

# Product Stewardship Stakeholder Group

## Meeting #5 Summary

Held July 28, 2010 at Oregon Metro

### List of Attendees

#### In Person:

Andy Sloop, *EcoLights NWR*  
David Skakel, *Tri County HHW Facility*  
David Stitzhal, *NWPSC*  
Duke Castle, *Oregon Natural Step*  
Emily Ackland, *Association of Oregon Counties (AOC)*  
Garry Penning, *ORRA: Rogue Disposal*  
Jay Shepard, *WA Dept. of Ecology*  
Jeff Murray, *Far West Fibers*  
Katherine VanNatta, *for Paul Cosgrove, Lindsey Hart*  
Katy Daly, *Recycling Advocates*

Kristen Stiegler, *Oregon Health Division*  
Matt Korot, *Metro*  
Mark Kohorst, *NEMA*  
Michael Mason, *Confederated Tribes of the Warm Springs*  
Renee Hackenmiller-Paradis, *Oregon Environmental Council (OEC)*  
Rick Winterhalter, *Association of Oregon Recyclers*  
Wendy Wiles, *Oregon DEQ*

#### By Phone:

Frank Marella, *Sharp Electronics PS Program*

#### Staff:

Mary Fritzmann, *DEQ*  
Jan Whitworth, *DEQ*  
Scott Klag, *Metro*  
Christie Nuttall, *DEQ*  
Abby Boudouris, *DEQ*

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

#### Not present:

Betsy Earls, *AOI, Retail Council*  
Bruce Walker, *City of Portland Office of Sustainable Development*  
Jim Craven, *Tech America*  
Kathy Frevert, *CALRecycle*  
Pamela Brody-Heine, *Zero Waste Alliance, EcoStewardship Strategies*  
Wayne Rifer, *RBRC, EPEAT, and Rifer Environmental*

### List of Handouts and Presentation Notes

- ❖ Performance Measures
- ❖ Selecting Products and/or Materials for Product Stewardship Programs White Paper



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## Introductions and Agenda Review

Doug Zenn welcomed participants to the meeting and reviewed the agenda. Committee members, staff and members of the audience introduced themselves.

Doug noted that this group would likely use all eight meetings allocated for this committee. He gave an update on the group process. Over the next four meetings, members will be asked to come to decisions on whether they do or do not agree on various elements and aspects of product stewardship. If members do not agree with something, they should speak up. During these four meetings, staff will continue developing the committee report. Doug asked members to review the updated outline of the draft report distributed at the last meeting and to get comments to Jan Whitworth as soon as possible.

Doug also noted that this group would likely not come to consensus on all aspects of product stewardship. The report will reflect where the group is aligned, and issues surrounding areas where the group cannot disagree.

## Performance Measures (Jan Whitworth)

Jan Whitworth presented information about performance measures, their purpose and examples in other programs. She reviewed various types of performance measures, explained their benefits and concerns, and discussed possible processes for establishing measures. The presentation can be viewed using this link: <http://www.deq.state.or.us/lq/pubs/docs/sw/PSWorkgroup100728PerformanceMeasuresWhitePaper.pdf>

### Group Discussion and Comments:

- Knowing the baseline prior to implementing a program would be important, as well as measuring diversion rates. For example, knowing the diversion rates of plastic water bottles before they are brought into the redemption system would help to determine quantitatively the success of the program moving forward.
- Measuring the recovery of toxics, especially those that can be recycled is important. The program should assess whether it is actually recovering the item that caused the program to be set up in the first place (for example, mercury-filled light bulbs).
- Ask manufacturers the best way to measure recovery/recycling of their product. Total pounds may not always be the best measure. For example, the weights of paper and plastic products have gone down, so a total pounds measurement would not capture the fact that recycling of these products has actually gone up.
- There should not be a specific approach for each and every type of product. Instead, the group should identify different measuring indicators.
- Is there a way to make sure that there is some relationship between the metric being used and the product recovery? For example, there is no real correlation between sales volumes and waste stream volume, so it would be inadequate to use this as a standard of measurement.
- Performance measures need to be aligned with the purpose of the program, whether it is to reduce toxics or to recover more products for recycling.
- Manufacturers should never be held to performance standards for activities that are not under their control. An example is forcing an industry to achieve some recycling rate, when the choice to recycle or not is made by the consumer. An industry can, on the other hand, control the amount of toxicity in a product. It would be appropriate to measure what a manufacturer has done to encourage recycling or to make a product more recyclable.
- Stakeholders should be included in selecting performance measures.
- Measures should be tied directly to the objectives of the product stewardship program. Stakeholder involvement is also critical in shaping a good measure and establishing objectives. However, the affected parties should not drive the performance measure.
- Some paper that reaches recycling mills cannot be recycled because it is contaminated by the consumer. There are a lot of unintended consequences from mandates that are out of the control of the producer. Comingled recycling is great for residents, but can contaminate paper. Performance standards should not be set that simply make the public feel better about their actions, but which in reality hurt recycling efforts.
- Devising a way to apportion the penalties and costs across multiple stakeholders is important, as well as distinguishing between absolute and relative measures. Using relative metrics might be better than absolute for measuring trends over time.



