



NATIONAL  
STEWARDSHIP  
ACTION COUNCIL<sup>SM</sup>

ADVOCATING FOR AN EQUITABLE, CIRCULAR ECONOMY

# Focusing on EPR: Household Hazardous Waste

*Southern California SWANA Workshop*

9/12/2024

**NSAC'S VISION:** The United States attains an equitable, circular economy.

# Who Are We?



The National Stewardship Action Council (NSAC) is a 501(c)4 non-profit organization. NSAC is a network of committed proponents comprised of governments, non-government organizations, businesses, & consumers who advocate that **producers fairly share responsibility in an equitable, circular economy.**

Vision: The U.S. attains an equitable, Circular Economy.



Affiliated 501(c)3 for **education & outreach** initiatives that aligns with NSAC's advocacy work



*Joint Board Retreat 2024*

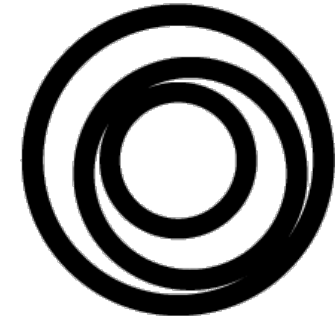
# NSAC: A Track Record of Success in CA

- 2024:** AB 863 (Aguiar-Curry): Carpet Recycling Program Improvements  
SB 1066 (Blakespear): Pyrotechnic Distress Flare EPR - *1st in the world*  
SB 1143 (Allen): PaintCare Expansion Act
- 2022:** Negotiating SB 54 (Allen): Plastic Pollution Prevention and Packaging  
Producer Responsibility Act (EPR)  
AB 2208 (Kalra) : Mercury Lamp Pollution Prevention Act  
AB 1894 (L. Rivas): Truth in Marketing & Advertising for Cannabis Vaping  
Devices - *1st in the nation*  
AB 1793 (Quirk): Aquatic Toxicity Testing
- 2021:** SB 343 (Allen): Truth in Recycling Labeling - *1st in the nation*  
AB 818 (Bloom): Truth in “Flushable” Wipes Labeling  
AB 707 (Quirk): Mercury Thermostat EPR Program Update
- 2019:** SB 726 (Caballero): HHW Reuse & Exchange  
AB 729 (Chu): Carpet Program Reform #2
- 2018:** SB 212 (Jackson, Ting, Gray): Medication & Needle EPR - *1st in the nation*
- 2017:** AB 1158 (Chu): Carpet Program Reform #1

# What is a Circular Economy?

It is based on three principles:

1. **Design out waste and pollution.**
2. **Keep products and materials in use.**
3. **Regenerate natural systems.**



**ELLEN  
MACARTHUR  
FOUNDATION**

**Decouples economic activity from the consumption of finite resources.**



# Policy Tools

1. Sales Ban (products or chemicals)
2. Truth in Labeling
3. Right to Repair
4. Product Stewardship
5. Extended Producer Responsibility
6. Deposits to Increase Collection
7. Eliminating Bad Rules: Ex: Mandates for Pesticide or Single-Use Plastic, Bad rules add unnecessary costs



## Questions to Ask Before Choosing a Tool:

- 1) How toxic is it?
- 2) Are there safer alternatives on the market, or coming?
- 3) What have other states or countries done with the product/chemical?
- 4) Is the international community limiting shipping/disposal?
- 5) How is the state determining the product to be hazardous? Is that causing problems?

# Benefits of Producer Responsibility

When manufacturers take responsibility for the recycling of their own products, they:

- Design products to be **durable, repairable**
- Create **safer** recycling systems
- **Fiscally motivated** to keep EOL costs down
- No longer socialize cost of disposal

Source: Clean Production Action: Extended Producer Responsibility: A waste management strategy that cuts waste, creates a cleaner environment and save taxpayers money

# Strategic Directive 5 - February 2007



CalRecycle will ...

