
FACTS

TO ACT ON

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Local Initiatives Leverage Extended Producer Responsibility

By Brenda Platt

Extended producer responsibility (EPR) generally involves industry taking initiative or state and national governments enacting policies to encourage it. More recently, local governments are realizing the tremendous influence they can have on manufacturers taking environmental responsibility for their products and packaging. Big west coast cities such as Los Angeles, San Francisco, Seattle, and Portland are embracing a variety of projects and policies to get producer responsibility on the radar screen of industry, elected officials, and consumers alike. Other communities across the country — including Duluth, Minnesota; Carrboro, North Carolina; and Columbia, Missouri — have some type of EPR initiative in place. Techniques used to leverage EPR at the local level include:

- **Networking with industry in a voluntary approach to promote EPR.** Example: The City of Seattle, King and Snohomish Counties in Washington, and Portland Metro (a regional government agency in Oregon) formed the Northwest Product Stewardship Council to integrate product stewardship into the policy and economic structures of the Pacific Northwest.
- **Passing local resolutions encouraging industry to take responsibility for their products and packaging.** Example: Los Angeles has passed resolutions calling on the plastics industry to use more post-consumer recycled content in its products.
- **Banning products that harm the environment and public health.** Example: Duluth, Minnesota, and the City and County of San Francisco have banned mercury thermometers.
- **Passing local deposit legislation for beverage containers.** Example: Columbia, Missouri, has the nation's first and only local bottle bill.
- **Taxing disposables.** Example: More than 30 German municipalities established a tax on non-reusable packaging and cutlery used at special events, restaurants, and institutions such as hospitals.
- **Developing purchasing protocols that encourage environmentally sound products and restricting contracts to these products.** Example: San Francisco passed a resolution restricting future contracts with beverage companies/vendors to those who provide containers with 10% recycled content by 2002.
- **Addressing EPR as part of solid waste management plans and policy development.** Example: The August 1998 City of Seattle new solid waste plan, *On the Path to Sustainability*, helped spur the creation of the Northwest Product Stewardship Council. The plan adopts zero waste as a guiding principle, and includes product stewardship as one of the programs for achieving future goals. Support for product stewardship in the solid waste plan

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allowed city staff to justify budget expenditures on work toward this goal.

This *Facts to Act On* describes examples of local initiatives to spur EPR and lists where the reader can view actual resolutions and ordinances, and find more information in general. Most of the policies and programs highlighted can be readily replicated by other jurisdictions.

Impact

The impact of these initiatives varies. Many policies and programs are too new to fully gauge the results they will have.

Resolutions simply calling for industry to take more responsibility for their products and packaging will have minimal impact. But they can serve an important role by garnering media attention and momentum in building national pressure for EPR. Similarly, incorporating EPR as a solid waste management strategy in local solid waste management plans can be an important first step in launching city or county sponsored projects. But without follow-up and dedicated resources, this step will amount to little more than rhetoric.

Networking with industry in a voluntary product stewardship approach has already achieved some success in the Northwest and in Minnesota. The Pacific Northwest Product Stewardship Council has helped at least one Northwest apparel manufacturer — Norm Thompson — move further toward its goal to phase out PVC within five years. In Minnesota, one result of a six-county product stewardship project conducted in conjunction with the state Office of Environmental Assistance, is Sony Electronics Inc.'s October 2000 announcement to take back all Sony electronic products in the state.¹ Voluntary product stewardship efforts are facing some challenges too and, at least in Minnesota, legislative alternatives may be considered in the near future.

Banning products that harm the environment and public health has had mixed results. About 40 governments in the late 1980s passed laws restricting polystyrene. Berkeley's has been effective for a decade. But many of the others were later repealed as a result of industry

pressure. The recent local bans on mercury thermometers will likely fare better. National chain stores (including K-Mart, Albertson's Inc., CVS, Walgreens, Toys R Us, Walmart, Rite Aid, and Target) have decided to stop selling the thermometers.² The campaign to banish mercury from health care is spearheaded by Health Care Without Harm, a coalition of 270 organizations in 24 countries. Local government can ban more products that harm the environment and public health, but it may take an organizational effort like Health Care Without Harm to champion the cause.

The disposable packaging taxes in German municipalities have not survived legal challenges. McDonald's and two other companies mounted a legal challenge in Kassel, based not on environmental grounds but on whether the communities had the right to impose the tax. These companies lost their legal battles at the local and state level, but the German Supreme Court eventually sided with them, suspending the taxes because local and state regulations have to mesh with policies of the federal government, which has the primary responsibility for waste laws. In Germany, the federal government puts more emphasis on cooperation with industry, so the taxes were repealed. Here in the U.S., the packaging taxes may work as the federal government does not have such authority over local and state waste or tax laws.

Deposit legislation on beverage containers is a tried and true technique for reducing local government's financial burden of handling products once discarded and placing that burden on the industry responsible for that product. However, local deposit laws are not common and will likely face uphill battles against industry if proposed. Columbia, Missouri's bottle bill became effective in 1977. It may not succeed if introduced in today's climate. (A new national alliance, the Business and Environmental Alliance for Recycling, BEAR, is developing *national* draft model deposit legislation for containers.)

