

Disposal Bans and Product Stewardship



State of Oregon
Department of
Environmental
Quality

**Land Quality Division
Solid Waste**

811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-5696
(800) 452-4011
Fax: (503) 229-6762
Contact: J. Whitworth
www.oregon.gov/DEQ

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

Many states, including Oregon, have put disposal bans in place for a number of materials or products. In Oregon, these include¹:

- discarded or abandoned vehicles
- large home or industrial appliances
- used oil
- tires
- lead-acid batteries
- covered electronics devices (as of Jan.1, 2010)

In addition to these bans, there are other regulatory mechanisms in place that restrict what materials may go into municipal solid waste landfills in Oregon. These include state and federal hazardous waste regulations, state prohibitions mixing source separated materials with other solid waste² and local regulations such as Metro's requirements that mixed dry waste from the region must be processed before disposal³.

Historically, the primary reasons for disposal bans have been to reduce environmental and health risks and to direct materials into channels where they can be recovered. Bans have also been put in place not just to direct materials to recyclers but to spur the development of recycling processing capacity itself. (Bans on yard debris are an example.)

Discussion over disposal bans often involve whether there are sufficient convenient collection and responsible recycling services available for the product being banned. Arguments have been made that for some products disposal at a modern lined landfill may be preferable to illegal dumping or other improper disposal

Disposal Bans and Product Stewardship Legislation

Since product stewardship legislation is intended to create a network of convenient collection services for a product, whether to include a disposal ban as part of stewardship legislation has become a topic of discussion.

Product manufacturers are sometimes key supporters of disposal bans. This may be due to a number of reasons including wanting to see a hazardous product removed from the

¹ See ORS 459.247 and DEQ fact sheet <http://www.deq.state.or.us/lq/sw/disposal/landfillbans.htm>

² ORS 459A.080(3)

³ <http://www.oregonmetro.gov/index.cfm/go/by.web/id=24217#documents>

environment or creating a sufficient flow of product and materials to ensure economical and efficient processing services.

Oregon E-waste Ban

The Oregon e-waste ban on the disposal of computers, monitors and televisions (“covered electronic devices” – CED’s) went into effect in January 2010. The ban followed passage of the e-waste bill in mid 2007 and a year after the Oregon E-cycles services began to be offered in January 2009.

The bans in ORS 459.247, which includes CEDs, prohibits any person from disposing of the material. The statute also includes a requirement that disposal site operators have a program in place to prevent CED’s from being disposed. The language in the statute reflects conversations with the waste hauling and disposal community to ensure the disposal ban is reasonably enforced. The DEQ has developed facts sheets⁴ and outreach materials⁵ about the ban and its implementation.

Issues - Common questions asked when product stewardship related disposal bans are considered:

- How much time should elapse between when stewardship services are in place and the enactment of disposal bans
- Enforcement - against who and where is it enforced – household, hauler, transfers station, disposal facility?
- Is enforcement even feasible for disposal of some products?
- Even if services are available, should bans be put in place if they aren’t realistically enforceable?

Questions for Stakeholder Discussion

- 1) Does the Oregon approach to disposal ban for e-waste address the issues well, for example:
 - a) Allowing time to get services in place?
 - b) Setting a reasonable approach to enforcement?
- 2) What about setting bans – somewhat in the future – as a way of encouraging producers to start creating stewardship efforts (e.g., collections, Stewardship Organizations, processors)?
- 3) Are there criteria that should be considered in designing product stewardship programs for specific products to help decide when disposal bans are important and when it may not make sense?

⁴ <http://www.deq.state.or.us/lq/electronics.htm>

⁵ <http://www.deq.state.or.us/lq/electronicsban.htm>