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## Questions for Discussion

The group considered a number of questions related to the presentation.

### **Discussion Question: How important are performance measures to the success of product stewardship programs?**

- There should be an ability to change measures if they are not useful or productive.
- Performance measures should never be written into statute. Jan asked if it would make sense for a metric to be in statute. Members discussed this issue. Two noted that this would depend on the degree of flexibility needed for the particular metric. One added that statute should provide goals and indicate that performance measures should be created, but details should not be included in statute. It was noted that making a distinction between selection criteria and actual performance goals is important; we want to be strict about our actual objectives, but we would want to be more flexible in actually measuring and invite wisdom of larger stakeholder group.
- A prescriptive approach might be appropriate in some cases.

### **Discussion Question: Are measures needed to drive both end of life management and “upstream” reduced lifecycle impacts?**

- It is important to decide where in the process the measurement should be taken. Currently, in order to measure the recycling rate we generally measure the number of pounds sent to the recycling mill, but it would be more effective to measure the actual amount recycled. Nine percent of commingled recycling cannot be recycled, so the current number is inflated.
- *Why* we measure is important to consider.
- Convenience and costs should be considered. If recycling is inconvenient or costly for the consumer, then the product will not be recycled.

### **Discussion Question: Under what circumstances should goals be aspirational and when should they have consequences when not achieved?**

- DEQ should have flexibility to add more metrics and add more goals over time. It should not be too cumbersome to add metrics, and DEQ should be able to adapt the program as needs change.
- The State of Oregon has not been very focused on recovery goals for specific products; it has been more focused on convenience standards.
- Members discussed whether or not aspirational goals should be set. We should not intentionally set unrealistic goals. Zero waste should be an aspirational goal of the program. There should be a path to direct us towards achieving zero waste; product stewardship may just be part of that path. It was noted that zero waste can conflict with other goals; for example, increased diversion may create a big green house gas problem and unintended consequences. There is a need to look from a systems point of view, and the system should be regulated so that people can be reassured that material is being handled properly.
- The Paint Product Stewardship Program has two goals that sometimes compete: 1) collection of a certain amount and 2) prevention. Possible multiple and competing goals should be a consideration.
- The program should not shift exposure to a different population. Occupational exposure, such as lead exposure to workers, needs to be a consideration.
- “Aspirational” can imply the goal cannot be met. A performance standard should not be aspirational, but something that is achievable and measureable, such as achieving one collection center in every population of 10,000.
- For certain measures, aspirational goals do make sense. Some people are very goal-driven and will achieve goals no matter how difficult. It is good to set the goal of what we would hope to achieve. For example, Epson created a zero waste goal and is near achieving it.
- The program should include goals for manufacturers along with an incentive program for when goals are achieved. A company could get a way out of the program once they reach the aspirational goal. The Buildings Code Division came up with green building standards as well as higher voluntary reach codes that go beyond that; these could be a good example for the product stewardship program.
- The State could play the role of identifying certain products and chemicals of concern on the upstream side and on the collection and diversion side.



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- Definitions are important. The terms “performance measures,” “goals,” “metrics,” and other terms will need to have definitions that are broadly understood.

## Criteria for Selecting Materials (Abby Boudouris)

Abby Boudouris gave a presentation on product selection for product stewardship programs. She discussed product selection processes in Oregon, Maine, California, Minnesota and Canada. She also noted that products are usually selected by strong legislative authority, executive authority, or a hybrid of the two. She presented a list of 22 possible criteria for product selection organized in three categories: 1) environmental impact, 2) potential for environmental improvement and 3) political/other. The presentation can be viewed using this link:

<http://www.deq.state.or.us/lq/pubs/docs/sw/PSWorkgroup100728SelectingProductsWhitePaper.pdf>

### Questions for Discussion

The group considered a number of questions related to the presentation.