One local strategy that can have significant impact is developing purchasing protocols that encourage environmentally sound products and restricting contracts to these products. Green

procurement represents a clear way government can share responsibility for the environmental impact of products and packages. Industry will not change unless it can be assured markets exist for its products. At the same time, by raising the bar on environmental protocols for products and services, government can spur industry to produce environmentally sound goods, thus leveraging EPR. Government initiatives that take the extra step of directly integrating EPR criteria into purchasing guidelines can leverage EPR more. The Northwest Product Stewardship Council, for example, has developed environmentally preferable purchasing criteria for computers. Among these criteria is “availability through leasing, allowing return to manufacturer at end-of-life.”

Costs

These initiatives come fairly cheaply. The Northwest Product Stewardship Council has an annual budget of approximately \$25,000 (shared among four local jurisdictions and other funding sources). Passing local resolutions has minimal costs, but perhaps also minimal impact beyond messages they send to industry, the media, and the public. Resolutions spelling out specific steps the local jurisdiction plan to take, may have more associated follow-up costs but more impact. Banning products may have some enforcement costs. Duluth’s mercury thermometer ban has involved minimal costs to date. Columbia’s deposit law puts the financial onus on industry rather than on local government to pick up the costs of waste disposal — precisely the intent of EPR initiatives. King County’s environmental purchasing program saved it money and resources. In 1999, the county saved approximately \$525,000 by purchasing recycled materials. In Germany, the local taxes on non-reusable packaging and cutlery have given rise to a new green service industry: reusable dish and cutlery washing businesses. Some local governments had even purchased their own mobile dishwashers and rented them out to neighboring towns and the private sector. The environment and economic development can go hand in hand. Changing the rules can indeed promote local productive capacity.

Product Stewardship: A Voluntary Approach

The Northwest Product Stewardship Council

The Northwest Product Stewardship Council is an example of local governments working in concert with businesses and non-profits to integrate “product stewardship” into the policy and economic structure of a region – in this case, the Pacific Northwest. In 1998, the City of Seattle joined with King County and Snohomish County in Washington and with Portland Metro (a regional government agency in Oregon) to form the Council. EPA Region 10 was also a founding member. The Council defines product stewardship as a principle that directs all actors in the life cycle of a product to minimize the impacts of that product on the environment.

The Council opted for a non-regulatory approach. It promotes the idea that by voluntarily adopting product stewardship, U.S. industries can avoid the regulatory approaches implemented in other countries.

The Council currently has no legal structure and operates as an unincorporated association of members. Business affiliates include Bank of America, Boeing, Starbucks, and Weyerhaeuser. It was initially convened by a Steering Committee, which continues to coordinate and oversee the activities of the Council.

Early on, the Council recognized that product stewardship was absent from the radar screens of business and industry, government, elected officials, academia, policy groups, and non-profit groups. In order to broaden input and build support, the Council first had to educate.

The Council developed subcommittees to meet its mission. The first subcommittee focused on outreach to facilitate dialogue about product stewardship with and among key local organizations, including small business associations, environmental groups, and economic development organizations.

In April 2000, the Council sponsored a regional product stewardship conference, *Products and the Environment NW*, held in Seattle. The conference educated participants and developed a series of next action steps.

Current Council projects include:

- **Environmentally Preferable Computer Purchasing Program:** The Council has documented purchasing guidelines that characterize environmentally preferable attributes of IT (information technology) equipment. It has available a *Guide to Environmentally Preferable Computer Purchasing*. It is also working with large-scale Northwest-based users of computers (such as Starbucks, REI, Microsoft, and area municipalities) to learn about their purchasing protocols, and to encourage them to build environmentally preferable purchasing (EPP) guidelines into their purchasing specifications. A third activity is working with equipment manufacturers to identify what EPP criteria are already being met with their products, and to encourage further integration of EPP principles into design processes for future products.
- **Retail Apparel Product Stewardship Demonstration Program:** Numerous apparel industries are headquartered in the Northwest: Columbia Sportswear, Eddie Bauer, Filson, Hanna Anderson, Nike, Nordstrom, Norm Thompson Outfitters, and Recreational Equipment Inc. (REI). With the assistance of this project, a number of these companies are sharing information, reusing in-store fixtures, eliminating PVC, looking at alternative fabric sources and textile take-back, and recycling.
- **Tires and Product Stewardship Project:** Representatives from the Northwest Tire Dealers Association have been working closely with consultants to develop an industry supported approach to the tire problem. The team reviewed tire programs in place elsewhere and is developing a program that will increase the availability of end-of-life options for tires in the region. One initiative, for instance, will focus on designing tires with increased recycled content and reduced environmental impacts.
- **Medical Industry Waste Prevention Roundtable:** This program brought together health care professionals from the region's hospitals and biotech laboratories.

