



NATIONAL
STEWARDSHIP
ACTION COUNCIL

ADVOCATING FOR A CIRCULAR & EQUITABLE ECONOMY

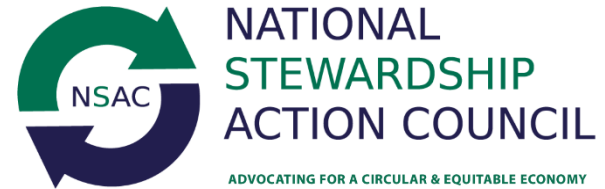
Addressing Illegal Dumping in California: 2021 and 2022

Reducing contamination, toxics,
pollution and consumer confusion

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

TAGLINE: Advocating for a circular & equitable economy.

Who is NSAC?



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, 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.



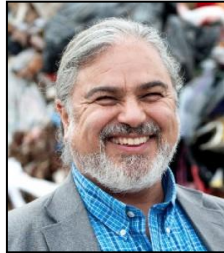
2017 NSAC Strategic Planning Meeting

NSAC Board/Organization

10 Board Members, 5 women, 4 BIPOC



David Stitzhal
President
Full Circle
Environmental



Tim Goncharoff
Vice-President



Patty Garbarino
Treasurer
Marin Sanitary
Service



Constance Hornig
Secretary
Constance Hornig
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Bob Gedert
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Advisory Committee Members



Ajay Chandramouly
Oracle Applications Lab



Raj Dhillon
BREATHE of Los
Angeles



Yogi Hendlin
Professor &
Research Associate



Vernell Hill
Llex Conglomerate



Octavio Victal
Green Impact PET

The Stewardship Action Foundation

Sister 501c3 for education and outreach initiatives
to support NSAC's advocacy work



Seeking funding opportunities to support education and outreach for:

- eliminating single-use tobacco products and plastic cigarette butts
- Truth-in-labeling for National WIPPES Act
- Truth-in-recycling labeling efforts
- National Bottle Bill

How you can help!

- Alert us to funding opportunities
- SHARE and PROMOTE our work with your network
- DONATE to the Foundation



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Policies to Reduce Illegal Dumping

1. Encouraging better product design/source reduction/reduce or eliminate cost of disposal: ex: **EPR**
2. **Truth in Labeling:** People buy the right products and dispose of them properly ex: “flushable” wipes, “disposable” vaping products
3. Establishing convenient take-back and incentives like deposits: **ex: bottle bill**
4. **Sales Bans – ban sale of most littered products**
5. **Increase fines** and deterrents to illegal dumping
6. **Mental health – get people in housing!**



AB 246 (Quirk) – Signed 2021!



Authorizes the Contractors State License Board to take disciplinary action against a licensee for the improper disposal of contractor-related materials/debris if such disposal is a violation determined by a local government or agency.



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[Biodiversity, water and natural resource management](#)[Chemical safety and biosafety](#)[Climate change](#)[Consumption, innovation and the environment](#)[Environment in emerging and transition economies](#)[Environmental country reviews](#)[Environmental indicators, modelling and outlooks](#)[Environmental policy tools and evaluation](#)[Greening transport](#)[Resource productivity and waste](#)

Extended producer responsibility

Faced with increasing amounts of waste, many governments have reviewed available policy options and concluded that placing the responsibility for the post-consumer phase of certain goods on producers could be an option. Extended Producer Responsibility (EPR) is a policy approach under which producers are given a significant responsibility – financial and/or physical – for the treatment or disposal of post-consumer products. Assigning such responsibility could in principle provide incentives to prevent wastes at the source, promote product design for the environment and support the achievement of public recycling and materials management goals. Within the OECD the trend is towards the extension of EPR to new products, product groups and waste streams such as electrical appliances and electronics.

OECD has been doing much work on EPR, previously under the auspices of the *Working Party on National Environmental Policies*, currently under the auspices of the *Working Party on Resource Productivity and Waste*.

For example, the book [Extended Producer Responsibility: A Guidance Manual for Governments](#) was issued in 2001. It discusses the potential benefits and costs associated with EPR.

Like for other policy approaches, a careful assessment of the related costs and benefits of EPRs is important. The document [Analytical Framework for Evaluating the Costs and Benefits of Extended Producer Responsibility Programmes](#) provides detailed information on how to carry-out such assessments.

One of the aims when introducing EPR schemes has often been to give producers an incentive to change product design in environmentally benign ways, for example by making it easier to reuse or recycle the products. The report [EPR Policies and Product Design: Economic Theory and Selected Case Studies](#) discusses the theory behind this argument and analyses some selected cases. The report [Instrument Mixes Addressing Household Waste](#) also provides some discussion on the use of EPR schemes.

