

Beyond Waste Plan Initiative Two:

## Reducing Small-Volume Hazardous Materials and Waste

### Progress on the 2004 Beyond Waste Plan

#### 30 Year Goals

1. Safer products and services.
2. Efficient materials management.
3. Greater economic vitality.

#### 2004 Recommendations

##### *ELIMINATING HAZARDS IN THE FUTURE*

- MRW1 – Prioritize substances to pursue.
- MRW2 – Reduce threats from mercury.
- MRW3 – Reduce threats from PBDE.
- MRW4 – Develop an electronics product stewardship infrastructure.
- MRW5 – Ensure proper use of pesticides, including effective alternatives.
- MRW6 – Reduce and manage all architectural paint wastes.
- MRW7 – Lead by example in state government.
- MRW8 – Ensure moderate risk wastes (MRW) and hazardous substances are managed according to hazards, toxicity, and risk.

##### *ENSURING THAT THE EXISTING MRW SYSTEM IS EFFECTIVE*

- MRW9 – Fully implement local hazardous waste plans.
- MRW10 – Ensure facilities handling MRW are in compliance with environmental laws and regulations.

## 2004 Milestones and Progress to Date

- **A consensus-based process is in place and has been used to rank priority substances that are high-risk, and the next set of substances to pursue has been identified.**  
*Progress:* MRW professionals have determined this issue will be better addressed by a more comprehensive approach. The Northwest Product Stewardship Council and Ecology are working in this revised direction.
- **Sales of mercury-containing consumer retail products have significantly decreased in the state.**  
*Progress:* It is unclear whether this is occurring. Need to determine a better measurement.
- **A statewide strategy has been agreed to and is undergoing implementation to reduce threats posed by polybrominated diphenyl ethers (PBDE), used as flame-retardants.**  
*Progress:* This milestone has been accomplished through the adoption and implementation of the PBDE Chemical Action Plan.
- **Industry has established a nationally-based, effective product stewardship program for electronic products.**  
*Progress:* This has been accomplished as of January 1, 2009 with the new Electronics Recycling Act for TVs, monitors, and computers.
- **An industry-led management system for leftover paint has been created, and there are at least as many collection locations to accept leftover paint across the state as there are used oil collection sites, with sites in each county.**  
*Progress:* There is a national initiative for managing leftover paint that calls for the development of an industry-led management system. This is expected to be implemented in the next few years.
- **The growth trend in retail sales of high-risk non-agricultural pesticides has leveled off.**  
*Progress:* It is unclear whether this is occurring. Need a better measurement.
- **All of state government and 80 percent of other entities that are members of the Washington State Purchasing Cooperative are using environmentally preferable purchasing (EPP) for products and services in the following areas:**
  1. **Automotive products and vehicles (re-refined oil, alternative fuels and/or hybrid fuel vehicles, and non-mercury switches).**
  2. **Products containing flame-retardants.**
  3. **Grounds maintenance (least-risk methods)/Integrated Pest Management (less toxic pesticides).**

## 4. Electronic products.

## 5. Building materials (including recycled-content paint, carpet, fixtures, and furnishings).

## 6. Safer, least-risk cleaning products.

*Progress:* This is a very ambitious milestone and difficult to quantify. Need a better measurement. Ecology's EPP staff are examining a different approach.

### ▪ **Local hazardous waste plans are up to date and are being fully implemented.**

*Progress:* Many local jurisdictions have updated their local hazardous waste plans. The planning guidelines are being revised to include Beyond Waste principles, which is expected to encourage more local plan updates. Ecology is actively working with local planning jurisdictions to assure they are fully implementing their adopted plan as well as including Beyond Waste activities as locally appropriate.

### ▪ **All MRW facilities are in compliance with Chapter 173-350 WAC, and all treatment, storage, and disposal (TSD) facilities handling MRW are also in compliance with Chapter 173-303 WAC.**

*Progress:* All locally sponsored MRW facilities have been inspected for compliance with 173-350 and if not already in compliance, are working towards full compliance. Ecology staff are coordinating with TSDs that take MRW.

*For more information on this initiative, see pages 17-24 in the 2004 Beyond Waste Plan*

<http://www.ecy.wa.gov/biblio/0407022.html>.

## Proposed Changes for the 2009 Beyond Waste Update

(New text is underlined)

**Recommendation MRW 1:** (modified) Eliminate or minimize groups of the most toxic chemicals as part of the agency's reducing toxic threats work. Prioritize and address those chemicals that pose significant threats to vulnerable populations and environment and/or for which safer chemical alternatives have been identified. Encourage manufacturers to disclose the composition of their products. (Same as IND 8.)