- “Seek statutory authority to foster cradle-to-cradle producer responsibility.”
- “Develop relationships with stakeholders that result in producer-financed and producer-managed systems” – Extended Producer Responsibility (EPR)

# Local Governments Can Implement EPR!

## Alameda County: 1<sup>st</sup> EPR Ordinance in the U.S.

- **7/24/2012:** Adopts first EPR ordinance for meds in U.S.
- **12/29/14:** PhRMA and other plaintiff organizations file a Petition For Writ of Certiorari asking the U.S. Supreme Court to consider the case – [Petition text](#)
- **5/26/15: Denied! National Impact!**
- EPR in U.S. allowed so long as the product has a public health and safety nexus



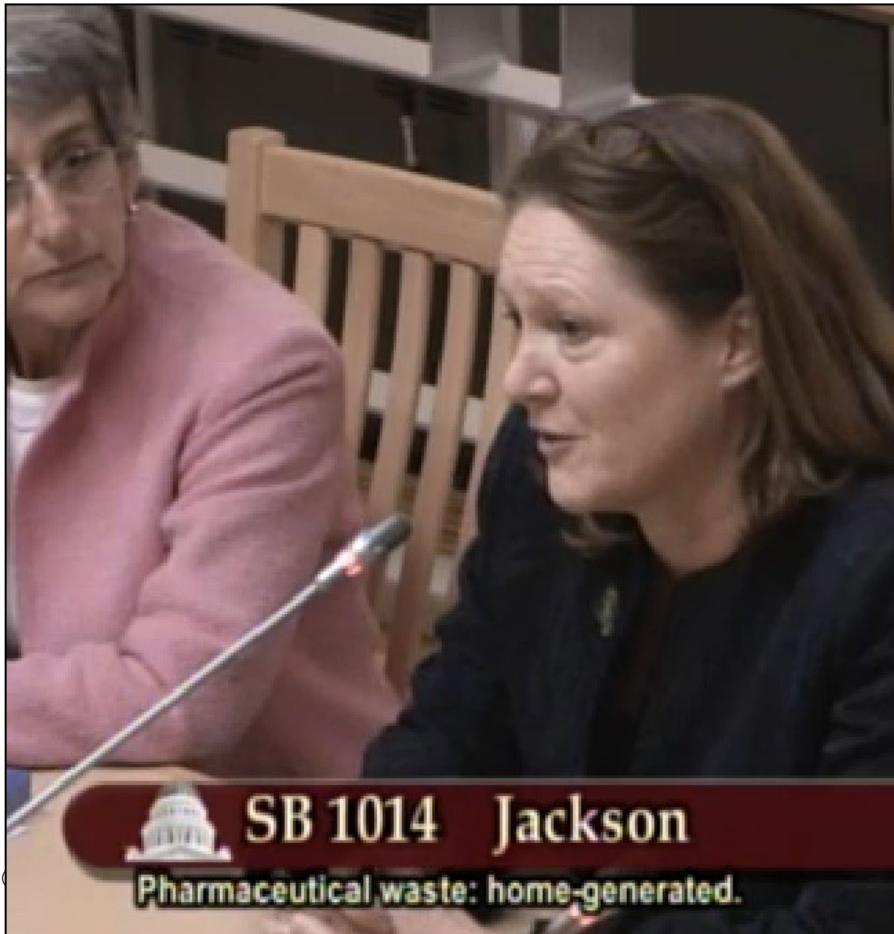
"We will win legally and will win in the court of public opinion as well," Mr. Miley said.



# In the Trenches: Getting EPR Done

## 5 years to pass, 13 ordinances, 2 state bills

1. 2013: SB 727 (Jackson) – **Failed to pass**
2. 2014: SB 1014 (Jackson) – **Failed to pass**
3. 2018: SB 212 (Jackson) – **Signed into Law**




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### California State Legislature

SENATOR  
**HANNAH-BETH JACKSON**  
NINETEENTH SENATE DISTRICT



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LEGISLATIVE AUDIT

BD. SUP. 14 NOV 6AM 11:27

B/S Chair \_\_\_\_\_  
BD of Supv. X  
Clerk \_\_\_\_\_

October 30, 2014

Santa Clara County Board of Supervisors  
70 W Hedding St  
San Jose CA 95110-1705

Dear Board Members:

Over the last two years, I have worked with numerous stakeholders to develop legislation that would create a convenient and environmentally responsible home-generated prescription drug disposal program. These efforts included my hosting several large stakeholder meetings, working with legislative consultants, and meeting with hundreds of individuals with an interest in the safe handling and disposal of unused medications. During that time, I introduced two bills, SB 727 (2013) and SB 1014 (2014) in response to the feedback I received to help decrease the supply of unused prescription drugs in homes across California. Due to the current legislative climate, moving forward with these programs was unsuccessful.

