



Position Paper Priority Products for Product Stewardship/ Extended Producer Responsibility (EPR) Schemes

This Position Paper has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). The Municipal Waste Advisory Council is a standing committee of the WA Local Government Association, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management). The Regional Councils members of MWAC include the Eastern Metropolitan Regional Council, Mindarie Regional Council, Southern Metropolitan Regional Council, Rivers Regional Council, Western Metropolitan Regional Council and the City of Geraldton-Greenough. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate. This Position Paper therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

Summary

The WA Local Government Association identified through a survey process a list of priority wastes for Products Stewardship/Extended Producer Responsibility (EPR) Schemes.

The structure of this Position Paper is as follows:

- Background;
- WALGA Policy Statement on Extended Producer Responsibility;
- Problematic Waste Survey;
- Extended Producer Responsibility Schemes;
- Analysis; and
- Recommendations.

Background

With the passing of the *Waste Avoidance and Resource Recovery (WARR) Act* and the *Waste Avoidance Resource and Recovery Levy (WARRL) Act* in December 2007, and the appointment of a new Waste Authority in May 2008, the State gained new powers to put in place Extended Producer Responsibility Schemes.

The *Waste Avoidance and Resource Recovery (WARR) Act* Section 45 Part 5 states that for Product Stewardship Plans:

- A producer or group of producers may submit a product stewardship plan to the CEO.
- A product stewardship plan must specify –
 - The products dealt with under the plan;
 - Targets and timeframes for avoidance, reduction, reuse or recycling of waste;
 - The information that will be collected, assessed and audited to ascertain whether the targets and timeframes have been met;
 - How the information will be made public; and
 - Any other matter the producer or group of producers considers relevant.
- If the CEO is satisfied that the product stewardship plan deals with the matters in an appropriate way, the CEO must register the plan.

The Act further states that for Extended Producer responsibility Schemes:

- Before regulations are made for the purpose of implementing and operating an extended producer responsibility scheme, the Minister must have regard to –
 - The nature of the product proposed to be dealt with under the proposed scheme;
 - Whether there is an effective approved product stewardship plan in place; and
 - Whether there is an Australian national scheme which adequately deals with the product proposed to be dealt with under the proposed scheme.
- Where a regulation made in respect of a matter referred to in Schedule 3 Division 3 specifically provides that this subsection applies in respect of a provision of the regulations, a person who commits an offence under the provisions is liable for a fine of \$50 000 and a daily penalty of \$5 000.

Given this new context, the WA Local Government Association (WALGA), through the Municipal Waste Advisory Council (MWAC), has conducted an investigation, to identify priority products/materials for Product Stewardship/EPR Schemes.

The following Paper is a summary of results taken from the Local Government problematic waste survey and an overview of the Extended Producer Responsibility Policy Statement. This paper also contains a brief summary of the findings of the Household Hazardous Waste Program and key products from the pilot collection days and permanent storage facilities.

WALGA Policy Statement on Extended Producer Responsibility

Why EPR?

Extended Producer Responsibility and Product Stewardships Schemes require a re-examination of the current situation regarding the management of products/materials throughout their lifecycle. As such, the WALGA EPR Policy Statement indicates that EPR Schemes require policy makers and stakeholders to negotiate the assignment of responsibility; instead of defaulting to the status quo.

EPR is defined as a process that “engages producers in financing or carrying out the collecting, processing, recycling or disposal of post-consumer waste, and may also be directed at changing manufacturing practices”¹.

The Policy Statement identifies that EPR can provide effective tools to advance key outcomes required in achieving sustainable, economic, social and environmental principles. These key outcomes are:

1. *Clear, sensible and effective designations of responsibility for the management of lifecycle impacts of products* - Extended Producer Responsibility mechanisms have the potential to clarify the responsibilities of key stakeholders. In addition, where a rational assessment process precedes implementation, Extended Producer Responsibility mechanisms can be expected to assign specific responsibilities to those with the best capacity to discharge them;
2. *Improved valuation, pricing and incentives mechanisms* – Extended Producer Responsibility mechanisms can improve the attractiveness of using recycled material and can generate incentives to design products in order to minimise waste and maximise potential for material or resource recovery;
3. *Greater investment in infrastructure and research and development* - Extended Producer Responsibility mechanisms can encourage research and development in recycling and resource recovery technology and provide a logical link between expansions in production and expansions in recycling and resource recovery infrastructure; and
4. *Greater transparency and accountability* - Extended Producer Responsibility can include measures to make producers physically responsible for the products at the end of life and consequently problematic aspects of their products will become direct liabilities for the producers.

Local Government considers that Extended Producer Responsibility schemes should be developed where and when they are most necessary and most practicable.