<https://www.oecd.org/env/tools-evaluation/extendedproducerresponsibility.htm>

OECD Started Studying EPR in 1994

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OECD EPR Explanation



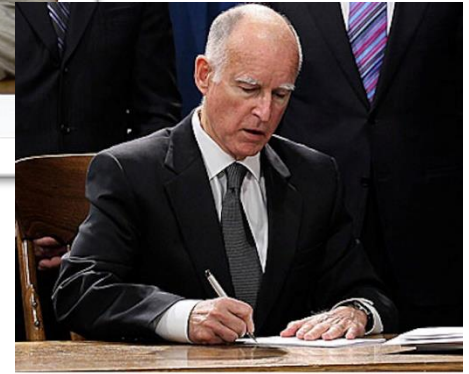
- Extended Producer Responsibility (EPR) is a policy approach under which **producers are given a significant responsibility – financial and/or physical – for the treatment or disposal of post-consumer products.**
- Assigning such responsibility could in principle provide incentives to **prevent wastes at the source, promote product design for the environment and support the achievement of public recycling and materials management goals.**



California EPR Legislation 2008 - 2021

APPROVED

1. Ag Pesticide Containers
2. Recalled Products Take-Back
3. Mercury Thermostat
4. Green Chemistry
5. Paint
6. Carpet
7. Mattresses
8. Brake Pads
9. Medicine/Sharps



The Governor calls AB 1879
*“the most comprehensive
Green Chemistry program
ever established”* and added
that it *“puts an end to the
less effective chemical-by-
chemical ban of the past.”*

Alameda County: 1st 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



SB 212 Passes Senate 39-0 Vote in 2018!

2022 Implementation – We think will be best EPR Program in CA yet.

Right to Left:

Melissa Immel, (Deputy Legislative Secretary at Office of Governor Gavin Newsom);

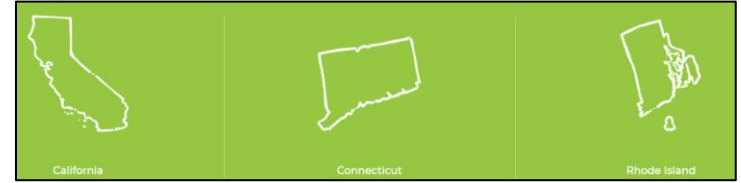
Heidi Sanborn, Executive Director of NSAC;

Jason Schmelzer (Lobbyist);

Anthony Williams (Former Legislative Secretary at Office of Governor Gavin Newsom)



Mattress Stewardship



Lessons Learned in CA (2013):

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 ensuring the producers offer landfill operators enough financial incentive to cover costs to participate** – MRC pushed back and wants mandate on participation without cost recovery
3. **Do not separate budget from the Plan!** Harder to track.
4. **Reimburse counties for costs of collecting abandoned mattresses**
5. ***Lobbied to use fees to sue CA in 2019 and used unions to do it!***



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<https://byebyemattress.com/>



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Packaging EPR is the Hardest to Pass!! in the U.S.



Tool #2: Truth in Labeling is Key!

#TellTheTruth #TruthMatters

- Commission had two key recommendations become law –Labeling what is “recyclable” and what is “compostable”
- Commission made new recommendation to enforce existing labeling laws



CALIFORNIA STATEWIDE COMMISSION
ON RECYCLING MARKETS
& CURBSIDE RECYCLING

December 3, 2021

To: CalRecycle Director Rachel Machi-Wagoner, via email

SUBJECT: Request for Enforcement of California Laws on Recyclable Labels on Plastic Bags and Films

California's Statewide Commission on Recycling Markets and Curbside Recycling consists of representatives of public agencies, private solid waste enterprises, and environmental organizations. We are an independent commission chartered by California law to improve curbside recycling and organics management. Contamination of recycling and organics bins are at an all-time high, causing serious economic, safety, and environmental harms.

Flexible plastic bags and film are a major source of contamination in curbside recycling bins. The flexible plastic materials are harming curbside recycling systems by clogging machinery in material recovery facilities (MRFs) and fiber processors. There is not a comprehensive store takeback system for plastic bags or film in California. In MRFs, the plastic bags and film contaminate paper and cardboard bales and lower the quality and material value of the paper bales. Flexible plastic bags and films that depict the word “recycle” or the chasing arrows recycling symbol cause consumer confusion and contribute to contamination.

