

Environmental Compliance Network

May 17, 2023

Technology Reminders

Everyone is muted upon entry.

- Please stay muted unless you want to speak.
- *To unmute yourself on a phone -- press *6.*
- Computer users -- use 'unmute' button in the Zoom platform.

Please do not put us on hold.

- If you need to step away, please hang up and rejoin the call later

No Roll Call.

- We are not taking a roll call. Please check that your screen name is clear and also add your company name. This applies if you are on your computer or called in on a phone line.

Questions and comments

- When speaking, introduce yourself first with your name and company.
- To ask questions/comments anonymously, [message Susan Kirsch](#) in Zoom **by messaging Host.**

Antitrust Statement

RILA believes strongly in competition. Our antitrust laws are the rules under which our competitive system operates. It is RILA's policy to comply with both the letter and the spirit of antitrust laws. This Antitrust Statement has been adopted to avoid even the appearance of impropriety under the antitrust laws.

At any association meeting, participants must avoid any discussion of the following subjects in order to avoid even an appearance of impropriety:

- Do not discuss current or future prices, price quotations or bids, pricing policies, discounts, rebates, or credit terms.
- Do not discuss cost information such as production costs, operating costs, or wage and labor rates.
- Do not discuss profits or profit margins, including what is a "fair" profit margin.
- Do not discuss allocating markets, territories, or customers.
- Do not discuss current or future production or purchasing plans, including plans to take facility downtime, production quotas, or limits on output.
- Do not discuss refusing to deal with any suppliers, customers, or competitors (or any class or type of suppliers or customers).
- Do not require or pressure any supplier, customer, or competitor to adopt any particular actions or policies.
- Never agree on any aspect of future pricing or output.

Do not engage in prohibited discussions before a meeting or after a meeting is over. These antitrust guidelines apply not only in formal RILA meetings, but also in hallways, casual conversations, phone calls, emails, text messages, cocktail parties, golf outings, or any other setting that is related in any way to the RILA. If you have questions or concerns, or if you are uncertain about the propriety of any subject of discussion or proposed activity, you should stop the discussion immediately and bring the issue to the attention of RILA staff, or consult your company's general counsel.

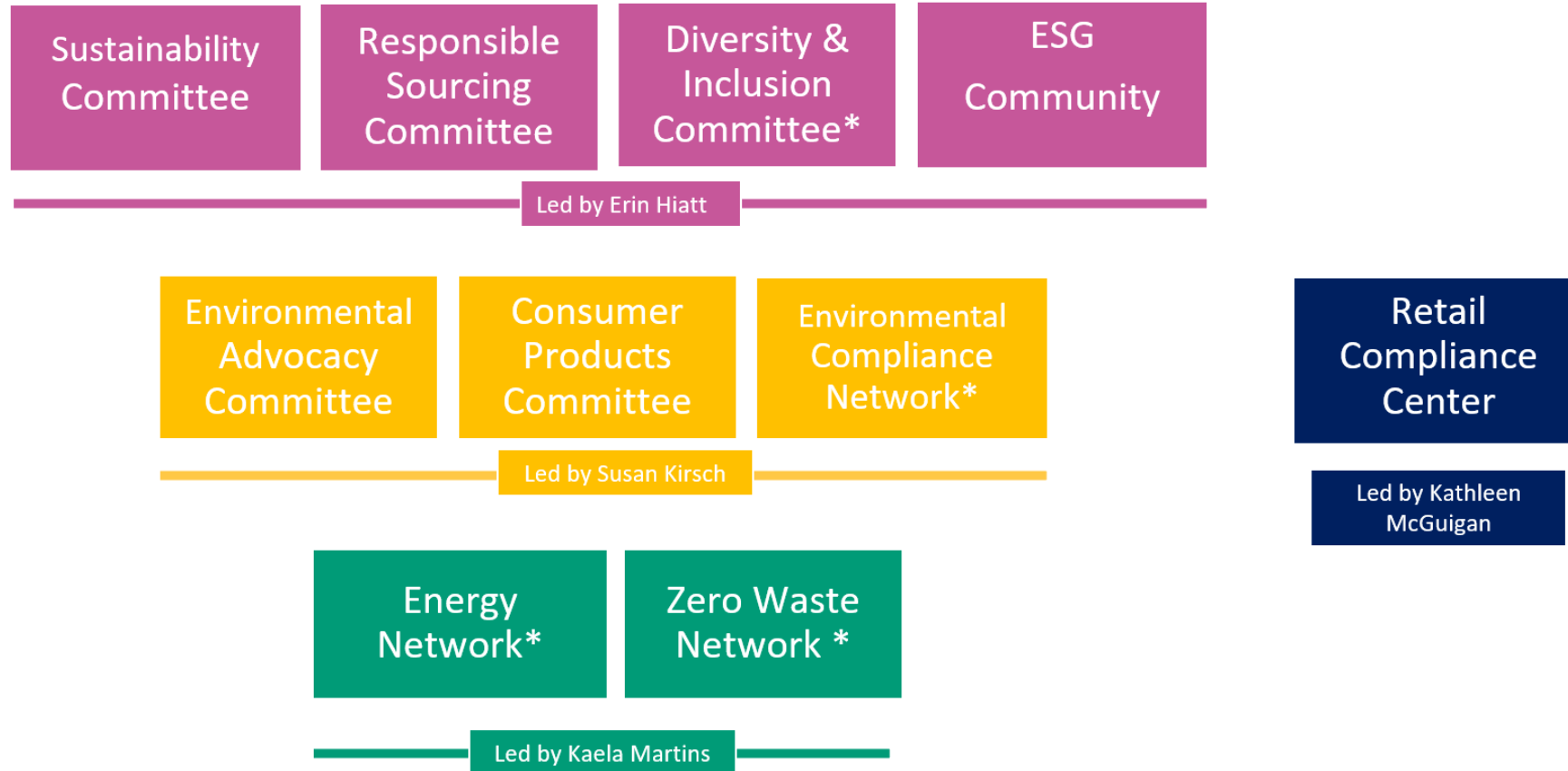
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RILA Sustainability & Environmental Communities