I am now respectfully requesting your participation and help to move this critical issue forward in our state. Adopting a county ordinance similar to Alameda County's Safe Drug Disposal ordinance will help California residents prevent prescription drug abuse, address their disposal needs now, and increase support for a statewide solution.

The Alameda County Board of Supervisors unanimously adopted the first Safe Medication Disposal Ordinance in the country in July 2012. Pharmaceutical manufacturers with medications being sold or distributed in Alameda County must participate in and fund a program to collect and dispose of unwanted drugs. The ordinance was challenged by Pharmaceutical Research and Manufacturers of America, Generic Pharmaceutical Association, and Biotechnology Industry Organization on the basis that the ordinance violates the dormant Commerce Clause for interstate commerce and discriminates against out-of-county producers. In August 2013, the U.S. District Court upheld the ordinance, as did the Ninth U.S. Circuit Court of Appeals in September 2014.

Alameda County's ordinance may be found here:  
[http://www.acgov.org/aceh/safedisposal/documents/SDD\\_Ordinance.pdf](http://www.acgov.org/aceh/safedisposal/documents/SDD_Ordinance.pdf).

*cc: ea Supervisor, ColExec, ColCounsel, R. Santiago*

# HHW EPR in CA: A Product by Product Approach

1. Ag Pesticide Containers (2008) – EPR
2. Recalled Products (2008) –EPR
3. Mercury Thermostats (2008) – EPR
4. Medications & Sharps (2018) – EPR
5. Loose Batteries (2022) – EPR
6. Mercury Lighting (2022) - BAN

Consumer-funded programs for paint, some electronics, and embedded batteries.



**ThermostatCare**



**NATIONAL STEWARDSHIP ACTION COUNCIL**

# #1 Recommendation: HHW EPR



## Policy 20-01: Extending Producer Responsibilities Framework for Household Hazardous Waste (HHW)

Policy Proposal: The Commission recommends that California **pass EPR framework legislation** to establish and maintain a convenient and **fully-funded recovery system** for all hazardous products - **including residuals and their containers** as they are **contaminants** to other recycling/composting streams.

# AB 283 (Chesbro) EPR Framework

- Introduced in February 2009
- California Product Stewardship Act of 2009
- **Failed**

HEIDI SANBORN

*PRODUCT STEWARDSHIP CONSULTANT*

[WWW.HEIDISANBORN.COM](http://WWW.HEIDISANBORN.COM)

## What Does EPR Framework Legislation Do?

- Full responsibility on producers for developing, funding, and implementing collections, submitting a Stewardship Plan to CIWMB
- Producers cannot sell in CA if not in program
- CIWMB determines the products requiring product stewardship programs
- CIWMB will adopt rules to add products to stewardship program
- CIWMB establishes performance goals and evaluation
- AB 283 (Chesbro) makes this all happen!



# SB 1143 (Allen): Household Hazardous Waste Extended Producer Responsibility (EPR)

- NSAC-sponsored
- Introduced as HHW EPR
- #1 Recommendation from the CA Recycling Commission
- Vermont passed in 2023
- Support: Local governments, material managers, ENGOs, etc.
- Opposition: American Chemistry Council, CalChamber, etc.