We write to request that California's existing laws on labeling of plastic bags be enforced and that retailers and product manufacturers be required to remove the word “recycle,” “recyclable” and/or the recycling symbol from plastic bags and plastic films. Based on existing California law, it is our opinion that recyclable labels used on many plastic bags and films in California described below are not legal in State of California and are contributing to consumer confusion and contamination. Furthermore, it is our

<https://drive.google.com/drive/folders/1WLa7fN5AxG99xH2hfVeIu56tm7xiz92h>



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Heidi Sanborn & Richard Valle

VOTED CHAIR & VICE CHAIR
OF CALIFORNIA'S
COMMISSION ON MARKETS
& CURBSIDE RECYCLING

National Impact!

- 17, one dropped, now 16 member commission
- Listerv (subscribe [here](#))
- Public Comment Portal (submit comments [here](#))

Press on Truth in Labeling: It's a Producer Responsibility to Tell the Truth!



- In an interview with Reuters, Heidi Sanborn, chair of the recycling commission, said it's not surprising that Californians are confused.

"It is a Wild West of recycling labeling in California and there is no sheriff in town," said Sanborn.

Repeated quote originated from Commissioner Jan Dell



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California Drives National Policy

NSAC's Heidi Sanborn in: *The New York Times*

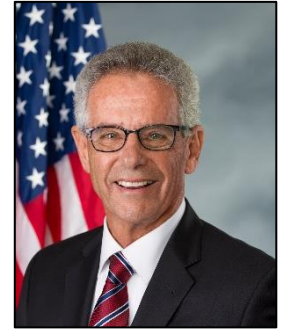
"Nobody should be able to
lie to the public"



Truth in Labeling Has Gone National!

The Wastewater Infrastructure Pollution Prevention and Environmental Safety (WIPPES) Act (HR 4602)

- Bi-partisan bill authored by Congressman Lowenthal (D-CA) and Congresswoman McClain (R-MI)
- Introduced 7/21/2021
- Same labeling requirements as states
- Public education and outreach campaign for five years and submit bi-annual reports to the FTC
- Same penalties as CA
- Industry hasn't yet indicated support at federal level



Congressman Lowenthal



Congresswoman McClain

Congress Members Lowenthal, McClain, Introduce Legislation To Create National Labeling Standard For Non-flushable Wet Wipes

July 21, 2021 | Press Release

Examples of Lack of Truth in Labeling that Impacts Purchasing and Recycling

■ Report has 80 example just for film/bags!

7. Amazon Shipping Pouch

Received by a consumer in California in 2021.

There are two elements that require correction:

- 1) "Remove Paper Label Before Recycling": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



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Tool #3: Improve the CA Bottle Bill – Deposits!

Commission Bottle Bill Policy Recommendations

1. [21-01 - Letter to CalRecycle on Bottle Bill](#): also addressed to the legislature & Governor with urgent request to increase convenience to redeem deposits
2. [21-03 - CA CRV Returnable Bottles](#): to allow returnable bottles into the program
3. [21-32 Wine & Spirits Collection](#): inclusion of wine & spirits in program & minimum post-consumer content requirements for glass beverage containers

February 3, 2021

Governor Newsom
California State Capitol, Suite 1173
Sacramento, CA 95814

Governor Newsom and Members of the California Assembly and Senate:

SUBJECT: URGENT REQUEST TO INCREASE CONVENIENCE TO REDEEM BOTTLE DEPOSITS

Dear Governor Newsom, Senators, Assembly Members, and staff:

The recycling crisis, recycling centers closing, and lack of convenient California Redemption Value (CRV) redemption centers in California is well documented. With major unserved areas within California where consumers are unable to redeem their CRV deposits without driving over 10, 20, or more miles or stand in long lines, increasingly Californians view the State's CRV program as a **TAX**, rather than a program designed to reduce littering, provide convenient recycling opportunities and to help the environment.

Rural, low-income Californians need recycling centers

BY GUEST COMMENTARY
APRIL 9, 2021



Tool #3: Improve the Bottle bill

AB 962 (Kamlager): Returnable Bottles

- **Signed into law 10/5/2021**
- Regulations by 1/1/2024
- Problem:
 - Bottle bill has not allowed for refillable containers for 30 years
 - Previously, CRV containers had to be cancelled (crushed or shipped out of CA) once it was received or pick up from the recycler
- AB 962 allows a processor to satisfy cancellation requirement by washing a reusable beverage container or transferring a for subsequent washing to a department approved processor