### **Discussion Question: What process should be used to select products?**

- Are there products that would benefit businesses if they were part of a product stewardship program? If a business knew it would get a product back, it might be more willing to be involved. DEQ might play the role of creating the market to help businesses recover these kinds of products.
- There are tools that the state could provide, including creating markets and collecting data. DEQ could assist with incentives, etc.
- Having strong legislative authority might lead to having a broader set of criteria. Delegating decisions to agency would create a strong buy-in from the legislature and public on the criteria that will be used within the agency.
- An additional criterion to consider: how does a criterion tie in to existing policy? For example, there is existing policy on green house gas reduction, so this should be meaningful for setting priorities for product stewardship. We should look to existing policy whenever possible.
- Members discussed the list of 22 possible criteria and noted which seem most important and what other criteria might be missing.
  - When there is an established scientific link between a product/chemical and its public health effect, then that should rise to the top. There may be a hazardous substance in a product that does not create any risk to a population.
  - Missing from the list is a criterion about invested energy in a product. The more energy that can be conserved in creating products, the better.
  - An additional criterion should be whether the product is rare or precious. For example, the UN program asks for higher recycling of rare earth metals. Either the industry or the government could assess what kinds of metals are more important to recycle.
  - The list could include cost-benefit of products.
  - Consider prioritizing products which can be locally manufactured, used and recycled all within Oregon.
  - Green house gas criteria seem very important and also fit into larger state goals. There is also already a lot of data collection being done on green house gases.
  - Reducing the environmental footprint should be a criterion. We should push upstream into the design of products, so that the product is made of higher recycled content.
  - The convenience of public participation is important.
  - Criteria could be made to help an agency meet other DEQ air and water requirements.
  - It was noted there is a lot of waste in construction. Abby responded that Canada Phase II included construction waste.
  - Some materials cause unintended consequences. For example, plastic bags get caught in plastics recycling.
  - Collection of recyclables has its own impact. For example, recycling collection trucks affect air quality.

### **Discussion Question: What is the role of legislature and of DEQ?**

- There should be symbiosis between the legislative and administrative branches in selecting criteria. DEQ should make recommendations to legislature. Legislature does not have the resources or staff to do thorough research.



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- DEQ could act as an advisor or consultant to businesses that need help understanding or implementing product stewardship.
- DEQ should have more control over product stewardship than the legislature. If all products have to go through legislature for approval, political whims may dictate what happens rather than actual needs.
- It is important that the initial process be set up by the legislature.
- Criteria about whether or not there is public demand for a specific product to be stewarded should be included. Consumers should be given the opportunity to provide feedback since they are the ones who are going to be paying for product stewardship.



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**Discussion Question: Should products be selected individually or in groups?**

- This issue has more to do with the capacity of the regulating agency to undertake what is needed to implement the product stewardship initiative. DEQ should be given the flexibility to determine the number of products it has the resources and capacity to steward.
- If DEQ requires more funding to collect data or determine which products should be added, the legislature ultimately has authority to provide that funding.

**Discussion Question: Are there any products that stand out for consideration?**

- David Allaway commented from the audience that a US EPA report is now available which looks at the upstream impacts of various products. For example, those products that have the greatest upstream impact in terms of global warming include motor vehicles (production), construction materials, meat, and apparel. Those that have the greatest impact in terms of toxics include motor vehicles, apparel, construction materials, processed/treated wood, meat, fruits, vegetables, house furnishings, carpets and rugs.
- Which products are considered “difficult to manage in traditional solid waste system” was asked. Abby Boudouris responded that paint and electronics are examples. She pointed out that such products could be singled out to be handled outside of the traditional solid waste system.
- Input was provided from four members on products that stand out for consideration. These include: solar panels, mercury lamps, film plastics and automobiles.

**Next Meeting Preview and Assignments**

Jan and Doug presented a proposed timeline for this committee’s scope:

Aug 17: Jan will email portions of the first draft of the committee’s report to members. This will include portions of the background section. This is the “easier” section of the report and should require little discussion at meetings in order to reserve more time for more difficult sections. Members should review this and provide feedback within one week.

Aug 24: Deadline for sending feedback to DEQ.

Sep 8: Staff will send out more pieces of the draft by email to members. Members should review and prepare to discuss at the September 15 meeting.

Sep 15: Next meeting date. This meeting will continue today’s discussion on product selection for about one hour. Members should review the product selection white paper again—focusing specifically on criteria, not on process—and be ready to discuss.

Jan asked members to email any concerns or comments on the draft outline by the end of next week.