¹ WALGA Policy Statement on Extended Producer Responsibility 2008

How can we Prioritise Products?

Determining which waste product has a higher priority over another requires a rigorous process. Increasing demand for new products puts extensive strain on raw materials and resources, appropriate product design and recycling can assist to alleviate issue. There is also substantial work involved in developing an EPR Scheme, therefore, prioritising products is necessary.

In order to assist with identifying priority waste or product types for Extended Producer Responsibility Schemes, the WALGA Policy Statement identifies the following questions as tool for this determination:

- a. Does the waste or product cause significant environmental or social impacts?
- b. Does the waste or product cause significant costs for waste processors?
- c. Does the waste or product have unrealised potential for recycling / resource recovery?
- d. Is the waste or product likely to be disposed of illegally?
- e. Does the waste or product cause significant community concern?
- f. Is the producer well placed to reduce the impacts of their products?

Problematic Waste Survey

A Problematic Waste Survey was undertaken in June 2008. All Local Governments were asked to participate in the survey to ascertain what wastes were problematic, why these wastes were of concern and what mechanisms could be identified to address them. Responses were received from 32 metropolitan and 50 non-metropolitan local governments (and Regional Councils); overall that is a 56% response rate (including local governments and Regional Councils).

What wastes are a 'problem'?

The survey asked respondents to identify the most prominent problematic wastes in their local government area. The main responses are shown in Table 1.

Table 1: Materials Identified as Problematic Wastes

Problematic Wastes Identified	
Waste Identified	Response %
E-Waste	72%
Household chemicals (paint etc)	72%
Household goods (furniture etc)	65%
Glass containers	64%
Drink containers	63%

Why are these wastes a 'problem'?

The two major reasons local government identified wastes as problematic were because the wastes were littered or illegally dumped. Table 2 indicates the ratings for all materials identified.

Table 2: Problematic Wastes Identified by Local Government

Problematic Waste Identified	Illegal dumping (bulky items)	Littering (smaller items)	Environmental Impact	Costly disposal	No recycling options accessible
White goods (e.g fridges)	58.10%			48.80%	
Household goods (e.g. furniture)	55.10%				44.90%
Household chemicals (e.g paint)			63.00%	55.60%	48.10%
Electronic waste (e.g. computers)			48.10%	44.40%	48.10%
Motor vehicle bodies	79.40%			41.20%	
Batteries (car)	48.50%		60.60%	60.60%	
Tyres	68.40%		52.60%	66.70%	56.10%
Used motor oil			64.40%	73.30%	
Asbestos	70.40%		72.20%	74.10%	
Cans, glass, plastic & drink containers		81.32%	33.30%		27.70%
Paper & Cardboard		75.70%			30.60%

Table 2 shows problematic wastes identified as well as the reasons local governments nominated them as problematic. As shown, survey respondents indicated that small items such as cans, bottles, glass and plastic were the largest source of littering. Other wastes that made significant mention as problem items were asbestos, tyres, used motor oil, commercial plastics, inert rubble and mattresses.

Costly disposal was nominated for most material types as an issue for local government. Many Local Governments, especially those in the rural areas, indicated that they were subsidising freight costs for recycling and this was a substantial issue for them.

What mechanisms were identified to solve the 'problem'?

The survey also asked local government to identify what mechanisms would assist in dealing with the wastes identified. Responses included:

- Funding for waste management infrastructure;
- Strategic planning for infrastructure at State level;
- Funding for transport costs of recycled materials; and
- Need for implementation of EPR Schemes.

Extended Producer Responsibility Schemes

Survey respondents were asked to indicate the top materials/products that they considered appropriate for an Extended Producer Responsibility Scheme. The most frequently nominated were:

- Tyres;
- Electronic-Waste;
- Used Motor Oil;

Table 3 identifies a list of the material types local governments rated as their top priorities for EPR Schemes.

Table 3: Material types identified for EPR Schemes

Material types	Response %	Rating		Response %
Tyres	87.9%	1		
Electronic waste	74.2%	2		
Used motor oil	54.5%	3		
Glass containers	53.0%	4		
Batteries	50.0%	5		
White goods	36.4%	6		
Cans	33.3%	7		
Plastic containers	33.3%	7		
Household goods	28.8%	8		
Cardboard	21.2%	9	***Other wastes	
Other wastes***	19.7%	10	Fluorescent lamps	4.5%
Motor vehicle bodies	10.6%	11	Commercial plastics	9.1%
Paper	10.6%	11	All of the above	4.5%
Drink cartons	9.1%	12	Asbestos	1.5%

Two of the top three wastes identified have been explored with relation to some Government action (used oil and tyres) the only one remaining unaddressed at present is e-waste. An analysis of these wastes is below.