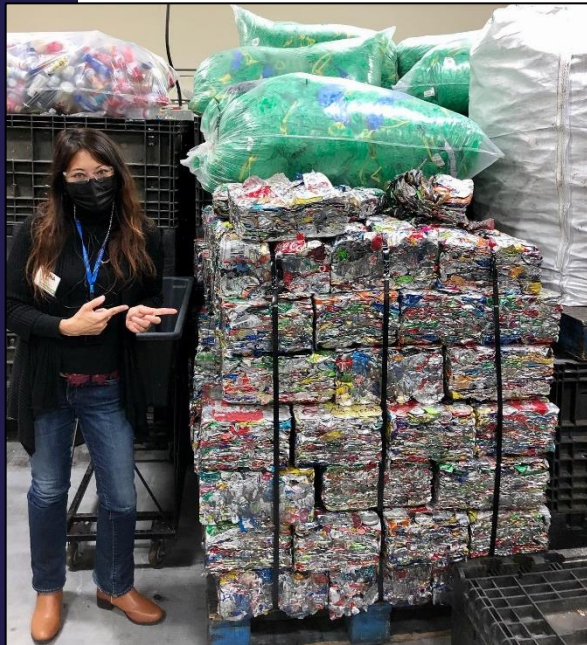
The California Foundation on the Environment and the Economy (CFEE) is a 501(c)(3) nonprofit organization that conducts intensive public policy conferences, legislative briefings, multiparty workshops, and international study travel projects for California State legislators, regulatory commissioners, members of the Governor's Cabinet, business, labor, environmental and local government leaders. www.cfee.net



First Annual CFEE Recycling Study Trip, 2019

Container Recycling Related Site Visits

1. Oregon Beverage Recycling Cooperative (OBRC)
2. Beer Store
3. Recycle BC
4. Return-IT
5. ORPET Plastics Recycling Facility



2021 Circular Economy Bill Package: Truth in Labeling



1. **SB 343 (Allen) – NSAC Co-Sponsored:** eliminates the use of deceptive “recyclable” claims on products that are not recycled & do not have recycling markets - **SIGNED!**
2. **AJR 4 (Garcia):** urges the Federal government to ratify the Basel Convention - **PASSED!**
3. **AB 881 (Gonzalez):** reclassifies the export of mixed plastics overseas as disposal - **SIGNED!**
4. **AB 1201 (Ting)** Defined compostable – **SIGNED!**

California Legislation in 2022

1. SB 54 (Allen) – Form of **EPR** – being negotiated but will be true source reduction of plastic packaging and real recycling improvements
2. AB 1690 (L. Rivas) – **Ban** sale of single –use “disposable” tobacco vaping products
3. AB 1894 (L. Rivas) – Cannabis Vape **Labeling** – cannot promote as “disposable”
4. AB 2208 (Kalra) – **Ban** sale of mercury containing lighting by 2025
5. AB 2026 (Friedman) Sustainable e-commerce packaging - **Ban**
6. AB 2440 (Irwin)/SB 1215 (Newman) – Battery **EPR**
7. AB 2779 (Irwin) – Canned wine & Distilled Spirits – **bottle bill expansion**
8. SB 38 – **EPR** for bottle bill (our is government run)
9. SB 1013 (Atkins) – Adding wine and spirits to the **bottle bill**
10. AB 1256 (Wieckowski) – **Ban** sale of single-use propane gas cylinders by 1/1/28



SB 54 (Allen), Plastics Ballot Measure

- Ballot measure includes CRV covered materials
- Funding, source reduction, CRV are subjects of contention
- Stakeholders must reach an agreement for SB 54 with ballot signatories by June in order to withdraw measure

California Certifies Groundbreaking Citizen Initiative Aimed at Reducing Plastics Waste

November 2022 ballot measure aims to address the environmental & health impacts of single-use plastics

July 20, 2021

National Bottle Bill



More litter per capita in states without "bottle bills".

over 75% of respondents supported implementing a bottle bill in their state.

www.nsaction.us/nationalbottlebill

End Litter NOW Political Action Committee

**Contribute in three
different ways:**

1. [Donate online](#)
2. Check (instructions on this [form](#) including mailing address)
3. ACH -
complete [form](#) and
email jordan@nsaction.us
for instructions

End Litter Now PAC

1 Contribution [Have an eFundID? Login](#)

2 Personal Information

☒ Individual ☐ Company

CA

☐ I am retired

3 Payment Method

☒ Credit Card ☐ ACH

☐ My credit card address is different than my home address.

☐ I agree to the following statements:

Contributions to End Litter Now PAC (FEC ID# C00783761) are not tax deductible for federal income tax purposes. Contributions are not subject to limits. Individuals, businesses, unions, and political action committees may all contribute. Contributions from foreign nationals not admitted for permanent residence (green card) and foreign corporations are prohibited.

www.nsaction.us/nationalbottlebill





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Connect!

www.nsaction.us



YouTube