

**MARC Solid Waste Management District
Management Council (Open Meeting)
Wednesday, August 18, 2021, 9:00 – 10:30 a.m.**

Meeting Location: Due to COVID-19 response, the meeting was held via ZOOM teleconference

Executive Board Members present:

Donna Koontz, Clay County
Sue Mikula, Sugar Creek (alt)
David Pavlich, Kearney
Forest Decker, Kansas City

Executive Board Members not present:

Doug Wylie, Chair, Parkville
Matt Wright, Vice Chair, Blue Springs
Daniel Erickson, Platte County
Bob King, Ray County
Jimmy Odom, Cass County
Lauran Kurtz, Lake Lotawana
Mike Larson, Sugar Creek
Brenda Franks, Jackson County
Mike Jackson, Independence
David Gress, Raymore
Chris Bussen, Lee's Summit

Management Council Members present:

Shelby Bigby, Belton
Jensen Adams, KC Library

Andy Savastino, Kansas City
Craig Wood, Johnson County DHE (ex officio alt)
Robbie Shults, Leavenworth County (ex officio alt)
Sheila Myers, Johnson County Mayors (ex officio)

Others present:

Brendan Adamczyk, Product Stewardship Institute
James Helgason, MDNR
Penny Harrell, US EPA
Sherri Davis, Compost Connection
Chris Evans Hands, Merriam
Piercy Charbonneau, Ripple Glass
Morgan Henderson, Ripple Glass
Stacia Pieroni, KC Zoo
Lydia Gibson, Ripple Glass
Gayle Hubert, US EPA
Louis Cummings, Kansas City
Kent Luke, Bootheel SWMD
Lisa McDaniel, MARC SWMD
Nadja Karpilow, MARC SWMD
Matt Riggs, MARC SMWD

Lisa opened the meeting and introduced the presentation topics. She introduced Brendan Adamczyk, who is an Associate for Policy and Programs at the Product Stewardship Institutes and is based out of the Portland, Oregon area. Brendan has been assisting the Missouri Product Stewardship Council with its program for the past few months.

Presentations

EPR, PSI, and Paint Stewardship: An Introduction

The Product Stewardship Institute (PSI) is a non-profit based out of Boston. For more than 20 years, PSI has worked with state and local governments to advance product stewardship initiatives. They also work with industry partner organizations, such as GDB (a paint recycler), the American Coatings Association, the Flexible Packaging Association and Covanta (waste industry) to build capacity for product stewardship.

The mission of PSI is to reduce the health and environmental impacts of products across their life cycle. While producers and manufacturers generally have responsibilities at the beginning of the life cycle (e.g., design, worker safety, pollution control), they often have limited responsibilities at the end of a product's lifecycle. Product stewardship extends those responsibilities to ensure that those who produce products are bearing the end-of-life management costs and shifts the burden from local governments and taxpayers.

PSI works with dozens of product categories such as paint, mattresses, pharmaceuticals, packaging, thermostats, mercury lamps, batteries that present unique disposal challenges that can be addressed through product stewardship.

The terms "product stewardship" and "extended producer responsibility" (EPR) are often used interchangeably. Product stewardship is a "shared responsibility" approach, in which all stakeholders (producers, retailers, local and state governments, solid waste collection companies, and consumers) share in the responsibility for making sure products are managed properly. Extended producer responsibility places the responsibility directly on the product manufacturer and can either be voluntary or mandatory.

When PSI was founded, there were few EPR laws in existence. Most were in the northeast part of the country and addressed batteries. Since that time, 124 laws have been passed in 33 states and the District of Columbia. These laws address 15 different products including batteries, carpet, mercury switches, mattresses, paint and packaging.

There hadn't been any packaging laws in the U.S. until last month when the first one passed in Maine followed by a second law in Oregon. Most EPR laws cover a single product type. These packaging laws are broader and cover a wide variety of materials including plastic, cardboard and paper. While new in the U.S., these packaging laws have existed in the European Union for decades. The first packaging law was passed in Germany in 1990.

