

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

---

**Person completing form/Department:** Scott Klag, Property & Environmental Services

**Date:** September 25, 2020

**ISSUE:** Producer Responsibility for Household Hazardous Waste

**BACKGROUND:** Household hazardous waste (HHW) is a term applied to products many of us have sitting in our garages, basements or other storage areas that need special handling and disposal. Examples include flammable products including solvents; home and garden products containing herbicides or pesticides; and highly corrosive or reactive products like oven cleaners and pool chemicals. If these products are not properly managed, they pose risks to children from poisonings, to solid waste workers on collection routes and at disposal facilities from chemical reactions or releases, and to the environment from spills or through other pathways.

State policy (ORS 459.411) finds that “it is in the interest of public health, safety and the environment” to provide safe and environmentally sound alternatives to disposing of such wastes in the solid waste stream or sewage facilities, and that individuals and small businesses should have more opportunities and options for collection of their hazardous wastes.

Across the state, local governments and the State of Oregon have developed and funded collection services to help their residents properly dispose of these wastes. However, resources are limited and not all wastes are being collected. The financial burden on solid waste ratepayers to provide these services is already significant; expanding service levels is not really an option. Some portions of the state have very little collection service.

Since 2015, Metro has actively pursued legislation to establish a statewide producer responsibility program for household hazardous waste (HHW). Between the 2015 and 2017 sessions, Metro convened a broad-based stakeholder process to discuss and improve this proposal. Under a producer responsibility program, the makers of products share in taking responsibility for their products’ leftovers to prevent harm to human health and to protect the environment. This is a market-based approach whereby the life-cycle costs of a product are internalized into its price rather than being forced onto the general public. Producer responsibility programs in Oregon for electronic waste and paint have been very beneficial for Oregon residents.

Metro and many other state and local governments have shown that providing convenient access to HHW services is an essential element of HHW collection. It is easy to buy these products and it should be convenient to properly dispose of them. A producer responsibility program for HHW will make it easier for people to do the right thing.

**RECOMMENDATION:** Advance legislation requiring producers who sell HHW products into the state to ensure there is a program for their products’ end-of-life collection and environmentally sound management. Covered products would include the more hazardous and toxic products that are most appropriately collected at DEQ permitted facilities and HHW collection events of the sort Metro provides. The legislation would not cover products that can be safely collected at retail locations (e.g., household batteries; compact fluorescent lamps), nor would it cover products

covered by other product stewardship programs (e.g., architectural paint, electronic devices, pharmaceuticals).

The legislation would establish collection convenience and performance standards for the stewardship programs, building on existing facility and collection services already being provided by local governments and the state. Unlike the paint program, there would not be a state “fee assessment” that may be visible on a consumer’s receipt; manufacturers’ costs under the program would be included like other costs of doing business in the price paid for the product by the consumer.

**LEGISLATIVE HISTORY:** The 2017 bill (HB 3105) was a revised version of a concept bill first presented to legislators for informational purposes during the 2015 session, and subsequently discussed with stakeholders. The 2017 bill passed out of its policy committee, and was sitting in Ways and Means at session’s end. The same thing happened with HB 4126 in 2018 and HB 2772 in 2019.

Oregon was the first state in the US to consider stewardship to cover HHW. Multiple programs like this are operating in Canada, including in British Columbia, Manitoba and Ontario.

**OTHER INTERESTED PARTIES:** Staff who run hazardous waste programs for other local governments in the state testified in support of this legislation each session. The bill also garnered the support of additional legislators as it moved forward. We will also re-engage with environmental and public health advocates and agencies to support the bill. While we have made some changes to the bill based on concerns expressed by a number of manufacturer and trade groups (e.g., American Chemistry Council, Oregonians for Food and Shelter, Consumer Specialty Products Association), those groups have continued to oppose.

**IMPACT IF PROPOSED ACTION OCCURS:** Existing producer responsibility legislation for the most common product brought to our HHW services – paint – is saving Metro ratepayers over \$1 million annually. Staff estimates that up to another \$2 million might be saved annually with a producer responsibility program that covers the broader range of other HHW products we receive at our facilities. Other impacts:

- Supports the Metro Council’s legislative principles and the Regional Solid Waste Management Plan’s promotion of product stewardship to shift responsibility for managing product costs and impacts “upstream” to manufacturers.
- Assists Metro in preserving natural resources and protecting the environment.
- Helps finance the cost of managing HHW at Metro facilities.
- Provides an opportunity to promote greater equity in the provision of HHW across the region and state.