It sponsored a series of in-depth, half day seminars on managing plastics and chemicals, exploring alternative products such as durables and reusables, and purchasing environmentally preferable products. One result of the seminars is an attempt to re-establish a recycling program for polypropylene wrap, a sterilization and draping material often used in hospitals. Kimberly-Clark, the manufacturer of this product, has agreed to pay a processing subsidy of 3¢ per pound of new material sold to institutions. Hospitals can then use the money to help cover their costs to collect, sort, and transport the wrap.

Local government members (King County, Seattle, Portland Metro, and Snohomish County) and EPA Region 10 fund the Council and its projects. On an annual basis, the Council's budget is about \$25,000. (This excludes the cost of the conference, which was funded separately.) Most of this budget covers the contract cost of the Council Coordinator.

Two challenges the Council's subcommittees face are the lack of industry point people and the lack of information on environmental impacts of products and services. According to Council Coordinator David Stitzhal, "From a government standpoint, it is difficult to help industry voluntarily achieve environmental goals when businesses do not have people and budgets to work on the issue." Stitzhal's suggestions for how industry can move toward product stewardship include allocating fiscal and staff resources to this task; demonstration of progress toward explicit goals; demonstration of efforts to work with suppliers, retailers, and other members of their product chain; and tracking and disclosure of environmental impacts of products and services. Stitzhal believes that while businesses and industries may consider these steps a hardship, taking them voluntarily could render unnecessary an eventual government-defined playing field.

For More Information:

Northwest Product Stewardship Council
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(206) 723-0528, e-mail: fullcircle@nwnexus.com
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Six Counties in Minnesota Join Together to Promote Product Stewardship

In Minnesota, six metro counties encompassing Minneapolis, St. Paul, and surrounding suburbs of the Twin Cities are promoting product stewardship for cathode ray tubes (CRTs) and latex paint. In 1999, the Solid Waste Management Coordinating Board, which is a joint powers board of the six metro counties, joined with the Minnesota Office of Environmental Assistance (OEA) to undertake the two product stewardship efforts.

The Board acknowledges that these efforts would not have been effective without the state's support and partnership. Getting on the radar screen of industry representatives is the difficult first step. The Board found that having a statewide voice was necessary in order to get this initial attention. It also found essential having a couple of people whose primary responsibility included product stewardship work. The Board chose to contract out for project coordination, research, and program evaluation. It suggests that other local and/or state efforts interested in advancing similar projects consider supplementing permanent staff resources with contractor support, costs for which could range from \$25,000 to \$75,000 per year depending upon level of support desired.

CRT Product Stewardship Project

The Board and OEA targeted CRTs because they are a growing segment of the waste stream, contain hazardous substances, and are expensive to manage under current market conditions. There were also few effective options for recovery of electronics with CRTs in Minnesota.

In late 1999, the OEA and the Board convened a task force to which they invited manufacturers, retailers, CRT processors, companies purchasing recycled material, and others.

The task force reached consensus on a vision and five goals:

Vision: Elimination of electronic products with CRTs from mixed municipal solid waste.

Goal 1, Service Delivery: Minnesotans, both businesses and residents, shall have convenient access to efficient service that will allow them to

recycle their discarded electronic products with CRTs more easily.

Goal 2, Markets: End markets will be in place and will provide value for material to support demand for discarded electronic products with CRTs in Minnesota.

Goal 3, Financing: There will be a way to pay for increased recovery of electronic products with CRTs without relying solely on government funding.

Goal 4, Increased Awareness: Minnesota businesses, merchants and citizens will be aware that electronic products with CRTs contain hazardous materials and are a problem waste and will know how to manage them properly at the end-of-life.

Goal 5, Incentives: Minnesota will seek to develop ways to reward innovations in design and manufacturing processes of electronic products that incorporate "design for the environment," "pollution prevention," and cleaner production.

The task force agreed on short-term outcomes to be accomplished by August 31, 2000, and long-term outcomes to be achieved by 2003.

Short-term outcomes ranged from manufacturers using more post-consumer CRT glass in new products to at least one retailer and one manufacturer initiative to collect and recycle CRTs.

Long-term outcomes ranged from manufacturers designing products to facilitate more recovery of electronics with CRTs to CRTs being properly managed at end-of-life.

Government specific-activities included reducing regulatory barriers to recycling CRTs, increasing procurement of environmentally friendly electronic equipment (such as equipment that is Energy Star compliant, uses post-consumer recycled content or is managed appropriately by the manufacturer at the end-of-life), and working on education and enforcement efforts within the businesses community.

Many of the short-term goals have been achieved or are showing progress. New goals to be achieved within six months have also been developed.

The task force did not initially result in any industry commitments to recover more electronics with CRTs that do not rely on government funding. As a result, the Board and the OEA decided to determine whether

legislative initiatives should be pursued in the 2001 legislative session. Both organizations are committed to pursuing a voluntary approach to product stewardship without legislation, provided that progress is made in increasing the recycling of electronics with CRTs without relying solely on government funding. If this does not occur, the organizations plan to seriously examine legislative options.

