



Barbara A. Lee  
Director

## Department of Toxic Substances Control



Edmund G. Brown Jr.  
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# RETAIL WASTE WORKING GROUP STEERING COMMITTEE MEETING MINUTES December 8, 2016 10:00 AM – 12:00 PM

CalEPA Building, Conference Room 550 (Telephone Conference (877) 671-9503)

Steering Committee Members Present (21): **Greg Blount**, **Angela Levin** - CVS Drug Stores; **Myron Eng**, **Wendy Brant** – Walmart; **Michael Steel** – Ralph's; **Nicole Quinonez** – Consumer Specialty Products Association; **Kristen Alstad**, **Scott Reisch** – Inmar; **John Benton** – Costco; **Rich Brausch**, **Mathew Evans**, **Megan Cambridge** – Department of Toxic Substances Control; **Ron Pilorin**, **Tommy Asoo** – California Department of Public Health; **Nicholas Oliver** – CalRecycle; **Drew Lausch**, **Brian Knaiser** – US Environmental Protection Agency; **David Irely** – Yolo County District Attorney's Office; **Heather Tanner** – CUPA Sacramento County; **Michelle D. Henry** – CUPA San Joaquin County; **Larry Sweetser** – Rural Counties Environmental Services Representative; **Heidi Sanborn** - California Product Stewardship Council.

Department of Toxic Substances Control (DTSC) Staff (2): **Julie Cooper**, **Jessica Twining**

**1) Opening Remarks** Rick Brausch, DTSC's Division Chief of Policy and Program Support Division opened the meeting. A general list of problems statements were distributed prior to the meeting. He remarked that the list was an accumulation of statements provided to DTSC. The goal is to receive input from the members in obtaining a consensus work product; no one is obligated to agree/disagree on any of the problem statements presented. This is not a complete set of problem statements and requested feedback and additions to the problem statement to develop a comprehensive list of issues concerning constituents. DTSC agreed to provide a problem statement prior to the next meeting.

## **2) Point of Generation –**

Michael Steel provided a PowerPoint presentation and led the discussion on *the Analysis of Waste Stream from a Reverse Distribution Facility in California - First Quarter in 2014*. The PowerPoint has been posted to DTSC's web site. The following are highlights of the presentation:

- Represented the general proportions of materials and waste in regards to reverse distribution as a case study from one facility.
- Hazardous waste identification, is in part based on an abundance of concern, not necessarily a requirement of the law. This also applies to supplements that are handled as medical waste.

- Of all items processed at the facility, 3.5% were managed as a hazardous waste. Of that amount 40% is due to dings and dents, 38.4% is due to expiration dates, 13.2 % is due to vendor returns, and 7.6% due to vendor agreements to destroy.
- Dings and dents that are not able to be donated or resold are considered waste and hazardous waste (HW). Dings and dents doesn't mean it needs to be disposed, for instance if the containers have only cosmetic issues it may not be identified as a waste. However, the container is considered "damaged" potentially rendering the product unsellable. Consumer returns can fit into the damaged assessment that is evaluated along with dings and dents.
- There is no incentive to send products that have no use to reverse distribution (RD) because there is a charge to the retailer for sending it to a RD.
- With regard to products with broken seals the questions was raised if the fit in the category of dings and dents. Some of the products could be sent to a reverse distribution if the safety seal was broken and they would determine if the product is safe for distribution. Typically the third party will make the determination for broken seals at return centers.
- Expired or expiring Over the Counter (OTC) medications and nutritional supplements are verified for credit prior to disposal as medical waste.
- The vendor agreements that require the merchandise to be destroyed are typically sent to the facility for third party verification before the issuance of vendor credit.
- With regard to the determination of the expired/expiring, the determination is based on a visible product labeling.
- Broken and leaking containers make up less than 1% (0.7%) of all products processed as hazardous waste.

### **3) Summary of Discussion and Action Items**

- a) In an upcoming session, Jay Cross of DTSC's legal team has offered to make a presentation on the legal terms and definitions related to the generation of waste. A request was made to circulate the PowerPoint prior to the meeting.
- b) The Steering Committee was asked if the February meeting could take places in San Diego as part of the February (9<sup>th</sup>) CUPA meeting to allow for more CUPA representatives to weigh in on issues from their perspective. There was no opposition to this concept however, the committee was asked to confirm this date and locations works.
- c) The glossary of terms is being prepared to be shared with Steering Committee in January. The committee members will have an opportunity to comment on the glossary terms and definitions.
- d) There is confusion about the upcoming meeting and which days are required to be in person as opposed a conference call. DTSC will meet with the industry representative to confirm dates and locations and will confirm and communicate the actual dates.

#### **4) Review Schedule and Adjourn Meeting End**

##### **Post-Meeting Action Items**

<b>Action Item</b>	<b>Assigned To</b>	<b>Due Date</b>
Clarify meeting schedule to specify which meetings are in person or by phone, clarify the dates and email out to group.	DTSC - HWMP	Dec 23
Distribute Minutes to December 8, 2016 meeting	DTSC – HWMP	Dec 23
Distribute Agenda for January 6, 2017 meeting	DTSC – HWMP	Dec 30
Steering committee members are to consult calendars to confirm that February 9, 2017, meeting date will work in order to coincide with CUPA conference in San Diego.	Steering Committee members	Dec 30
Revised schedule of upcoming meetings – provide feedback on whether the revised dates cause any concern or issue that can't be navigated around.	Steering Committee members	Dec 30
Distribute glossary of terms and Jay Cross ppt.	DTSC - HWMP	Jan 13