There are six key elements that are necessary for a successful product stewardship program:

- Legislation levels the playing field
- Producers responsible for financing and managing programs
- Stewardship organization(s) manage program
- Retailers voluntarily collect products
- Performance goals/convenience standards
- Government oversight of industry's plan

PSI has also developed a set of elements that are used to examine proposed legislation to determine effectiveness:

- Scope of products
- Producer/responsible party
- Funding mechanism
- Stewardship organization
- Stewardship plan contents
- Incentive payments
- Outreach/education
- Performance standards
- Convenience standards
- Governance structure
- Penalties for violation
- Administrative fees
- Antitrust
- Audit requirements
- Reporting requirements
- Implementation schedule
- Disposal ban
- State procurement

There are two types of financing models for product stewardship programs:

- Industry-funded cost internalization: This model is used for most products. Producers and manufacturers internalize most program costs, but some costs may be externalized and are added to the price of the product. Typically, this approach results in minimal price increases. For example, packaging EPR laws in Canada raised the average cost of a product by about three cents.
- Consumer-funded eco fee: This is generally the approach taken for paint, mattresses and carpet. The fee is added to the product at the point of sale. Funds raised by the fee are used to support recycling or safe disposal of the product.

Product stewardship and EPR programs continue to grow in the U.S. It isn't a new concept anymore and the existing programs have laid the groundwork for future programs. These programs provide the following benefits for products that are typically difficult to manage:

- Sustainable financing
- Education and infrastructure (convenience)
- Increased recovery, reuse, and recycling
- Jobs
- Improved efficiency
- Better products (fewer life-cycle impacts)

The Missouri Product Stewardship Council, Lisa McDaniel

The MOPSC is an informal cooperative effort among solid waste districts, non-profit organizations, municipalities, and state government agencies to build capacity for product stewardship in Missouri.

In 2018, PSI received grant funding through the St. Louis-Jefferson Solid Waste Management District to organize and support the MOPSC. One of the first tasks of the MOPSC was to establish priorities. A list of priority products was

developed by asking MOPSC members to evaluate and rank more than 20 products based on criteria such as cost to manage the product, its prevalence in the waste stream, resource value, and environmental and health impacts. The top three products identified by the group were paint, mattresses and carpet. The MOPSC decided to move forward with paint and mattresses but elected not to address carpet at this time. A decision was also made to address unwanted pharmaceuticals due to concerns about accidental poisonings and abuse of expired and unused medications.

- **Paint:** The MOPSC has begun to lay the foundation for a future paint bill:
 - Held a two-day workshop to discuss how paint stewardship could work in Missouri. Since that meeting, our paint subcommittee has spent time thinking through what a paint stewardship program looks like and how it could work in Missouri.
 - Collected paint disposal and recycling data and developed a fact sheet.
 - Outreach and education is ongoing.
 - Opened a dialog with American Coatings Association.
 - The district has also awarded grant funds to PSI to begin a series of recycled paint demonstrations Missouri as a market development opportunity.
- **Mattresses:** The MOPSC subcommittee has spent time identifying recycling opportunities and sharing information with committee members. A draft fact sheet on mattress recycling opportunities in Missouri has been developed.
- **Pharmaceuticals:** The MOPSC is working with other key stakeholders in the state to:
 - Create additional take-back opportunities through pharmacies and
 - Distribute information and raise awareness about drug take-back and responsible disposal of pharmaceuticals to consumers.

Paint Stewardship, Brendan Adamczyk

Brendan Adamczyk gave an overview of paint stewardship and the opportunity for Missouri to benefit from a program.

The problem with paint:

- 10 percent of paint sold in the U.S. is left unused
- 80 million gallons of leftover paint in the U.S. each year
- Paint represents more than 50 percent of HHW received by programs and makes up half the costs incurred by programs

Latex paint can be recycled into new paint and oil-based paint can be used as a fuel for cement kilns.

A Brief History of Paint Stewardship

- PSI-facilitated national dialogue with multiple research projects led to two MOUs in April 2005 and October 2007.
- MOU signers included paint manufacturers, U.S. EPA, local and state governments, and recyclers.
- MOU included model legislation.
- First paint stewardship law based on this model passed in Oregon in 2009.

Currently, there are 11 paint stewardship laws in 10 states and in the District of Columbia. Four bills introduced in 2021 in Illinois, Massachusetts, Maryland and New Jersey.

Outcomes of paint stewardship programs:

- Program is run by PaintCare, a nonprofit governed by paint manufacturers
- More than \$240 million in savings for local governments
- More than 2,000 voluntary collection sites, over 70 percent are at retail locations (hardware and paint stores)
- More than 50 million gallons of paint collected to date and more than 27 million gallons of that paint were reused or recycled

Potential benefits to Missouri:

- Over 1.3 million gallons of paint per year go unused in Missouri, which is enough to paint 52,000 two-story houses.