News > Environmental exposure to home chemicals tied to increased ALS risk

## Environmental exposure to home chemicals tied to increased ALS risk

# SB 1143 Opponents

1. American Chemistry Council
2. American Cleaning Institute
3. Cal Chamber
4. California Manufacturers & Technology Association (CMTA)
5. Household and Commercial Products Association
6. Industrial Environmental Association
7. Responsible Industry for A Sound Environment (RISE)
8. Western Plant Health Association
9. National Aerosol Association
10. Western Aerosol Information Bureau

[Coalition Opposition Letter](#)



# SB 1143 Opposition Arguments

- Fiscal Impacts: “*We encourage the legislature to wait to adopt a new program of this magnitude this year, when the general fund is facing a significant deficit putting existing programs in jeopardy.*”
- Allow time for program implementation: *While EPR has become increasingly popular for waste management, we should not presume it is the best fit for HHW...Although EPR has the benefit of leveraging market ingenuity to help achieve stated goals, in some instances, it may be an overly complicated response to achieving the goals and needs of a given initiative.*
- Needs Assessment: “*we believe a deeper dive into this data to better understand the opportunities and challenges in HHW is warranted to help shape future policies. As the first step toward strengthening existing infrastructure and programs, we support conducting a needs assessment and gap analysis to form a baseline of goal setting and policy responses.*”

# SB 1143 Amended to PaintCare Expansion Act



- 6/10/24 amendments added PaintCare expansion
- 8/19/24 amendments removed HHW EPR and narrowed to the PaintCare Expansion Act

*“Passing EPR framework legislation is a multi-year process, and we made enormous progress this first year. What was best for California was to ensure the PaintCare expansion got done to keep costs down and the program working, and then tackle the rest of the HHW stream next year allowing more time for negotiation.”*

*- Heidi Sanborn, Waste Advantage Magazine*



# SB 1143 (Allen): PaintCare Expansion Act

- Expands the existing PaintCare program to include all nonindustrial coatings, and coating-related products
  - “arts and crafts paint, automotive refinish paint, driveway sealer, faux finish or glaze, furniture oil, furniture paint, lime wash, lime paint, marine paint, antifouling paint, road and traffic marking paint, two-component paint, wood preservative, fire retardant paint, dry fog paint, chalkboard paint, and conductive paint, sold in containers of five gallons or less for commercial and homeowner use, but does not include coatings purchased for industrial or original equipment manufacturer use.”
- Collaboration with the American Coatings Association



News ▶ Collection/Transfer

## California is Poised to Expand Successful PaintCare Program

Posted  
September 3, 2024

# SB 1143 Supporters

- |  |   |
|--|---|
| 1. 5 Gyres   | Mgmt. Assoc.                                  |
| 2. 7th Generation Advisors                           | 20. Northern California Recycling Association |
| 3. Ban SUP (Single Use Plastic)                      | 21. Pesticide Action Network                  |
| 4. Californians Against Waste                        | 22. ReGen Monterey                            |
| 5. CA. Assoc. of Environmental Health Administrators | 23. Republic Services                         |
| 6. Californians for Pesticide Reform                 | 24. Resource Recovery Coalition of California |
| 7. Center for Environmental Health                   | 25. ReThink Waste                             |
| 8. Central Contra Costa Sanitary District            | 26. Seahugger                                 |
| 9. City of Thousand Oaks                             | 27. Solano Center                             |
| 10. CleanEarth4Kids.org                              | 28. StopWaste                                 |
| 11. Clean Water Action                               | 29. Sustainable Mill Valley                   |
| 12. County of Santa Barbara                          | 30. The Story of Stuff Project                |
| 13. Elders Climate Action Northern CA Chapter        | 31. Turtle Island Restoration Network         |
| 14. Elders Climate Action Southern CA Chapter        | 32. Waste Connections                         |
| 15. Environmental Working Group                      | 33. WM (Waste Management)                     |
| 16. GreenWaste                                       | 34. Zero Waste Marin Joint Powers Authority   |
| 17. Marin Sanitary Service                           | 35. Zero Waste Sonoma                         |
| 18. Napa Recycling and Waste Services                | 36. Zero Waste USA                            |
| 19. North American Hazardous Materials               |   |