On October 18, 2000, Sony Electronics Inc. announced its commitment to take back all Sony electronic products in Minnesota. Sony is the first manufacturer to come forward to cover the costs of recycling its products. Since this announcement, the OEA has been talking with Panasonic, Sharp, and RCA. It expects these and other manufacturers to come forward to cover their share of the costs for collecting and recycling old electronics.³

Latex Paint Product Stewardship Project

In 1999, the Solid Waste Management Coordinating Board, in conjunction with the Minnesota Office of Environmental Assistance (OEA), established a task force on latex paint to:

- Reduce the amount of waste latex paint generated by residents; and
- Ensure that parties designing, producing, selling or using latex paint will assume responsibility for the costs of managing and recycling waste latex paint.

Latex paint producers, distributors, and retailers were invited to participate in the task force.

Task force meetings took place nearly every month from April 1999 through February 2000. The task force agreed to achieve its goals through a market-based approach, relying upon strengthening demand for recycled paint.

Government's role is to work with the private sector to develop specifications for recycled paint, to promote use of recycled paint, and to increase use of recycled paint in government and institutional projects. The private sector's role includes developing products that meet government specifications and printing and distributing educational materials at the point of sale. Sherwin Williams, Hirshfield's Paints, Mills Fleet Farms, and Ace Hardware Stores

have agreed to participate in a consumer education campaign by printing and distributing tear-off pads and/or stickers in their stores.

The Board has embraced a voluntary approach to managing latex paint. It will seek legislation in collaboration with other government agencies only if voluntary approaches do not successfully shift responsibility to producers.

In June 2000, the Board issued a request for proposals for a Recycled Latex Paint Project. The contractor is promoting and measuring the use of recycled paint products and working to improve feedstock quality. It is also working with Board staff to further research and identify paint management options. The Latex Paint Task Force is slated to reconvene March 2001 to assess progress in achieving its goals through a market-based approach.

For More Information:

Summary Report of the Activities of the Task Force on Electronics with CRTs, MN Office of Environmental Assistance and the Solid Waste Management Coordinating Board (July 2000). Available on the Web at: <http://www.swmcb.org/publications/CRTtaskForce.htm>

"Latex Paint Solutions Task Force Memo to the Solid Waste Management Coordinating Board" (March 15, 2000), included as attachment to *the RFP for Recycled Latex Paint Project*. Available on the Web at: <http://www.swmcb.org/publications/RFPlatexpaint5.pdf>

OEA Product Stewardship Information

Web: <http://www.moea.state.mn.us/policy/productstewardship.cfm>
Product Stewardship contact: Maureen Hickman, 651-215-0271, e-mail maureen.hickman@moea.state.mn.us
Sony project contact: Tony Hainault, 651-215-0298

Solid Waste Management Coordinating Body

Web: <http://www.swmcb.org>
Latex Paint Task Force contact: Leslie Wilson, 612-361-1803, e-mail lwilson@co.carver.mn.us
CRT Task Force contact: Zack Hansen, 651-773-4440, e-mail zack.hansen@co.ramsey.mn.us
Kathie Doty, Senior Associate, Richardson, Richter & Associates, Inc., 651-222-7227, e-mail kdoty@richardsonrichter.com

Passing Local Resolutions

Between September 1998 and June 2000, a dozen cities and counties have passed local resolutions calling on producers to share the responsibility for managing their products and packaging at the end of their useful life. The GrassRoots Recycling Network (GRRN), a national nonprofit coalition of recycling and zero-waste advocates based in Athens, Georgia, has been spearheading these efforts.

GRRN is encouraging local government to pass producer responsibility resolutions and has posted a model producer responsibility resolution on its Web site. On September 22, 1998, Carrboro, North Carolina, became the first local government to pass such a resolution. The resolution simply states in part:

The Board of Alderman considers the responsibility to manage waste from manufactured products and packaging represents an "unfunded mandate" on its citizens.

Producers should share the responsibility for eliminating this waste — through eliminating excess packaging, designing products for durability, reusability and recyclability; using recycled materials; and providing financial support for collection, processing, recycling, and disposal of used materials.

The N.C. General Assembly and U.S. Congress should adopt legislation to shift the burden of managing discarded products and packaging from local governments to the producers of those products and requests our delegations to sponsor such legislation.⁴

GRRN has also encouraged communities to pass resolutions urging soft drink manufacturers to use recycled plastic in their bottles. Eight communities have done this:

- City of Los Angeles (April 2000)
- Point Arena, California (January 2000)
- San Francisco Board of Supervisors (December 1999)
- Del Norte Solid Waste Management Authority (November 1999)
- Gainesville, Florida (March 1999)
- Alameda County, California (March 1999)
- West Hollywood, California (March 1999)
- Winona County Commission, Minnesota (January 1999)

These resolutions grew out of GRRN's campaign to get Coca-Cola to make good on its

1990 promise to use recycled content in its plastic soda bottles. The campaign in part has been successful. In April 2000, Coca-Cola stated it would use 10% recycled content in a quarter of its bottles in the year 2000.