Tyres

At the Federal level, used tyres have recently been brought to the fore with the release of a draft Tyre Product Stewardship Scheme. In its draft form, the Scheme could assist in the management and recycling of used tyres. However, the Association provided substantial comment on the draft Scheme expressing concern regarding whether the proposed Scheme will be entirely successful in Western Australia.

Used Motor Oil

The Used Motor Oil Scheme has been running for some time, however, used oil recycling is an ongoing issue. The State Government, through the Waste Authority, has granted funding of \$300,000 for the next 2 years, to assist local government to recycled used motor oil. Funding will be provided to Local Governments for up to 50% of the collection costs on a pro rata basis. In the short term, this issue has been

partially resolved. However long term the used oil recycling issue needs to be addressed further.

Electronic Waste (e-waste)

Of the top three materials identified, e-waste is at present, the only material where no program is available (or proposed) to address this waste at a State or Federal level. The results and comments taken from the survey indicated that this waste was becoming problematic and new ways of handling/recycling this waste were being sought by local government. Other States have some Product Stewardship arrangements in place, for example Byteback operates in Victoria.

Containers

In the top 10 wastes identified, containers were listed three times. Table 3 shows that glass containers rated at 4th position with cans and plastic equal at 7th position. Overall, the majority of local governments indicating that they were in support of a CDS program. Littering of containers were rated highest in the survey, with many local governments indicating that cans, glass and plastic containers were found mostly along verges and roadways especially in rural areas.

Household Hazardous Waste (HHW) Program

The HHW Program has been underway for three months to date there has been two pilot days held. Both days encountered large quantities of old paint and used motor oil. Results of the pilot days are below:

Table 4: HHW Identified

Materials	Pilot day 1	Pilot day 2	Pilot Day 3
Used oil	80L	80L	313L
Gas cylinder	60	43	180
Paint cans	1200L water based 600L oil based	2320L water based 2052L oil based 5L lead based	9243L water based 5148L oil based
Fluro tubes		2kg	5kg

Costs for disposing of these materials are high, for example disposal costs for hazardous materials from Pilot Day 3 held at the SMRC were \$133,758.55. Paint was \$63,424.00, Gas Cylinders \$1,792.50 and Fluro Tubes \$24.00. These costs have proven higher than first thought and costs for the Program may outstrip the funding available.

Analysis

To prioritise the products identified as problematic the questions outlined in WALGA EPR Policy Statement have been used. For the various material types, these questions have been answered. A summary is shown in Table 4.

- a. Does the waste or product cause significant environmental or social impacts?
- b. Does the waste or product cause significant costs for waste processors?
- c. Does the waste or product have unrealised potential for recycling / resource recovery?
- d. Is the waste or product likely to be disposed of illegally?
- e. Does the waste or product cause significant community concern?
- f. Is the producer well placed to reduce the impacts of their products?

E-waste

Attributes of product:

- a. Hazardous materials leach when landfilled and manufacturing of one computer consumes the same fossil fuels as the manufacturing of one car²;
- b. Recycling of e-waste is costly, for example the Henderson Landfill (City of Cockburn) collects approximately 1.4 tonnes of e-waste/week which costs approximately \$4,000/month to recycle.³
- c. Contains 28 non-renewable products, currently limited recycling of products;
- d. Illegal disposal was identified by 35.2% of local government survey respondents as an issue (although the major concern regarding this product related to overall environmental impact and cost of disposal). Disposal as part of the domestic waste stream (in MGB's has not been assessed);
- e. Community concern around international dumping of e-waste has been significant. Approximately 2,000 metric tons goes to landfill in WA.⁴ Potential occupational health and safety issue when left out for verge collection which ultimately ends up in landfill.
- f. Potentially yes, as in Victoria, industry able to run Product Stewardship program.

Tyres

Attributes of product:

- a. Potentially could be hazardous material in landfill (hard to quantify), issues regarding tyre fires and mosquito borne disease (with open storage of tyres);
- b. Costly to process/recycle;
- c. Recycling potential unrealised in WA;
- d. Illegal dumping a concern in Rural and Metro areas (which can lead to tyre fires and associated health risks);
- e. expensive to dispose of by general community; and
- f. alternative recycling exists in other States in Australia + Product Stewardship Scheme proposed by industry group

² Pers. Comm. Geraldine Busby, EMRC

³ Pers. Comm. Mike Haynes, Landfill Coordinator, Henderson Landfill, City of Cockburn.