# SB 1143 Timeline

- 2/14/24: SB 1143 introduced
- 4/3/24: Sen Environmental Quality Committee hearing (5-2 vote)
- 4/16/24: Senate Judiciary Committee hearing (10-0)
- 5/16/24: Senate Appropriations Committee hearing (5-2)
- 5/21/24: Senate Floor (30-7 vote)
- 6/25/24: Asm Environmental Safety & Toxic Materials (5-2 vote)
- 7/1/24: Assembly Natural Resources Committee (9-2 vote)
- 8/15/24: Assembly Appropriations Committee (11-3 vote)
- 8/28/24: Assembly Floor (65-3 vote)
- 8/29/24: Senate Environmental Quality Committee (5-1 vote)
- 8/30/24: Senate Floor (36-3 vote)
- **Current Status: Governor's Desk**



# Marine Flare Disposal Distress - Explosive!

- Vessels longer than 16 feet operating on coastal waters, the Great Lakes, territorial seas, and waters directly connected to them (up to the point where the body of water is less than two miles wide) must carry 3 pyrotechnic flares if approved for day & night use, or an US Coast Guard approved alternative
- Pyrotechnic marine flares expire 42 months from manufacture date aerial and hand-held
- Contain toxic metals and pollutants – perchlorate removed Dec 2022
- **Div. of Boating & Waterways estimates ~174,000 outdated flares are generated in CA annually - little to no disposal options due to cost & permits! Only disposal facility for high hazard flares is in Missouri!**



SB 1066

Blakespear

Hazardous waste: marine flares: producer responsibility.

# “Waste worker’s close call with exploding flare a helpful reminder of what can't be recycled”



[https://www.youtube.com/watch?v=P\\_60SwALOD4](https://www.youtube.com/watch?v=P_60SwALOD4)



# Marine Flare Disposal Costs

- Can be purchased new for ~\$13
- Zero Waste Sonoma disposal costs: **~\$185/flare** (when partnering with jurisdictions on transportation & disposal).
- Alameda County: **\$10.55/flare** - ongoing collection at HHW
- Port of Los Angeles: **\$43.06/flare** during one collection event or **\$939.37 per participant**



## Requested Information

## Response

# of marine flares collected:	1,396 (440 pounds)
# of participants:	64
Total Cost of Event (\$):	\$60,120.07 (\$27,455.14 for waste disposal)



# SB 1066 by Senator Blakespear

## Distress Flare Producer Responsibility Act

- **Co-sponsored by Zero Waste Sonoma**
- Amended to reduce costs and ensure passage
- Requires the producer(s) to fund & implement a take-back program for their flares
- Oversight Agency: DTSC - Ability to impose administration civil penalties
- Collection plan including events
- Annual reporting



# SB 1066 Supporters

1. 5 Gyres
2. 7th Generation Advisors
3. Ban SUP (Single Use Plastic)
4. BoatSafe NW
5. Californians Against Waste
6. California Association of Counties
7. CA. Assoc. of Environmental Health Administrators
8. California Retailers Association
9. CA. Professional Firefighters Association
10. California Teamsters Public Affairs Council
11. California Waste Haulers Council
12. Center for Biological Diversity
13. Center for Environmental Health
14. City of Santa Barbara
15. City of Thousand Oaks
16. CleanEarth4Kids.org
17. Clean Water Action
18. County of Humboldt
19. County of Northampton, Pennsylvania
20. County of San Joaquin
21. County of San Mateo
22. County of Santa Barbara
23. County of Santa Cruz
24. County of Los Angeles
25. Del Norte Solid Waste Authority
26. Delta Diablo
27. Environmental Working Group
28. Heal the Bay
29. Intrepid Landing
30. League of California Cities
31. Marin Sanitary Service
32. Maritime Institute
33. Napa Recycling and Waste Services
34. North American Hazardous Materials Mgmt. Assoc.
35. Northern California Recycling Association (NCRA)
36. Pacific Manta Research Group
37. Plastic Pollution Coalition
38. Recycling and Waste Reduction Commission of Santa Clara County
39. ReGen Monterey
40. Republic Services
41. Resource Recovery Coalition of California
42. ReThink Waste
43. Rural County Representatives of California
44. San Francisco Baykeeper
45. San Mateo County Harbor District
46. San Rafael Fire Department
47. Save Our Shores
48. Seabreeze Books & Charts
49. Sirius Signal LLC
50. Somaliland Community Action Network (SCAN)
51. Sonoma County Fire District
52. Sonoma County Regional Parks Department
53. South Lake Tahoe Fire Rescue
54. StopWaste
55. Surfrider Foundation
56. Sustainable Mill Valley
57. The Last Plastic Straw
58. Town of Truckee
59. Turtle Island Restoration Network
60. West Contra Costa Integrated Waste Management Authority
61. Western Placer Waste Management Authority
62. WM (Waste Management)
63. Zero Waste Marin Joint Powers Authority
64. Zero Waste Sonoma (Co-Sponsor)
65. Zero Waste USA





