

**NORTHWEST
PRODUCT
STEWARDSHIP
COUNCIL
POLICYMAKERS'
BULLETIN**

This is a series of bulletins from the Northwest Product Stewardship Council to brief you about policy issues drawing attention at the Council. Please feel free to contact us or visit our website at www.productstewardship.net.

Steering Committee:

Clark County
Public Works

King County
Department of
Natural Resources
& Parks

Kitsap County
Solid Waste Division

Local Hazardous Waste
Management Program
In King County

Metro Solid Waste and
Recycling Department,
Portland, OR

City of Portland,
Office of Sustainable
Development

Seattle Public Utilities

Snohomish County
Solid Waste
Management Division

U.S. Environmental
Protection Agency,
Region X

Washington State
Department of Ecology

NWPSC

Policymakers' Bulletin

Volume 2, Issue 1 March 2003

Producer Responsibility

A New Policy Tool to Ease Budget Woes



The new year is here and it brings some of the largest budget deficits that state and local governments have faced in over a decade. Vital public services are being eliminated while at the same time local governments are expected to manage, at a large cost to the public, a variety of used products that contain toxic materials.

A growing portion of today's waste stream is made up of products that contain toxic and hazardous substances. Products such as thermostats, switches and fever thermometers contain substantial amounts of mercury. Com-

puters, monitors, printers, and other electronic products contain lead, cadmium, chromium, brominated flame retardants and other hazardous substances. Each day, these products are being collected and sent to facilities for treatment and disposal at the public's expense.

There are few restrictions on the types of materials manufacturers can use to build their products and they are not held responsible for the fate of the product once it is sold. As a result, local governments bear the cost of handling these products once they are discarded.

Snohomish County (Washington) recently hosted a one-time computer "clean out" event for local school districts and cities. The results of the program illustrate the magnitude of the problem. The program collected and recycled 347 pallets of material (149 tons) at a cost of \$69,360, not including staff time, to Snohomish County and the Washington Department of Ecology. This level of funding cannot be sustained and a new approach to this problem is needed.

A New Approach: Producer Responsibility

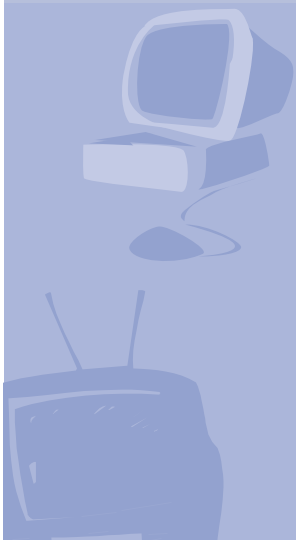
Producer Responsibility - also known as Product Stewardship - is a policy tool that promotes the sustainable production and consumption of products. The basic elements of a Producer Responsibility policy include:

- A definition of the product and materials that are targeted for "takeback".
- Manufacturers are made responsible for implementing and paying for an environmentally sound system to collect and manage the used products, including those that contain hazardous and toxic components, once the products are no longer used for their original intended purpose.
- The waste management costs are shifted from local government to the manufacturer. Manufacturers establish a front-end financing mechanism whereby the costs of managing the discarded products are included in the price of the product. No taxes or fees are administered by government agencies.
- The collection and recycling system must be "convenient" for all that use the system.
- Manufacturers are given an incentive to phase out hazardous and toxic components, to design products that can be easily recycled and to develop markets for the recyclable materials.
- Government provides a level playing field for manufacturers by adopting legislation and performance requirements.
- Collection and recycling measures and timetables for meeting performance goals are established. Manufacturers are responsible for tracking and reporting progress toward goals.
- Standards are established for recyclers and processors to ensure that the materials are handled in an environmentally sound manner.
- Governments provide oversight and enforcement.

Legislation Around the World

Producer Responsibility is sweeping the globe as societies realize that governments cannot and should not do everything, and that private sector actions are sometimes the most effective, efficient and affordable. In November 2002, European governments and European Parliament concluded two years of negotiation over legislation that revolutionizes product stewardship and producer responsibility.

- **Directive of the European Parliament and Council on waste electrical and electronic equipment (WEEE).** These laws make individual producers responsible for financing and takeback of electronic wastes from their own products.
<http://www.productstewardship.net/PDFs/policiesElectronicsWEEE.pdf>.



What You Can Do

- Support product stewardship and producer responsibility initiatives in your state.
- Consider adopting purchasing policies for your jurisdiction that require manufacturers to take back products such as office electronics and fluorescent tubes.
- Consider purchasing products that do not contain heavy metals such as mercury and other toxic materials. Require your vendors to report the contents of the products and to provide guidelines for proper disposal.

- **Directive of the European Parliament and Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment.** Mandates a phase-out of heavy metals such as cadmium, mercury, and hexavalent chromium as well as brominated flame retardants in future electronic products by the year 2006. <http://www.productstewardship.net/PDFs/policiesElectronicsRoHS.pdf>.

Local Legislation

During 2001-2002, a dozen state governments considered some form of legislation to address electronic wastes (<http://www.productstewardshipinstitute.org/Electronics.htm#Legislation>) and mercury-containing waste (http://www.noharm.org/index.cfm?page_ID=14). Washington and Oregon have developed more comprehensive legislation focused on the concept of "Producer Responsibility". Key bills include:

- **The Oregon Mercury Reduction Act** passed in 2001 prohibits the sale of mercury fever thermometers, mercury light switches in motor vehicles, and mercury containing novelties. It also prohibits the installation or sale of mercury containing thermostats. <http://www.leg.state.or.us/01reg/measures/hb3000.dir/hb3007.b.html>
- **Washington Substitute HB 1002 (SHB 1002 formerly HB 1002)** bans the sale of mercury-containing thermometers, thermostats, automotive switches, manometers, and novelties. The bill passed out of the Fisheries, Ecology, and Parks Committee on Tuesday, February 11th. A key provision of the bill, requiring manufacturers of some products that contain mercury (lamps that contain mercury, thermostats, and automobile switches) to pay for collection, disposal and recycling systems for those products, was eliminated to move the bill out of the committee. This was a critical producer responsibility component of the bill. http://www.leg.wa.gov/pub/billinfo/2003-04/House/1000-1024/1002-s_02122003.txt
- **Washington Electronic Product Stewardship Bill (Washington State HB 1942: Regulating Electronic Waste)**, sponsored by Representative Mike Cooper, requires electronics manufacturers to take responsibility for certain waste electronic products such as computers and TVs. <http://www.leg.wa.gov/wsladm/bills.cfm>

Support for Producer Responsibility

Although Producer Responsibility is a relatively new idea to Northwesterners, a recent telephone poll conducted by Washington Citizens for Resource Conservation showed astounding consumer support. Fifty-six percent of respondents "strongly agreed" and 36 percent "agreed" with the statement that:

"Corporations that make products with toxic substances such as mercury and lead should be responsible for providing a safe and convenient way to recycle them."

Only 6 percent disagreed and 1 percent strongly disagreed. The complete survey and report are available (<http://www.wastenotwashington.org/pr%20campaign.htm>).

Governor Locke's Sustainable Washington Advisory Panel submitted its first report to the Governor, "A New Path Forward: Action Plan for a Sustainable Washington" in February 2003 (<http://www.governor.wa.gov/nature/natural.htm>). Recommended action steps include mandating that State purchases of electronic equipment, such as computers, require takeback for recycling, and that the State consider establishing front-end financing mechanisms for electronic equipment recycling. **HB 1942** does both.