*=Open to non-members

Today's Agenda

1. Introductions, Housekeeping & Antitrust Reminder
2. Update on RCRA Hand Sanitizer Guidance from Beth Richardson, Principal, Beveridge and Diamond PC
3. Updates on State Implementation of Hazardous Waste Generator Improvement Rule, Pharm Rule, and Aerosols as Universal Waste Rule
4. RILA Updates
5. Benchmarking

UPDATE: RCRA HAND SANITIZER GUIDANCE

Beth Richardson, Principal, Beveridge & Diamond, PC

State rule implementation updates:

- Hazardous Waste Generator Improvements Rule
- Pharmaceutical Waste Rule
- Aerosols as Universal Waste

Hazardous Waste Generator Improvement Rule

All states have implemented the rule **except the following 12 states**:

Jurisdiction	Status of Rulemaking	Date Proposed Rule Published	Public Hearing Dates, Comment Periods, Meeting Notices	Final Rule Effective Date	Website
California	California will adopt portions of the EPA Final Rule in two rulemaking packages. It is preparing the first rulemaking package to reorganize the generator regulations and adopt the mandatory provisions. It is considering the remainder of the optional provisions to prepare for the second rulemaking and will hold a workshop to seek stakeholder feedback.	Not yet determined	Not yet determined; stakeholders can subscribe to California's GIR E-List	Not yet determined	California Department of Toxic Substances Control Generator Improvement Rule
Connecticut	Not yet determined	Not yet determined	Not yet determined	Not yet determined	Connecticut Dept. of Energy & Environmental Protection (DEEP), Hazardous Waste Management Regulations
Kansas	Drafting Rule	Not yet determined	Not yet determined	Not yet determined; however, KS signed a policy on 8/2/2017 identifying the less stringent provisions that are being implemented in advance of adoption of rule	Kansas Department of Health and Environment (KDHE) Division of Environment Hazardous Waste ID & Management
Maine	Likely in 2022	Not yet determined	Not yet determined	Not yet determined	Maine Department of Environmental Protection (DEP) Proposed Rulemaking
Massachusetts	Internal Review	2022 at the earliest	Not yet determined	Not yet determined	Massachusetts Department of Environmental Protection (DEP) Laws & Rules
Minnesota	Plan to publish proposed rules with formal public comment period in July 2023. Goal is to adopt rules in December 2023 (no hearing) or June 2024 (with hearing).	Request for comments on planned amendments to hazardous waste rules published on 1/14/2019	Not yet determined	Not yet determined	Minnesota Pollution Control Agency, Land housekeeping amendments

Hazardous Waste Generator Improvement Rule Implementation (continued)

Jurisdiction	Status of Rulemaking	Date Proposed Rule Published	Public Hearing Dates, Comment Periods, Meeting Notices	Final Rule Effective Date	Website
Missouri	Conducting informal rulemaking discussions	Not yet determined	Informal stakeholder meetings held 11/19/2020 and 5/13/2021; comments on a draft of the proposed regulations were due 10/7/2022	Not yet determined	Missouri Department of Natural Resources (DNR), Rules in Development
Nebraska	Will be included in the next update to Hazardous Waste Regulations	Not yet determined	Not yet determined	Not yet determined	Nebraska Department of Environment and Energy, Draft and Proposed Rules and Regulations
New Hampshire	Select Provisions Complete 11/19	Not yet determined	Not yet determined	Select provisions - 11/23/19. Remainder- not yet determined.	New Hampshire Department of Environmental Services (NHDES), Rulemaking and Enforcement
New York	Drafting Rule	Not yet determined	Public Hearing 8/19/2019, Comments through 8/26/2019; public workshop held 4/8/2020 with comment deadline of 4/15/2020; formal public comment period will be held when regulations are proposed	Not yet determined	New York Department of Environmental Conservation (DEC), Hazardous Waste Regulations and Upcoming Changes
Rhode Island	May adopt only parts of the EPA Final Rule	Not yet determined	Stakeholder Meeting 6/8/2018	As of 12/2022, Rhode Island is still working out authorization issues with EPA	Rhode Island Department of Environmental Management (DEM), Rules & Regulations