# SB 1066 Opponents

1. Orion
2. National Marine Manufacturers Association
3. Recreational Boaters of California



National Marine  
Manufacturers Association

# SB 1066 Opposition Arguments



- “Handheld flares ...are relatively easy to dispose of by boaters.”
- “Orion flares are exempt from the ATF storage requirements.”
- “All flares are not the same. Handheld flares **can be safely be burned on the ground by the boater.**”
- “Past experience indicates a **local, community-oriented solution is likely more viable** than a broad-based initiative such as SB 1066, as a result of regulatory burdens imposed.”
- They only sell ~\$465,000 in handheld and aerial flares into California annually and “**the typical PRO approach that has been used for other industries does not make sense for flares**”

[Orion Opposition Letter](#)

# SB 1066 Timeline

- 2/12/24: SB 1066 introduced
- 4/3/24: Senate Environmental Quality Committee hearing (7-0 vote)
- 4/16/24: Senate Judiciary Committee hearing (11-0 vote)
- 4/18/24: Bill amended
- 5/6/24: Feedback Session (Webinar)
- 5/16/24: Senate Appropriations Committee hearing (7-0 vote)
- 5/21/24: Senate Floor (39-0 vote)
- 6/25/24: Assembly Environmental Safety & Toxic Materials Committee hearing (6-0 vote)
- 8/15/24: Assembly Appropriations Committee hearing (11-0 vote)
- 8/19/24: Bill amended
- 8/22/24: Bill amended
- 8/28/24: Assembly Floor vote (67-2 vote)
- 8/29/25: Senate Floor - concurrence (40-0 vote)
- **Current Status: Governor's Desk**



# In the Trenches: Getting CE Bills Done

- Collect Data
- Find Your Allies
  - Political champions
  - Unlikely bedfellows
- Educate State & Local Electeds & Get Their Support ASAP!
- Create a Package
- Go Local (SB 212!)

## California governor signs full slate of circular economy bills

The package includes bills regulating recyclability and compostability claims on products, restricting exports of plastic scrap and updating the state's container redemption program.

Published Sept. 14, 2021 • Updated Oct. 6, 2021



Megan Quinn  
Reporter



# CA: Legislator Study Trips [www.cfee.net](http://www.cfee.net)

CA Foundation for Environment & Economy added Circular Economy to Bylaws in 2022!

1. **2019:** Vancouver, British Columbia & Seattle, WA
2. **2020:** Portland, OR & Seattle, WA
3. **2021:** Vancouver, British Columbia & Toronto, Ontario
4. **2022:** Portland, ME & Montreal, Quebec
5. **2023:** Vancouver, British Columbia; Calgary & Banff, Alberta
6. **2024:** CO & NM
7. **2025:** TBD!



# 2025 Product Priorities

- Household Hazardous Waste, Marine Flares
- Critical/Rare Earth Minerals
- Gypsum
- Vaping Devices



# Thank You to Our Sponsors!





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EDUCATING FOR AN EQUITABLE, CIRCULAR ECONOMY

[www.stewardship-foundation.org](http://www.stewardship-foundation.org)



*Join & Follow Us!*

“Twenty years from now, our hope is that nothing goes onto market that has no end-of-life management program in place.”

HEIDI SANBORN



**Jordan Wells**

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Communications

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