While these Coca-Cola resolutions and Carrboro's producer responsibility resolution have no teeth and their direct impact is difficult to measure, they have an educational benefit and begin to exert important pressure on product manufacturers. In some cities, they have served as precursors to stronger resolutions. Indeed, when Los Angeles and San Francisco did not see any progress on increasing recycled content in plastic bottles, they passed a motion and a resolution, respectively, restricting future contracts with beverage companies or vendors that sell plastic beverage bottles to those who provide bottles with significant recycled content.

Los Angeles' motion does not specify percentages, but San Francisco's resolution is more explicit: "with at least 10% recycled content by the end of the year 2002 and at least 25% recycled content by the end of the year 2003." Los Angeles' motion does ask all city departments (including the Los Angeles Convention Center and the Los Angeles Memorial Coliseum and Sports Arena) to review their contracts with beverage companies and vendors to determine if beverage containers they supply contain post-consumer recycled content. The departments are supposed to report the results of such reviews to the city council within 90 days.⁵

This resolution and motion may have a more specific impact than the earlier resolutions simply calling on Coca-Cola and other soft drink manufacturers to use recycled plastics in their bottles.

Another local resolution with more cause and effect was Los Angeles' February 1999 resolution addressing Miller Brewing Company's new plastic beer bottle. The resolution called on Miller to ensure that the bottle is compatible with the current recycled PET stream and would not increase processing costs or downgrade the quality or market price of recovered PET for local governments and recyclers. It also asked that Miller use at least

25% recycled content in all new bottles. Furthermore, the resolution authorized the city to determine how much the unrecyclable Miller beer bottles would cost it and to present Miller with a bill to recoup those costs. When Miller publicly unveiled its new plastic beer bottle in March 2000, it directly addressed some recycling issues.⁶

Berkeley, California, is another example of a city that passed a local resolution with some teeth: its comprehensive and unified plastics policy (passed June 27, 2000, by the Berkeley California City Council). In addition to a general statement that manufacturers and producers of plastic products and packaging must take some form of stewardship over their material, the resolution calls for the city to:⁷

- Add plastics with viable end markets to the city's curbside collection program and encourage citizens to avoid purchasing plastic packaging;
- Encourage any local efforts for refillable plastic containers for beverages, solid foods, and other grocery products;
- Promote and encourage source reduction and recycling of plastics and purchase of products containing recycled materials by all city departments and contractors; and
- Investigate the negative environmental impacts of polyvinyl chloride in the construction sector and from consumer packaging and recommend actions.

Passing resolutions and motions can be an important EPR tool for local government. But without follow-up, they may have little impact.

For More Information:

The GrassRoots Recycling Network

Producer Responsibility Resolutions:

http://www.grrn.org/resources_producer_responsibility.html

Recycled-Content Plastics Resolutions:

<http://www.grrn.org/resolutions/resolutions.html>

Miller Brewing Company Resolutions:

<http://www.grrn.org/wasters.html>

Product Bans

Passing ordinances to ban products deemed environmentally unacceptable may send a more direct message to manufacturers and retailers.

Mercury Thermometer Bans

Mercury is a neurotoxic element that can cause birth defects, including brain damage and hearing impairments. It also contributes to pollution. The amount of mercury in most thermometers is enough to put fish consumption advisories on a 20-acre lake.⁸ On March 6, 2000, the City of Duluth, Minnesota, became the first local government in the U.S. to pass an ordinance banning the sale of mercury thermometers within its borders. The law took effect within 30 days of passage of the ordinance. Sellers could be fined \$700 for each mercury thermometer sold or \$700 for each day they remain on display for sale. A 1992 state law had previously prohibited hospitals from distributing mercury thermometers or using them on patients.

The city does not expect enforcement of the ordinance to require a great deal of time or money. Its Compliance Officer sent out 150 direct mailings to local businesses to notify them officially of the ordinance. The city expects him to check what is being sold at various retail shops and follow up on complaints when received. The Duluth Chamber of Commerce sent out another letter to more than 300 Great Lakes communities encouraging them to consider adopting similar ordinances.⁹

On May 8, 2000, the City and County of San Francisco passed a similar ban on mercury thermometers. Its law bans the sale, import, and manufacture of mercury thermometers within the city's and county's borders. The San Francisco Board of Supervisors had banned the use of the devices in city-owned hospitals and clinics the year before.¹⁰

Since May, three other municipalities have passed similar ordinances: Ann Arbor, Michigan, and DeForest and Stoughton, Wisconsin. Dane County, Wisconsin, passed a resolution encouraging the towns in the county to adopt ordinances.