⁴ Pers. Comm. Geraldine Busby, EMRC

Used Oil

Attributes of product:

- a. Hazardous material in landfill, potential to severely contaminate groundwater;
- b. Costly to process (15c/L);
- c. Some recycling occurring;
- d. Illegal dumping in Rural and Metro areas a substantial concern and potential environmental impact;
- e. Expensive to dispose of by general community was identified by 73.3% of local government survey respondents as an issue ; and
- f. Recycled product frequently shipped overseas (limited WA market for product).
*Oil processors feedback stated that there have been enquiries from overseas for burner oil and lube base oil. As lube base oil is not produced in Western Australia this option is currently unviable.*⁵

Containers (cans, glass, plastic)

Attributes of product:

- a. Limited recovery in WA identified in the survey as an environmental impact, as was illegal disposal;
- b. Costly to collect and process;
- c. it is generally acknowledged that not all material is collected and recycled as put into the market, indicating unrealised recycling/recovery potential;
- d. Littering of materials an issue in Rural and Metro areas was identified by 83.4% of local government survey respondents as an issue
- e. these material types are of significant concern to the community, particularly in relation to littering, occupational health and safety issues and increasing recovery;
- f. Producers are well placed to reduce impact, alternative collection methods exist in South Australia and there are many international examples of product stewardship/EPR schemes.

Paint

Attributes of product:

- a. Potentially hazardous material in domestic waste stream, particularly if the material is going to an Alternative Waste Treatment Plant;
- b. To process paint in an appropriate manner is expensive, costs incurred by the HHW Program indicate \$63,424.00L for disposal;
- c. there is the potential to recycling paint, either on a large scale or though reuse on a smaller scale;
- d. normal disposal routes for paint uncertain, likely to be stored, disposed of at drop off centres/landfills or through kerbside system;
- e. limited community concern,;
- f. In other states there are product stewardship programs in place..

⁵ Cardno BSD Report *Technology and Market Development for Used oil Products in Western Australia* DEC September 2007.

Table 4: Selection Criteria for EPR Schemes

Criteria	E-waste	Tyres	Used motor oil	Containers	Paint
Does the waste cause environmental impacts?	Yes	Yes	Yes	Yes	Yes
Does the waste cause significant cost for waste processors?	Yes	Yes	Yes	Yes	Yes
Does the waste have potential for recycling resource recovery?	Yes	Yes	Yes	Yes	Yes
Is the waste likely to be disposed of illegally?	Maybe	Yes	Yes	Yes	Maybe
Does the waste cause significant community concern?	Yes	Yes	Yes	Maybe	No
Is the producer well placed to reduce the impacts of their products?	Yes	Yes	Yes	Maybe	Yes

Recommendations

Recommendation 1: That e-waste is classified as the number one priority EPR / Product Stewardship Scheme.

In the short term, the focus needs to be on establishing an effective e-waste scheme. The survey ranked e-waste at number two, with most Local Governments stating this waste was a costly and hazardous material to store and recycle. E-waste is rapidly becoming the “Now Generation” waste problem. An example of e-waste recycling can be found in the City of Boroondara Victoria, the City of Boroondara has initiated a ‘Byteback’⁶ program for e-waste recycling.

Recommendation 2: If Federal action is not forthcoming then Tyres and Used Motor Oil be the next priority for EPR/ Product Stewardship Schemes.

At present the current Federal proposal for tyres is being processed, from this a National Tyre Product Stewardship Scheme should become effective. However, in the long term, if this is not forthcoming this will need to be addressed with a State EPR Scheme.

⁶ Computer Parts Waste – Byteback, www.boroondara.vic.gov.au/environment/collect/byteback

The Used Oil Scheme is now up for review⁷. WA has secured extra funding for this scheme, supplied by the Waste Authority. This funding will provide up to 50% refund to local governments for used oil collections. WALGA currently has a tender available to encourage more industry into the recycling arena. The need for longer term action will however be needed if the Federal Scheme is not successful.

Recommendation 3: Commencement of a Container Deposit System should become a priority.

Local Government has reiterated many times that it gives full support for the implementation of a CDS Scheme. The survey indicated that glass, cans, plastic and drink containers were a littering issue, with glass rating 4th in the top 10. Limited recovery of these materials is occurring in WA. However, the potential to increase this recovery is available.

WALGA has developed a Container Deposit Scheme Policy Statement that outlines the benefits of developing such a Scheme, this Policy statement has been forwarded to all local governments.

There are many material types which would benefit from an EPR scheme to govern their effective recycling/reuse. For such schemes to be put in place there needs to be effective political support for them.

⁷ Independent Review of the Product Stewardship (Oil) Act 2000 www.oilrecycling.gov.au/psoexecutive.html