**Statement of Action:** Implementation will include:

1. Target audience for these efforts include: manufacturers, state and local governments, and the general public with special emphasis on those that manage stormwater.
2. As part of this effort, many regulatory and legislative options will be considered including, but not limited to:
  - Reforming national law such as the Toxic Substance Control Act (TSCA).

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- Regional initiatives such as the Interstate Clearinghouse of Chemicals.
- A Washington State “Chemical policy or green chemistry law.”
- Strengthening P2 laws and regulations.
- A comprehensive strategy to ensure consumer products that contain toxins are more carefully managed and disposed.

**Milestone MRW A:** (modified) There is a reduction in use of at least five specific toxic chemicals or groups of toxic chemicals used in products/materials. Safer alternatives to these chemicals have been identified. (Same as IND H.)

**Rationale:** There is momentum building for a more comprehensive approach to reducing toxic chemicals, instead of focusing on one chemical or a small handful of chemicals at a time. This will help us reach the Beyond waste vision and support the reducing toxic threats work. This modified recommendation also encompasses part of the original Recommendation MRW 8, which calls for managing hazardous substances according to hazards, toxicity, and risk.

**Recommendation MRW 2:** (unchanged) Reduce threats from mercury.

**Milestone MRW B:** (modified) Product Stewardship systems for fluorescent lamps, mercury thermostats, and other mercury-containing devices are in place. Mercury in bio-solids continues to diminish.

**Rationale:** Build on the growing momentum for product stewardship for mercury. This will result in long-term reductions of mercury in products and reduce improper disposal of mercury-containing products and wastes.

**Milestone IND C:** (unchanged) The Washington State Mercury Action Plan has been fully implemented for hospitals, auto switches, and lamps, resulting in significantly less mercury in the environment.

**Rationale:** Need to continue work on reducing mercury.

**Recommendation MRW 3:** (modified) Reduce threats from PBTs (persistent bio-accumulative toxins).

**Milestone MRW C:** (new) The Lead Chemical Action Plan (CAP) has been implemented and additional work is being done on other PBTS.

**Rationale:** A new milestone is needed to replace the original milestone that has been achieved. Staff work is complete on PBDEs. We need to increase our focus on other PBTs.

**Recommendation MRW 4:** (modified) Develop a more comprehensive list of covered electronics through a product stewardship infrastructure.

**Milestone MRW D:** (new) The scope of electronic products covered by the existing state program is expanded beyond the current three categories.

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**Rationale:** The original milestone was accomplished. There are many more electronic products that could be added to the existing system to provide needed collection and recovery of materials. This would further reduce the need for government to provide end-of-life management of these products.

**Recommendation MRW 5:** (modified) Ensure proper use of pesticides and encourage the use of non-synthetic pesticides.

**Milestone MRW E:** (new) The amount of high-risk, non-agricultural pesticides found in urban waters has decreased.

**Rationale:** The original milestone was not measurable and this is an available and effective measure.

**Milestone MRW F:** (new) Use has increased of lower-risk pesticides or pesticide alternatives found on lists such as the Organic Material Review Institute (OMRI) Products List. This includes approved fertilizers, soil amendments, and pesticides.

**Rationale:** Encouraging non-synthetic pesticides is a positive action to move us in the direction of reducing toxic threats for both agricultural and non-agricultural uses.

**Milestone MRW G:** (new) The proportion of landscape companies using integrated pest management (IPM) as their primary practice has increased.

**Rationale:** Encouraging IPM is a positive action to move us in the direction of reducing toxic threats for both agricultural and non-agricultural uses.

**Recommendation MRW 6:** (unchanged) Reduce and manage all architectural paint wastes.

**Milestone MRW H:** (modified) An industry-led management system for leftover paint has been created through the passage of product stewardship framework legislation.

**Rationale:** Much progress has been made. To fulfill this recommendation, there is a need for legislation to allow a Paint Stewardship Organization to legally operate on behalf of the industry.

**Recommendation MRW 7:** (modified) Implement and promote Environmentally Preferred Purchasing at state/local governments and in institutional settings, with Ecology leading by example. Support the Climate Action Team proposals and other initiatives.

**Statement of Action:** Implementation will include:

1. An intergovernmental workgroup has reviewed state and local purchasing laws, regulations and practices, and identified barriers to environmentally preferable purchasing.
2. Recommendations for changes to laws, regulations, and practices are made to the agencies and state legislature as needed.
3. Increased technical assistance to state grantees and state and local agencies result in greater promotion and sales of EPP goods and services.

**Milestone MRW I:** (new) Legislation has been modified to support more environmental preferable purchasing (EPP), a program to track EPP purchases is in place, and sales of EPP goods and services are increasing. (Same as IND O.)