Polystyrene Foam Food Packaging Bans

In 1988, Berkeley, California, enacted an ordinance prohibiting the use of polystyrene foam food packing by restaurants, takeout food vendors, and by the City of Berkeley and its city-sponsored events. The law further requires that at least 50% of these operations' food packaging be degradable or recyclable. The law, effective January 1990, was driven by concern for the ozone layer, waste reduction issues, and the health hazards created by the manufacture of these products. Today all the coffee shops and takeout places in Berkeley use paper cups. Some use takeout paper containers and others use clear plastic.¹¹ In June 2000, the Berkeley City Council adopted a comprehensive and unified plastics policy, which included a statement that "the City will continue to enforce its Styrofoam ban ordinance."¹²

Sonoma County, California, has a similar law aimed at its facilities. It bans any polystyrene foam food packaging from county premises (which includes all lands, water, and buildings owned by or leased to the county).¹³ The only notification of the ban is on contracts to rent the Vet's Halls. The ban is printed in red at the bottom of the contract and is hard to miss.¹⁴

For More Information:

Mercury Thermometer Bans

Health Care Without Harm: <http://www.noharm.org>

Local ordinances:

http://www.noharm.org/library/admin/uploadedfiles/Mercury_Elimination_Ordinances_2.htm

Polystyrene Bans

Berkeley:

<http://www.ci.berkeley.ca.us/bmc/berkeley%5Fmunicipal%5Fcode/title%5F11/60/index.html>

Or go to the City of Berkeley Municipal Code Web site and search for "polystyrene":

<http://www.ci.berkeley.ca.us/bmc/>

Sonoma County:

http://www.ilsr.org/recycling/sonoma_ordinance.pdf

Deposit Refund Systems

Deposits on beverage containers, tires, and vehicle batteries are in place in many states. This approach requires retailers, wholesalers, or manufacturers to accept products or packages after their useful life is over. Customers have an

economic incentive to take the products or packages back. Deposit systems can be implemented at the local level too.

In 1977, Columbia, Missouri, became the first and only local U.S. jurisdiction to implement a citywide deposit system for beverage containers. Beer, mineral water, soda water, and carbonated soft drink containers are covered. The bill has survived at least three attempts at repeal. Of the deposit containers generated in the city, an estimated 85% are returned for the 5¢ deposit.¹⁵

For More Information:

Columbia, MO Beverage Container Law

For a copy of Columbia's law, see *Section II-60A Article III Beverage Containers, Ch. 11 Health and Sanitation, Columbia Code of Ordinances*, available on the Web at: <http://www.ci.columbia.mo.us>.

Container Recycling Institute

For information on beverage deposit laws, go to CRI's Web site: <http://www.container-recycling.org/>

Taxes on Disposables

In Germany, in 1992 the City of Kassel established a local tax on non-reusable packaging and cutlery used at special events, restaurants and snack bars, and institutions such as hospitals and residential homes. The tax was 0.5 DM per disposable item. The tax was replicated in more than 30 other cities including Frankfurt and Dresden.¹⁶

Some cities allowed exemptions to the tax. In Kassel, for example, the foodservice operator was exempt if it was a member of DSD, the organization that funds the recycling of used consumer packaging. Kassel's tax was intended to encourage companies to recycle. In Kiel, the operator's tax payments could be refunded if it achieved a set recycling rate for foodservice disposables. Frankfurt, however, granted no exemptions. The tax was intended to force foodservice operators to switch to washable items. Indeed, the Explanatory Memorandum to the tax law specifically stated that if the market does not move away from disposables, the tax rate would be progressively increased until the change was made.

One result of the taxes was the rise of a new service industry in Germany that provides and washes returnable cups, plates, and cutlery.¹⁷

McDonald's and two other companies legally challenged the packaging taxes in Kassel, based not on environmental grounds but on whether the communities had the right to impose the tax. They lost their legal battles at the local and state level, but the German Supreme Court eventually sided with them, suspending the taxes in 1998 because local and state regulations have to mesh with policies of the federal government, which has the primary responsibility for waste laws. In Germany, the federal government puts more emphasis on cooperation with industry, so the taxes were repealed.¹⁸ Here in the U.S., the local packaging taxes may work as the federal government does not have such authority over local and state waste or tax laws.

Green Procurement

Local, state, and national government can and do use their tremendous purchasing power to influence the products manufacturers bring to the marketplace. In the last decade or so, most efforts have focused on encouraging procurement of products made from recycled content (mostly paper). More recently, a number of state and national efforts have expanded beyond buy-recycled policies to "environmental preferable purchasing." A handful of local governments such as King County, Washington, and Santa Monica, California, have also spearheaded more comprehensive green procurement.

King County's Environmental Purchasing Policy directs county agencies to purchase products manufactured with recycled and environmentally preferable materials whenever practicable. The county added environmental preferable purchasing following enhancements to federal guidelines, which require "environmental preferable" purchasing by federally funded agencies. The county defines "environmentally preferable products" as products that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose. They include products that

have recycled content, reduce waste, use less energy, are less toxic, and are more durable.