- Paint stewardship provides financial benefits of more than \$12 million while creating in-state jobs in the paint recycling, waste management, and transportation industries.
- PaintCare would also increase access and provide Missouri residents and businesses the opportunity to properly manage their paint.

The Regional Household Hazardous Waste Program is paid for by local government through annual membership fees. For the past two years the rate has been \$1.07 per capita based on 2018 population estimates. The impact of paint stewardship on the regional program would be:

- In 2020, 74 percent of the material collected at mobile sites and at MARC SWMD’s Kansas City facility was paint: 56 percent latex paint and 18 percent oil-based paint.
- It cost \$265,901 to properly dispose this paint, which equaled to 62% of the total cost of HHW material disposal.
- Paint stewardship would offset almost all these costs for all municipalities

Paint stewardship laws generally include the following components:

- Program operated by paint manufacturers through a stewardship organization (PaintCare).
- Follows waste hierarchy; promotes waste reduction, then reuse, and provides a system for recycling and proper disposal.
- Requires PaintCare to submit a plan for approval by the state that includes:
 - Convenient paint drop-off sites
 - Environmentally responsible management
 - Goals for reuse, recycling, and proper disposal
 - Education and outreach
- State oversight paid for by PaintCare program.
- Requires PaintCare to submit annual performance reports to the state.

A paint stewardship program is funded by a fee that is added to the product price of each can of paint. The fee varies from program to program. The fees established by Colorado are:

- Half pint or less: \$0.00
- Larger than half pint to less than one gallon: \$0.35
- One gallon: \$0.75
- Larger than one gallon to five gallons: \$1.60

Manufacturers pay monthly fees to PaintCare based on sales in the state and pass them to distributors and retailers, who add them to the purchase price of paint.

A paint stewardship program can serve both residents and businesses:

- All residents can make use of the program for both latex and oil-based paints.
- All businesses can use the program for latex paint; for oil-based paint, only very small-quality generators (fewer than about 20 gallons/month) can use the program.
- Paint cans must be in the following conditions:
 - Original container with original label
 - Sealed containers (not leaking)
 - Not empty (but dried latex ok)
 - Five gallons or less in size

Paint stewardship has driven an entire industry for paint recycling that is growing, not only in the U.S. but abroad.

Update on MOPSC Pharmaceuticals Efforts, Lisa McDaniel

The pharmaceuticals subcommittee of the MOPSC has been focusing on disposal access, education and infrastructure expansion:

- Online map: MOPSC has developed an online map of pharmaceutical take back opportunities in the state that are in pharmacies, law enforcement offices and hospitals. Information provided for each location includes the name

of the organization, address, hours of operation, website and phone number, and a list of limitations for the collection site. Limitations generally include items that aren't accepted or other special instructions. The subcommittee is planning on a map update later this fall.

- Educational campaign: The subcommittee worked with the Missouri Poison Center to develop images and text for a social media outreach campaign. The campaign focused on environmental aspects of improper disposal of medications and accident prevention through proper disposal of unwanted medications. Assets included five static images, a gif and a video. The campaign ran from mid-May to mid-June with over 12 organizations participating, more than 250 social media posts and a state-wide reach of over ten thousand individuals. The campaign will be launched again in the fall and will include additional static imagery.
- Infrastructure expansion: The subcommittee evaluated the mapped take back locations and identified areas of the state that are lacking access. Pharmacies located in those areas were identified. Inmar, a reverse distributor of pharmaceuticals, has indicated a willingness to approach 10-15 of those pharmacies to establish self-funded drop-off opportunities. The subcommittee is working with Inmar to finalize details.

Closing

The meeting adjourned at 10:25 a.m. The next Executive Board meeting is scheduled for Wednesday, September 15, 2021 from 11:00 am to 1:00 pm. The Executive Board will also meet on October 13, 2021 from 11:00 am to 1:00 pm. The next full Management Council meeting will be held on October 20, 2021 from 9:00 to 10:30 am. At this time, it is anticipated that all meetings will be held virtually via Zoom.

MARC Solid Waste Management District

Doug Wylie, Chair

Lisa McDaniel, Secretary

Approved: September 15, 2021