

Honorable Members of the Senate Environment and Natural Resources Committee,

We are writing you today in regards to SB 199 which would establish a product stewardship program (PSP) for household hazardous waste (HHW). Our collective organizations oppose SB 199, and urge you to do the same.

Following a legislative hearing on this exact legislation in 2015, Metro hosted a series of stakeholder meetings to further evaluate the issue. Many of our groups participated in those meetings, but were unable to achieve an agreement with Metro on how to move forward on this legislation. We outlined our concerns with the PSP proposal in a letter to Metro in June, but no progress has been made since then to address them. We have attached that letter for your reference.

Our main concerns continue to be that:

- One size-size-fits-all does not work. SB 199 provides an expansive list of chemicals without the corresponding understanding of what this cost to the state, businesses, and consumers. Instead, we believe this will result in an expensive program with little benefits beyond what the state is or can already do.
- Proponents have not demonstrated that this legislation can deliver on their goals. Proponents have not demonstrated that the broad approach outlined in SB 199 ensures that the system will produce the most cost effective, innovative, efficient and environmentally protective management systems. Any new law should be carefully designed and implemented to ensure that the most cost effective, innovative, efficient and environmentally protective management systems are available for all products.
- This is an unnecessary burden on Oregon businesses. Local governments already have the authority to implement programs to improve and increase recycling and waste management programs.
- We have effective programs. According to DEQ, in 2013 88% of Oregonians had access to at least one comprehensive HHW service, with 71% having a permanent facility in their county, or access to it. We should not give up on these successes by overhauling the system as proposed in SB 199, but rather continue to improve on those programs.
- DEQ, businesses, and waste managers are already directed reduce hazardous waste. Businesses already reduce waste through current state and federal laws like the Toxics Use and Hazardous Waste Reduction Act and programs like the paint and electronic recycling programs.

Please join us in opposing SB 199.

Sincerely,

Oregonians for Food & Shelter
American Chemistry Council
American Cleaning Institute
Automotive Specialty Products Association
CropLife America

Associated Oregon Industries
Oregon Association of Nurseries
Oregon Farm Bureau
Consumer Specialty Products Association



Scott Klag, Senior Planner
 Metro
 600 NE Grand Ave.
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16 June 2016

Mr. Klag,

The below signed groups are writing you today in regards to the Metro proposal for a product stewardship program (PSP) for household hazardous waste (HHW). We appreciate that Metro has been actively seeking feedback throughout the process, and it is in that spirit that we submit these comments. We have expressed serious concerns with the proposal during the stakeholder meetings, but wanted to reinforce why we cannot support the current proposal.

Stakeholder Process Didn't Consider Other Options

We first became aware of Metro's work on a PSP for HHW during a legislative hearing on a bill in the 2015 Legislative Session. Several businesses and business/trade associations testified with concerns about that legislation, but were assured at that time that the bill was intended only to start a conversation about HHW, not necessarily be the preferred solution. Unfortunately, at the very first stakeholder meeting, it appeared that Metro had decided that a PSP relying on extended product responsibility (EPR) for manufacturers was the intended path. This was very disappointing to business and association participants as we do not agree that this is the only, nor best, way to move forward.

We were hopeful the Metro would lay out their objectives and supportive reasoning for the proposed changes in the HHW program before soliciting comments. Instead, we were presented with an EPR program for manufacturers, and asked only for input on how that type of program could work. Once the objectives are clearly established and shared, we would welcome the opportunity to review alternatives regarding HHW and how collection efforts can be improved, but have never had that opportunity in this process.

Metro Hasn't Adequately Demonstrated Need for New Program

Missing from the process has been the identifiable need for a new PSP for HHW. Metro has some data as it relates to their program, and we appreciate the attempt to quantify the issue. Unfortunately, we remain unconvinced that the Metro data can be extrapolated across Oregon, and there are many questionable assumptions built into the statewide conclusions. To date, a justifiable and warranted need for modifications to the existing method have not been provided and are necessary before proceeding.

The other key piece of information that is needed, is feedback from Oregonians about why the current programs are, or are not, working for them. Metro assumes that the barrier to proper disposal of HHW is a lack of collection events, but has not surveyed their customers to see if that is true. Until we truly understand why people may not choose to dispose of their HHW properly, it will be difficult to identify a solution that actually addresses the problem.

Metro has also failed to articulate why an EPR program is the best solution. There seemed to be no consideration of ways to better utilize current programs or other options that might be easier and more cost effective than the EPR.

Extended Product Responsibility is Overly Complicated and Burdensome

We are concerned that the proposed EPR program appears to be a complicated, expensive and burdensome solution. The proposed PSP would require manufacturers to create an entirely new association and infrastructure to collect HHW, as opposed to improving the existing programs that exist. There seems to be existing capacity with Metro's, and other, HHW collection facilities that could be utilized instead of creating an entirely new program and infrastructure. Metro has failed to articulate why that option is or is not viable, instead focusing only on an EPR program.

A concerning example is that there are over 1,200 different pesticide registrants in Oregon, which is only the manufacturers of one category of products that would be included in the proposed program. Requiring all manufacturers of all included products to calculate Oregon product sales, participate in an association and provide for new HHW collection requirements goes beyond the scope of the problem. To date, Metro has failed to explain why a program of this scale is needed.

It is because of these reasons that we cannot support an EPR PSP for HHW. We will continue to participate in the final stakeholder meeting in hopes that Metro will consider other options that we can all support. Until Metro better defines the problem, considers all options, and works with stakeholders to craft a solution, we will oppose any efforts to move the current proposal forward.

Thank you for the opportunity to comment and we look forward to an alternative solution that increases HHW collection in a more cost effective and efficient way.

Sincerely,

American Chemistry Council
American Cleaning Institute
Associated Oregon Industries
Automotive Specialty Products Association
Consumer Specialty Products Association
CropLife America
Far West Agribusiness Association
Northwest Food Processors Association
Oregon Association of Nurseries
Oregon Farm Bureau
Oregonians for Food & Shelter