In addition to the list of impressive recycled content materials procured in 1999, the county used formaldehyde-free medium density fiberboard, energy-efficient lighting, and low-volatile-organic-compound materials such as paints, adhesives, and finishes. Future contracts for computers and office equipment may include language for energy-efficient products.¹⁹

The City of Santa Monica has several policies that promote the purchase (and thus the production) of more sustainable goods and services. In 1990, the City Council adopted into the city's Municipal Code a ban on the purchase or use by the city of any tropical hardwood product. This ban aims to reduce the demand for tropical wood in order to slow destruction of tropical rainforests. In January 1991, the city adopted several regulations related to citywide purchase and use of ozone-depleting compounds (ODCs). These include a ban on the manufacture, sale or distribution of products using ODCs. The city adopted these regulations to reduce the impact ODCs have on human health and the environment locally and globally.

The resolutions passed by San Francisco and Los Angeles to restrict future contracts with beverage companies or vendors to those who provide containers with significant recycled content, are also examples of local government wielding their purchasing power to influence products brought to the marketplace. (See Passing Local Resolutions section above.)

The Northwest Product Stewardship Council (see page 3), supported by several local governments, has a work group developing environmentally preferable purchasing criteria for computers including such criteria as:

- Lead-free solder connections
- Compliance with federal Energy Star guidelines
- Availability through leasing, allowing return to manufacturer at end-of-life
- Packaged in bulk packs, or with recyclable packaging
- Recycled-content plastic housing.

A Guide to Environmentally Preferable Computer Purchasing is available.

The work group is meeting with major computer buyers in the Northwest to learn more about their purchasing protocols and to encourage integration of EPP principles into those protocols. The group has been in contact with original equipment manufacturers to discuss EPP guidelines with them, and to put them in touch with interested buyers in the Northwest.²⁰

Other jurisdictions can replicate and expand on these efforts. Green purchasing is one important step that government can take to share responsibility for products and packaging. EPP does not, however, transfer the costs or physical responsibility from local government and taxpayers to the producer — a primary function of EPR. But it can leverage EPR by creating markets for environmentally sound goods.

For more information:

King County Environmental Purchasing Program

King County Procurement Services Division
Department of Finance, (206) 263-4279
Web: <http://www.metrokc.gov/procure/green/>
This site includes model policies and contract language for others to replicate.

City of Santa Monica Purchasing

Web: <http://www.ci.santa-monica.ca.us/environment/policy/purchasing>

**National Association of Counties (NACO)
Environmentally Preferable Purchasing Project**

NACO is assisting counties with green purchasing and has available a *Local Government Environmental Purchasing Starter Kit*

Web:
<http://www.naco.org/programs/enviro/purchase.cfm>

U.S. EPA Environmentally Preferable Purchasing

This Web site has extensive information on EPP and links to state and local Web sites.
Web: <http://www.epa.gov/oppt/epp>
E-mail: epp.pilot@epa.gov

Northwest Product Stewardship Council

Web: <http://www.govlink.org/nwpsc>

Integrating EPR into Local Solid Waste Policy and Planning

Addressing EPR as part of solid waste management plans and policy development can help spur local action to encourage EPR.

Seattle's 1998 new solid waste plan, *On the Path to Sustainability*, helped create the Northwest Product Stewardship Council. The plan adopts zero waste as a guiding principle, and includes product stewardship as one of the programs for achieving future goals. Support for product stewardship in the plan allowed city staff to justify work toward this goal. The city hired a consultant to focus, facilitate, and staff the efforts of the nascent council. The consultant, David Stitzhal at Full Circle Environmental, Inc., is now the Council Coordinator.

The City of Austin, Texas, circulated a draft policy statement on EPR. In response to it, the Greater Austin Waste Reduction Alliance was formed to address many of the same principles outlined in the policy statement. The Alliance is a voluntary partnership between the public and private sectors and is still in its formation stages.

For More Information:

Seattle Solid Waste Plan, *On the Path to Sustainability*, available on the Web at:
<http://www.ci.seattle.wa.us/util/solidwaste/SWPlan/documents.htm>

The city's product stewardship goals are at:
<http://www.ci.seattle.wa.us/util/solidwaste/SWPlan/products.htm>

City of Austin draft policy statement on EPR, available on the Web at:
http://www.ilsr.org/recycling/austin_epr_policy.pdf

For the mission and goals of the Greater Austin Waste Reduction Alliance, go to:
<http://www.austinwastereduction.org>

End Notes

¹ Press release, "Sony Electronics Teams with State of Minnesota and Waste Management, Inc. to Kick Off New Electronics Recycling Program," October 18, 2000. Contact: Greg Dvorken, Sony Electronics Inc., 201-930-7612.

² Jamie Harvie, Health Care Without Harm, personal communication, November 6, 2000.

³ Maureen Hickman, MN Office of Environmental Assistance, personal communication, November 1, 2000; and press release, "Sony Electronics Teams with State of Minnesota and Waste Management, Inc. to Kick Off New Electronics Recycling Program," October 18, 2000.

