NSAC'S VISION: The United States attains a circular economy.
Who is NSAC?

The National Stewardship Action Council (NSAC) is a 501©4, affiliated with the California Product Stewardship Council (CPSC). NSAC is a network of committed proponents comprised of governments, non-government organizations, businesses, and consumers who advocate that producers fairly share responsibility in a circular economy.

**Vision**: The United States attains a circular economy.

**Mission**: Collaborate with public and private stakeholders to advance product stewardship and extended producer responsibility.

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NSAC Board/Organization

Executive Board

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Full Circle Environmental, Inc.

Tim Goncharoff, Vice-President
County of Santa Cruz

Patty Garbarino, Treasurer
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Constance Hornig Law Offices

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Jordan Fengel  
State of Texas Alliance for Recycling

Beverly Hanstrom  
Colorado Medical Waste

Paul Gao  
California Electronic Asset Recovery

Chris Ripley  
Smarter Sorting

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EPR/Product Stewardship Spectrum

Funding and Structures Vary Widely in CA!

Extended Producer Responsibility

100% Industry Funded

Products, Retailers, & Local Government

Producers, Retailers, & Local Government

Retailers, Facilities, Local Government, & Consumers

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EPR aims at reaching two goals:

1) Shifting the responsibility away from the municipality and general taxpayer towards the producer;

2) Provide incentives to producers to incorporate environmental considerations in the design of their products.

According to the OECD, internalization of external environmental costs is considered a fundamental aspect of environmental policy design.
Business Language Spoken - $$$
What has CPSC Been Doing for the Last 10 Years That We Can Build on Nationally?
Legislated EPR/Stewardship Programs in California

1. Bottles & Cans
2. Ag Pesticide Containers
3. Recalled Products
4. Mercury Thermostats
5. Paint
6. Carpet
7. Mattresses
8. Medications & Sharps
DTSC finalized the regulations for oversight May 20, 2013!

Lessons Learned:
1. If it isn’t in the bill it won’t happen
2. Make sure agencies are funded to do regs and oversight
3. Make sure the agency given oversight is competent to do it
2010 Carpet Stewardship 1st in World!

Lessons Learned:
1. Never let visible fee start before program
2. Consumer visible fees should not be given to industry without a LOT of conditions, if at all (ex: ability to use fee money to pay fines)
3. Never use “continuous and meaningful improvement” as a measure of success
4. Need big fines and not allow endless resubmittals of Plans
5. Never let producer controlled boards manage public fee money!

CARE Program: While CA is doing 3x better than the rest of the US, we have only increased recycling by 7% in 8 years from 8-15%!
2010 Paint Stewardship

Lessons Learned:
1. Contracts between SO’s and local government should have a deadline
2. Limits on contract indemnification
3. Prevent visible fee money from risky investments
4. Prevent fee money from being used to sue to the State
5. Do not allow producer only boards to control fee money!

827 year-round drop-off sites set up since October 2012!
Saving local governments millions and adding over 50 jobs!
2013 Mattress Stewardship

Lessons Learned:

1. Visible Fees do not impact the company bottom line and therefore are NOT a driver for green design
2. Illegal dumping will not end without mandating facilities and retailers participate in take-back and enforcing it or ensuring the producers offer enough financial incentive to address all situations
3. Do not separate budget from the Plan!
4. Reimburse counties for costs of collecting abandoned mattresses

165 new drop-off sites in 53 of 58 counties as of end of 2017; held 74 collection events

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County of Alameda 1st EPR Ordinance in U.S. for Medicine!

7/24/2012 – Adopts first EPR ordinance for meds in U.S.
11/17/2015 – Adopts first EPR ordinance for sharps in U.S.

Now have 70 med and 25 sharps bins in Alameda paid for by drug companies!

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Lesson from Alameda - Not all NGO’s are the same!

Recommendation – NO Producer Run programs should ever be allowed to form as anything except a 501c3 for public benefit corporation! Why...

- To ensure operates for public benefit
- Transparency
- Accountability
- Ex: Med Project IRS 501c6 for member benefit with LLC by county has NO transparency and oversight by Attorney General
Lesson – They Might Fight!
Appealed to Federal 9th Circuit

- 9th Circuit Court of Appeals - 3 judge panel – 7/11/14
- No new facts – only interpretation of law
- Judge “I have a feeling this may not be the last word on this”
- Court sides with Alameda County, upholds ruling – 9/30/14.
Lesson – You Might Need to Fight Back!

Supreme Court Could Weigh Local Mandates on Drug Makers - March 27, 2015

“‘Why is it fair to privatize 100 percent of the profits and socialize 100 percent of the costs?’

‘These are the same companies that don't like taxes, don't want fees, don't like big government, and we're offering them a program where they get to write their own regulations.’”

