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What's Trending in Product Stewardship

Allan Gerlat

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The Boston-based Product Stewardship Institute Inc. held its annual forum in late December, so we took the opportunity to catch up with Scott Cassel, the founder and CEO of the association, and get his reading on [current trends with producer responsibility](#) and waste management in the key product areas that the PSI covers.

In addition to discussing the role manufacturers should play in the take-back recycling and design of products,

the forum also recognized several companies, associations and individuals for [excellence in the product stewardship area](#). They include American Coatings Association and PaintCare, for their role in what Cassel called a "seminal project" in paint product stewardship; Staples, for being a pioneer in electronics recycling by retailers; and Covanta Holding Corp., which agreed to collect pharmaceuticals from take-back programs at police stations.

Waste360: At the recent PSI forum, pharmaceutical take-back efforts were

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a big topic. What's happening there?

Scott Cassel: We've been working on the pharmaceutical issue for about 10 years. There were a couple of key points along the timeline. One thing has stayed the same on this issue, which is, the industry is still not keen on collecting the take-backs. But what's gathered steam is that the [U.S. Supreme Court ruling on the Alameda County](#) (California) ordinance took place in May 2015.

They did not do the case, which meant the ninth circuit court of appeals ruling stands, which allows or upholds the right of Alameda County and any other jurisdiction in the United States to require the pharmaceutical industry to set up and pay for the take-back programs for pharmaceuticals, and really any other products for that matter, because it would be very much the same.

This was a key signal to government agencies around the country, and we're seeing more local governments and state government agencies interested in the take-back.

The other reason why this is a trend is because there's an increase in our drug abuse, in fatalities and addictions. There's many interests, well beyond environmental interests, here.

One of the key strategies that is recognized among federal agencies and most state agencies and even in the public health community is to get the old medications out of the home and to safely dispose of them. And that requires funding. And as we know, the best way for this to be funded is through producer responsibility programs.

So we've seen more and more take-back programs that have been funded by government agencies, in some cases by the retailers themselves. But the trend now is to make a fundamental change, which will only take place if the cost of the take-back is included in the cost of the purchase price of that medication. That is what is going to be the game changer and the paradigm shift.

Waste360: Producer responsibility in packaging has made progress in Canada and Belgium, for example. What are the challenges in the United States?

Scott Cassel: Like pharmaceutical, the brand owners have not been keen on selecting and paying for the packaging they put on the marketplace. They have opposed EPR (extended producer responsibility) legislation; they've even thwarted efforts to have a reasoned discussion around the issue. I think that there's more and more interest from companies, leaders in companies, to have that discussion, and I think more and more will want to have that discussion.

What we heard at the conference, and this is the first time I've heard this (it's been about 10 years that I've been working on packaging as well), voices from Europe and Canada and other parts of the world have shown a public interest in the United States engaging and implementing EPR for packaging. We're in world markets, they're in global marketplaces, and we're seeing the stewardship organizations from other countries and provinces willing to speak out and provide the results of their programs, which have been much more impressive than the results here in the United States.

The recycling markets are down, and as recycling contracts are renewed and renegotiated, local governments will be faced with higher and higher costs. And they will put greater pressure on manufacturers to move toward different systems, which will alleviate the cost burden on government, which as we see in these other countries, the increased recycling, it will also influence the design of the product in a much more sustainable manner.

What I see over the next year, and what I hope is a productive and healthy discussion among all stakeholders, that there will be a few leaders among the recycling/waste management community, as well as among landowners of packaging, who would be willing to engage in discussions to understand the systems, to express some of their

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concerns for these new systems, but to honestly engage in how we're going to move toward the more sustainable solutions to packaging here in the United States.

We're at a competitive disadvantage here in the United States because we're the only non-OECD (Organization for Economic Cooperation and Development) country not to have packaging EPR. The programs are funded through different mechanisms which provide investment in a system, which is what is needed to make fundamental changes in the United States.

There have been the two initiatives, the [Closed Loop Fund](#) and the [Recycling Partnership](#) – two voluntary initiatives. There was quite a lot of criticism about those efforts as being too little, and not from us, this is coming from the brand owners and stewardship organizations from other places. They see that in order for the United States to increase its recycling and to be in a more sustainable position here and really move toward the circular economy, we need something much greater in strength than those initiatives.

I have to say that it's great that those companies have joined efforts, and that those two initiatives are, I think they're very significant. They have taken place over past year obviously in response to encouragement and pressure from groups like ours and other organizations. Those changes are taking place in response to political marketplace.

Waste360: Discuss the connection between climate change and recycling, and how producer responsibility fits in.

Scott Cassel: The product stewardship and extended producer responsibility on some levels could be perceived as niche, but it's not. It's a core element or strategy for resource protection and for resource conservation. We are depleting our natural resources at an exceedingly high rate. And in doing so, the mining, manufacturing, use and disposal, or end-of-life management, all products contribute, according to the U.S. EPA, 29 percent of the greenhouse gas emissions, which contribute to climate change. So product management, and materials management, or whatever we call it, has a significant impact on climate change.

So we discussed at this conference how our work ties in to the larger issues, not just the climate change, (but larger concerns) such as this new term circular economy. What it's all pointing to is a greater focus on the need to be more sustainable. We need to pay close attention to the upstream impact of consumption, and how it impacts a whole chain that goes from the beginning when a company in conceiving of a product, to the end where we in society are saying now that they are responsible for the management of that product after a consumer is done using it. It is an entire lifecycle, from conception to disposal, from cradle to cradle, we want that material that's developed in the beginning, and used and selected in the beginning, to be returned back into commerce and thus returned into the economy, which is the entire concept of the circular economy.

What I see circular economy concept doing overall is drawing our attention to this word economy, that there is money to be made from these materials. So while we're reducing the depletion, we're also creating value. And I see that that is very significant, and that is another trend that I see moving forward, that our work in product stewardship and EPR will be understood as part of something much greater.

Waste360: What other trends and challenges in product stewardship do you see on the near horizon?

Scott Cassel: Electronics is one which is a different product. One of the first products in which there was national attention paid. It was the first product that we focused on. Back in 2000 we had a plenary session at our inaugural conference in December of 2000. Electronics was the biggest issue among waste management officials in the country at that time. We had over 20 states represented at that conference, over 100 people came, and their number one issue to address was electronics. Over the past 15 years we now have 26 laws on electronics; 24 of those are EPR laws.

We're now relooking at them as a group, and so PSI has developed a model, we're

analyzing the legislation and coming up with best practices. We're identifying the key variables, the key elements of legislation that is performing best. And we're sharing that with other states. There's still a reluctance among the electronics manufacturers to engage as a group, but again, we're seeing that there's individuals from certain companies that we can work with, and we hope to build on that.

We're in sort of a different iteration of, kind of EPR 2.0 for electronics, whereas for most of the others it's still pretty early, even paint. We're getting good results there. Then you have packaging still in the early stages, and pharmaceuticals, and household hazardous waste, but the electronics is 2.0. We've got great results from many of the states that have legislation; some states have very weak laws, and in order for those programs to perform better, we know what is needed. We also understand that the markets have changed, because of the CRT (cathode ray tube) markets have really driven the costs higher for local governments and we as recyclers. We're in a very difficult time for electronics across the United States, and that's why we're spending quite a lot of time on this, at the request of our state and local government members, and for our recycling partners, because we need to fix some of the state laws and adjust them. And for those 20-some odd states that don't have laws we would like to offer a model for them that will perform best.

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