⁴ *A Resolution Relating to Management of Waste from Manufactured Products and Packaging*, Resolution No. 10/98-99 (September 22, 1998), Town of Carrboro, North Carolina. Available on the Web at: <http://www.grn.org/Carrboroopr.htm>.

⁵ See *Motion Requiring Recycled Content Beverage Containers in Future Vending Contracts* (passed April 4, 2000), City of Los Angeles City Council; and *Urging the City and County of San Francisco to Oppose the Use of Nonrecycled Content Plastic Beverage Bottles in Order to Meet State Mandate AB939* (passed November 6, 2000), San Francisco Board of Supervisors. Resolutions are on the Web at: <http://www.grn.org/resolutions/resolutions.html>.

⁶ Los Angeles' resolution grew out of GRRN's campaign to get Miller Brewing Company to make certain commitments before rolling out its new plastic beer bottle nationwide. Other cities also passed resolutions. In April 1999, the City of West Hollywood, California, passed a resolution protesting the use of the new plastic beer container. When Miller announced its national roll-out of the plastic beer bottle March 9, 2000, it committed to use recycled plastic in new bottles and recycling-compatible plastic caps and labels.

⁷ *Adopting a Comprehensive and Unified Plastics Policy* (Resolution 60,643-N.S.), passed by the Berkeley California City Council, June 27, 2000. Available on the Web at: <http://www.grn.org/resolutions/berkeley.html>.

⁸ Jason Skog and Melanie Evans, "City Bans Mercury Thermometer Sales in Landmark Measure," *Duluth News-Tribune* (March 7, 2000).

⁹ Bill Majewski, Business Manager, Urban Development Division, City of Duluth Department of Planning and Development, Duluth, Minnesota, personal communication, November 1, 2000.

¹⁰ "San Francisco Bans Mercury Thermometers," *American Hospital Association News Now* (May 9, 2000); and *Amending Chapter VIII, Part 2 of the San Francisco Municipal Code (Police Code) by Adding Article 42B, Prohibiting the Manufacture, Importation and Retail Sale of Mercury Thermometers, and Specifying That a Violation of the Prohibition is a Misdemeanor*, passed by the San Francisco Board of Supervisors, May 8, 2000.

¹¹ Tania Levy, Associate Management Analyst, City of Berkeley, Department of Public Works, Solid Waste Management Division, personal communication (October 27, 2000); and "Section 11.60 Polystyrene Foam, Degradable and Recyclable Food Packaging," *City of Berkeley Municipal Code*, available on the Web at:

<http://www.ci.berkeley.ca.us/bmc/berkeley%5Fmunicipal%5Fcode/title%5F11/60/index.html>

¹² *Adopting a Comprehensive and Unified Plastics Policy* (Resolution 60,643-N.S.), passed by the Berkeley California City Council, June 27, 2000. Available on the Web at:

<http://www.grn.org/resolutions/berkeley.html>.

¹³ *An Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Prohibiting the Possession of Polystyrene Food Packaging on County Premises and Adding Section 19-20 to the Sonoma County Code* (Ordinance No. 4013), passed June 6th, 1989.

¹⁴ Ken Wells, Recycling Coordinator, Sonoma County, personal communication, October 30, 2000.

¹⁵ Institute for Local Self-Reliance, *In-Depth Studies of Recycling and Composting Programs: Designs, Costs, and Results, Vol. II, Suburbs and Small Cities* (1992), p. 48; also see *Section II-60A Article III Beverage Containers, Ch. 11 Health and Sanitation, Columbia Code of Ordinances*, available on the Web at: <http://www.ci.columbia.mo.us>.

¹⁶ "Special Events" *Warmer Bulletin* No. 47 (November 1995), p. 19; *Economic Instruments in Environmental Policy*, EUROPEAN (1997); and "A Database of Environmental Taxes and Charges: Germany 2000" on European Union's Web site: http://europa.eu.int/comm/environment/enveco/env_database/germany2000.htm

¹⁷ "Returnable Cups, Plates and Cutlery: German company cleans up after public events," *Warmer Bulletin* No. 47 (November 1995), p. 19.

¹⁸ "Guide to Recycling Laws Country-by-Country Summaries," *Recycling Laws International* (College Park, Maryland: Raymond Communications, 1999), p. 64; McSpotlight Web site, witness testimony of Ann Link in McLibel case:

http://www.mcspotlight.org/people/witnesses/recycling/link_ann.html; and "A Database of Environmental Taxes and Charges: Germany 2000" on European Union's Web site: http://europa.eu.int/comm/environment/enveco/env_database/germany2000.htm

¹⁹ *King County Environmental Purchasing 1999 Annual Report*, Environmental Purchasing Program, Procurement Services Division, King County, Washington (2000).

²⁰ "Computer Equipment and Product Stewardship," fact sheet by the Northwest Product Stewardship Council, Seattle, Washington (April 2000); and David Stitzhal, Council Coordinator, Northwest Product Stewardship Council, personal communication, November 5, 2000.