper on this topic.

Jan explained that convenience standards enable producers to be responsible for end-of-life management and seek to increase product recovery rates. She reviewed the history of collection convenience requirements in Oregon, and went over six elements of convenience standards. Jan also reviewed various considerations of convenience standards which are listed in the white paper.

Discussion questions for the group were as follows:

- What are the most important attributes for a convenience standard?
- How important is it to assure, in a legislated program, that collection services are reasonably available in both urban and rural areas? How should “reasonably available” be defined?
- Using product examples of e-waste, paint, carpet and batteries, how might the need and specific attributes of convenience standards differ?
- Are there products or circumstances where a convenience standard is not needed or should not be a priority concern?
- How can convenience standards and performance goals complement each other?
  - For example, Oregon E-Cycles Program has both convenience standards and performance goals. The Paint Pilot program does not have both
- Are there products and programs where convenience standards besides collection should be considered? What should those standards be in general?

Group Discussion:

- Members noted that some types of convenience standards and programs will work better for one product than they will for another.
- One member said that there needs to be a balance between the offering lots of collection types and centers and the cost of maintaining them.
- One member said that we should not give consumers the image that recycling is free. Recycling literature claims “free recycling,” but no cost to consumer does not mean free.
- Members discussed whether it is possible to meet the standard that products should be as easy to bring back or recycle as they are to buy.
  - Some members would like consumers to be able to bring items back to the place of purchase for convenience. Companies find creative ways to make their items easy to purchase, and could set up systems to take back in a way that is convenient and cost effective as well.
  - Others noted that this is product dependent. Retailers are not set up to take back big, bulky products.
  - One member suggested creating a road map for each product. It might make sense to take some product types back to the retailer, but others might be better brought to a center for all hazardous household materials, for example.

Members noted that manufacturers cannot be held responsible for consumer behavior if consumers decide not to bring back products or recycle. One member noted that the E-Cycles Program addresses this issue by making producers responsible for taking back all of the electronics that consumers bring in, but they are not responsible for actually making sure that people bring in every electronics piece.



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Group Discussion: *What are the most important attributes for a convenience standard? What kind of convenience should be provided for Oregonians when they return a product?*



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- One member noted that convenience standards should be considered in the context of other drivers for performance, such as performance goals. If there is a high demand for the product and good market for the recovery, then it will drive the infrastructure itself. However, some products may be convenient to take back, but there is not a good market or demand for doing so.
- Members suggested creating a matrix of products and deciding how to treat each one separately, since convenience standards are very product specific. The matrix could include a range of convenience standards and show how each product fits in.
- Members suggested adding the following attributes:
  - Distribution mechanism of the product
  - Potential need for regulation of the infrastructure
  - Cost and benefit
  - Issue of consumers being wary to bring back breakable or hazardous materials, such as mercury-filled CFLs, paint and hazardous household waste
  - Target audience for the product
  - Frequency of the need to dispose of the product or life span of the product
  - Define existing infrastructure (such as retail stores, take-back facilities, etc.) and what kinds of products are practical to take to those facilities

Group Discussion: *How important is it to assure, in a legislated program, that collection services are reasonably available in both urban and rural areas? How “reasonably available” should be defined?*

- Members noted that the likelihood of illegal dumping is higher in rural areas when there are few or no convenient collection options. Also, if there is a cost to the consumer to discard their product that may also encourage illegal dumping.
- The same definition of “reasonably available” might not apply for every product. The definition of “in every city with a population over 10,000” might be reasonable for recycling one product but not another.

Group Discussion: *Are there products and programs where convenience standards besides collection should be considered? What should those standards be in general?*

- Enforcement should be considered. It is difficult to control the responsibility of end users and to enforce consumers to bring items back or not dispose items in the trash.
- Public outreach and education is important. If people don't know about a program, it doesn't work. The Curbside Recycling program went through lots of outreach which added to its success.

## Disposal Ban Presentation and Discussion

Summary of Product Stewardship Stakeholder Meeting # 3

Scott presented information about disposal bans in Oregon including the newest category, electronic devices. He noted that hazardous waste regulations for businesses are in addition to these disposal bans. Other regulatory tools also exist that divert materials from going into landfills.

Scott explained that the purpose of disposal bans is to reduce environmental and health risks and to direct materials to be recovered rather than thrown away. He explained that the general process in Oregon for a disposal ban has been that, first a convenient collection method is put into place and then, after a suitable time, a disposal ban for the product is put into place.

Scott presented two issues for discussion.

Group Discussion: *Is the Oregon e-waste a good model for allowing a suitable amount of time to get services in place and for setting a reasonable approach to enforcement?*

- One member noted that, while the E-Cycle program is effective, there is some concern about uncontrolled collection outside of the formal state collection program. For example, the program so far has seen a huge increase in monitors and TVs coming in, but not CPUs, which actually have value and are going through unregulated programs. For future products programs, the state should consider whether products must be collected through the state, or whether non-state actors can also collect.
- One member asked whether states that have bans outperform those that don't. Do bans really help meet goals, or do enforcement issues inhibit that? Bans must be well-planned and item specific, and recognize that bans might impose a huge burden on small business and rural areas.
- One member explained that ten states now have disposal bans for CFL lighting. Currently, 30 percent of commercial lighting in the US is recycled, and almost all of this comes from these 10 states. However, it would be nearly impossible to enforce a lighting ban for households. Bans will work differently for the consumer versus commercial side.

Group Discussion: *Should Oregon set bans—somewhat in the future—as a way of encouraging producers to start creating stewardship efforts?*

- One member said that setting bans might be good for keeping products out of landfill, but may not do much to encourage producers to create stewardship efforts.
- One member noted that there should be a distinction between landfill bans and disposal bans. In one case, the hauler or operator is responsible for non-compliance; in the other, the consumer is responsible.

## Product Stewardship Definitions and Principles Discussion



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Doug Zenn and Jan Whitworth explained that the handout contains various definitions and principles of product stewardship as was requested by the group at the last meeting. The final report will include a definition and principles section. This topic will come back to the group for review/input at the September meeting.

Jan noted that at the June meeting, the group will discuss how product stewardship can impact design for environment and other “upstream” environmental impacts of products.

Some members suggested that design aspects are as important as or more important than the end-of-life aspect of product stewardship, and that the definition of product stewardship should include efforts to create a more environmentally friendly design. It makes more sense to improve some products at the design stage rather than focus on their disposal.

## Wrap-up and Next Steps

Upcoming Meetings:

- June 16, 2010
- July 28, 2010
- Sep 15, 2010
- Oct 13, 2010

## Requests for Information

- Data on what percentage of e-waste is recycled through the state E-Cycles program versus through other programs.



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