- Heidi Sanborn

Appealed to Supreme Court

- 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!
CA Meds/Sharps EPR Ordinances

1. Alameda County – meds 7/26/12, sharps 11/17/15
2. City & County of San Francisco – 3/26/15
3. San Mateo County – 4/28/15
5. Marin County – 8/11/15
6. Santa Cruz County (meds & sharps) – 12/8/15
7. Santa Barbara County – 6/21/16
8. City of Santa Cruz (meds & sharps) – 8/9/16
9. City of Capitola (meds & sharps) – 8/25/16
10. City of Scotts Valley (meds & sharps) – 12/7/16
11. Contra Costa County – 12/20/2016
12. San Luis Obispo County (med & sharps) – 1/10/18
13. Tehama County (meds & sharps) - 7/3/18

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A Product Stewardship Plan
For Unwanted Medicine From Households
Alameda County, California
July 1, 2014
Meds EPR Ordinance Implementation

- MED Project currently placing bins, holding 1 day events, providing mail-back envelopes

- Over 300 bins currently placed in CA and WA counties!

- More on the way!
Don’t Rush To Flush!
Voluntary Transitional to EPR Campaign

www.DontRushToFlush.org
www.facebook.com/DontRushToFlush
www.twitter.com/DontRushToFlush
Instagram: @dontrushtoflush

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Customizable White Board Video!

Watch: https://www.youtube.com/watch?v=ETVYsKgZRJc
The Road to SB 212 (cont.)

- Second bill failed
- 10/30/14 - Senator Jackson sent letter asking local govt. to consider ordinance

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 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 737 (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/acwb/tax/ordinance/documents/SDO_Ordinance.pdf.
CA State Auditor Study

Eli Lilly and CPSC said let’s try to get some facts we can all agree on and start a negotiation!

“A state-based solution for both of these waste disposal-related problems would help alleviate the end-of-life problems associated with these products...”
SB 212 (Jackson/Ting/Gray): Statewide Meds & Needle Disposal

Signed in 2018!
39-0 bi-partisan vote off Senate Floor!

Lessons Learned and Applied:
1. Requires Stewardship Organization IRS 501(c)3 for public benefit!
2. Strict timelines
3. Clear convenience standards
4. Not allowed to promote flushing or trashing
5. Steep fines - $50K a day

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Therefore, I urge the Legislature to provide continuous oversight to ensure that the Department of Resources, Recycling and Recovery has the appropriate enforcement tools to ensure compliance and that the program offers the level of collection the author envisioned.

SEP 30 2018

To the Members of the California State Senate:

I am signing Senate Bill 212 which establishes a program for the collection and disposal of home-generated pharmaceutical drugs and sharps waste.

While this bill is an important step forward towards managing household generated medical waste, last minute amendments created ambiguity that might impact the effectiveness of this program.

Therefore, I urge the Legislature to provide continuous oversight to ensure that the Department of Resources, Recycling and Recovery has the appropriate enforcement tools to ensure compliance and that the program offers the level of collection the author envisioned.

Sincerely,

Edmund G. Brown Jr.

GOVERNOR EDMUND G. BROWN JR. • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB212

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WE HAD TO FIX LOOPHOLES!

Swept Under the Rug

Click HERE to read the Sacramento News & Review Article

California’s *Not So Magic* Carpet Ride is Almost Over!

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WE NEEDED PARTNERS!

AB 1158 ON GOVERNOR BROWN’S DESK

Click HERE for a model letter asking him to sign the bill!

"Interface supports this bill because it is an important step forward toward a stronger carpet stewardship program in California... We are leading the way, driving our entire industry to commit to the circular economy, as we are doing through our own ReEntry program."

Matt Miller, president of Interface Americas
Carpet Stewardship Clean-Up Legislation

- AB 1158 passed 10/17/2017
  Authored by Assemblymember Chu & Co-Authored by Stone

- Sponsored by NSAC

**Key Bill Elements:**
- Advisory committee added
- Recycling rates & dates set
- Prevents fee money from being used to pay fines or sue state
- Mandates trades get funding for apprenticeships

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CA Carpet Bill Led to Green Jobs!

Aquafil will be opening a carpet recycling processing plant in Woodland, California!

- Zero emissions plant
- 50-70 Green jobs
- Closed Loop Cradle-to-Cradle, Circular Economy Model
Moving toward 100% post-consumer
Disposable 1lb Propane Cylinders
Tough to Collect, Expensive to Recycle!

- 40 million used annually – 4 million sold in CA every year.
- $1.50 – $8 per unit to recycle! Some recyclers sending to TX then MN!
- Improper disposal danger to sanitation workers
ReFuel Your Fun Campaign

| HOME | THE PROBLEM AND THE SOLUTION | PARTNERS | NEWS | EVENTS | LEARN MORE | CONTACT |

$save and the $earth: Use refillable propane cylinders!

Promote and link to www.ReFuelYourFun.org

The Problem – Disposables
Every year in North America, 40 million disposable one-pound propane cylinders are used, with over four million in California alone.* Because of limited, expensive recycling options, the empty cylinders are often disposed of improperly in landfills, dumpsters, household trash, campfires, on the

Like, share posts: Facebook.com/RefuelYourFun

© 2019 by the ReFuel Your Fun Campaign
Disposable Cylinder Collection - One Day & Ongoing

- CalRecycle HHW grant funded 1 day collection & exchange events
- Seasonal collection programs

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EPR THAT WORKS

- Good news - hard part is already done!
- Learn from others mistakes – do NOT copy them!
- Learn from what works & copy them!
- Always follow the money and ensure producers really pay

We are here to help you!
Heidi Sanborn,
Executive Director

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