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**Rationale:** The lowest responsible bidder laws have been a significant barrier to implementation of EPP purchases due to possible vendor protests and litigation. Currently, progress in EPP cannot be measured due to lack of required reporting by governments. An opportunity exists to significantly increase the visibility of Washington State by following the lead of several local governments (King County, City of Seattle, Spokane, Whatcom County) that are cutting edge practitioners in EPP.

**Recommendation MRW 8:** (modified) Ensure MRW and hazardous substances are regulated according to hazards, toxicity and risk.

**Milestone MRW J:** (modified) Program staff has researched regulatory change strategies for preventing threats from MRW and hazardous substances. The agency is moving in the recommended direction.

**Statement of Action:** Staff from HW and SW will analyze the effect of larger, prevention-focused, system-change efforts on the MRW regulatory structure, and whether smaller regulatory changes are also needed. The larger system-change efforts include a product stewardship framework, using the PBT and Children's Safe Product chemical lists, product disposal bans, potential statutory adjustments, as well as information on MRW threats in Washington State (MRW12) to determine products of focus.

**Rationale:** There is a need to focus on analyzing various methods, including product-based preventive approaches, for addressing threats from MRW and hazardous substances. There may also be opportunities to manage less-hazardous waste in a more cost effective manner. This Recommendation is related to MRW 12.

**Recommendation MRW 9:** (unchanged) Fully implement local hazardous waste plans.

**Milestone MRW K:** (modified) Local hazardous waste plans are up to date and are being fully implemented in accordance with Chapter 70.105 RCW and the new local hazardous waste planning guidelines. Full implementation includes all six of the ongoing required program elements, which are:

1. Public education.
2. Business technical assistance.
3. Household hazardous waste collection.
4. Conditionally-exempt small quantity generator collection assistance.
5. Enforcement.
6. Used oil collection and education.

**Rationale:** A 2007 compilation of local hazardous waste plans showed that not all local jurisdictions are up-to-date or fully implementing the required six program elements of their local hazardous waste plans. As such, this recommendation should remain and the milestone language include the six required elements.

**Recommendation MRW 10:** (unchanged) Ensure facilities handling MRW are in compliance with environmental laws and regulations.

**Milestone MRW L:** (modified) MRW facilities, including treatment, storage, and disposal facilities handling MRW, are in compliance with Chapter 173-350 WAC. The facilities reuse or recycle an increasing proportion of MRW.

**Rationale:** This modified milestone focuses more on MRW within the SW regulatory system and provides direction regarding more desirable waste management methods (recycling and reuse).

**Recommendation MRW 11:** (new) Educate the public and businesses on proper use, storage, and disposal of hazardous products and wastes. Encourage safer alternatives to minimize toxic threats, especially to vulnerable populations.

**Milestone MRW M:** (new) Statewide education that minimizes toxic threats is in place and complements local and regional efforts. (Same as IND 14.)

**Rationale:** We need a statewide effort to maximize the effectiveness of education efforts. Products are a significant source for toxic chemicals getting into the environment generally and Puget Sound specifically. Regional, state, and national data indicate hazardous substances are going into ground and surface waters untreated, which is a source of significant non-point source pollution. Additionally, the public can help drive demand for EPP products. Local governments have been requesting renewed assistance for coordinated educational programs that result in behavior changes in MRW management.

**Milestone MRW N:** (new) Fewer toxic products are purchased, misused, and disposed of improperly, and the public is more aware of what chemicals are in products. (Same as IND Q.)

**Rationale:** The public needs to know what is in the products so they can choose the safest products to meet their needs and handle it properly.

**Recommendation MRW 12:** (new) Develop and implement a strategy for a more regionally focused MRW program by evaluating the most significant threats and effective approaches, including safer alternatives, to reducing those threats.

**Statement of Action** – Analyze existing studies, and evaluate and fill in gaps to provide an integrated statewide and regional MRW implementation strategy. The analysis will include threats to people and places from MRW use and disposal in Washington State by watershed or a similar regional basis. In cooperation with local governments, develop a strategy to guide work on MRW, including in the following areas:

- Providing information for the statewide education program.
- Supplementing local educational materials.
- Targeting coordinated prevention grant awards.
- Specifying local source control specialist duties.
- Providing guidance and/or regulatory interpretation on handling and disposal of specific materials.

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- Considering product bans or other statutory changes.
- Selecting sector campaigns.

**Milestone MRW O:** (new) A strategy has been developed, based on existing and new studies, and is being implemented.

**Rationale:** The purpose of this strategy is to better focus our MRW efforts. This will include work that parallels the Oregon household hazardous waste priorities study as well as building on work associated with the Children’s Safe Products Act, Puget Sound Partnership, Safer Chemical Alternatives research, PBT and Lead Chemical Action Plans, and MRW recommendation #1. An integrated statewide approach will also consider local variations of population density, vulnerable watersheds, and toxic product use patterns to provide statewide and local focus.