Pharmaceutical Waste Rule (Pharm Rule) Implementation

Over half the states have adopted the EPA Final Rule or completed implementation of a very similar rule **except:**

- **California:** Comments were accepted through December 2022. If adopted, anticipated effective date summer 2023.
- **Hawaii:** Adopted the EPA final rule in 2021 with some state changes. In the federal rule, electronic nicotine delivery systems (ENDS) are included in the definition of pharmaceuticals, and retailers of ENDS are thereby included in the definition of healthcare facility. Hawaii separates healthcare facilities and ENDS retailers as two different categories of hazardous waste generators.
- **No timeline for adoption has been announced in the following 16 states as of April 2023:**
 - Arkansas
 - Connecticut
 - Kansas
 - Louisiana
 - Maine
 - Maryland
 - Massachusetts
 - Michigan
 - Minnesota
 - Mississippi
 - Missouri
 - Nebraska
 - Nevada
 - New Mexico
 - New York
 - Rhode Island

Aerosols as Universal Waste Implementation

- Two-thirds of the states have adopted the EPA Final Rule, or have already listed aerosol cans as hazardous waste.
- The following 17 states have not have not yet adopted the final rule:

- **Louisiana:** Adoption was anticipated by Q1 2023.
- **Maryland:** Target effective date is September 2023.
- **Massachusetts:** Proposed adoption of EPA Final Rule; accepted comments in February 2023.
- **New York:** Proposed adoption of the EPA Final Rule; accepted comments in January 2023.
- **Oklahoma:** Proposed adoption of the EPA Final Rule; no decision has been made.
- **South Dakota:** Anticipated adoption of EPA Final Rule in 2023.
- **No timeline for adoption has been announced in these 11 states:**

- Arkansas
- Connecticut
- Kansas
- Maine
- Missouri
- Nebraska
- Nevada
- Rhode Island
- Virginia
- Washington
- Wisconsin

Save the Date: ECN + EAC In-Person Meeting

September 13-14, 2023

(Note: 1.5 days; ending by Noon on 14th)

We will bring together RILA's **Environmental Compliance Network** and **Environmental Advocacy Committee** for an in-person meeting in **Washington, DC**, hosted by Beveridge & Diamond, PC (1900 N Street NW, Suite 100). The meeting agenda will feature policy and regulatory updates, peer benchmarking opportunities, and presentations from experts on current and emerging environmental compliance topics.

Please watch your inbox for an email in the coming weeks with details on how to register and contact [Molly Auten](#) with any questions.

Poll: Interest in September ECN+EAC Meeting

Federal Updates

EPA Releases Draft National Strategy to Prevent Plastic Pollution

On April 21, EPA published a [draft National Strategy to Prevent Plastic Pollution](#), which builds upon EPA's National Recycling Strategy and focuses on actions to reduce, reuse, collect, and capture plastic waste. EPA will collect public comments on this draft strategy until **June 16**. [Click here](#) to view the *Federal Register* notice. Click [here for slides](#) from a May 11 EPA webinar (a recording [will post here soon](#)). **RILA will be preparing comments dependent on member input. If you have any feedback, please direct that to [Kaela Martins](#) at RILA by June 1.**

Senate EPW Committee Advances Legislation to Strengthen Recycling and Composting Efforts

On April 26, the Senate Environmental and Public Works (EPW) Committee advanced two pieces of bipartisan legislation focused on improving the U.S. recycling and composting systems.

- *The Recycling and Composting Accountability Act* would improve EPA's ability to gather data on U.S. recycling systems and explore opportunities for implementing a national composting strategy. Full text of the bill is available [here](#) and a summary is available [here](#).
- *The Recycling Infrastructure and Accessibility Act of 2023* would allow EPA to create a pilot program to improve recycling services in underserved areas. Full text of the bill is available [here](#) and a summary is available [here](#).
- **Related:** RILA joined 13 other groups and brands that participate in the Recycling Infrastructure Now (RIN) Coalition in endorsing both bills. [View the letter here](#).

New Vehicle Emissions Standards Proposed by EPA

In April, the agency announced new proposed federal vehicle emissions standards for [light-, medium-,](#) and [heavy-duty](#) vehicles for model year (MY) 2027 and beyond. [Read more here](#).

- [Click here](#) to view the *Federal Register* notice for light- and medium-duty vehicles.
- [Click here](#) to view the *Federal Register* notice for heavy-duty vehicles standards. The proposed rulemaking is open for public comment through **June 16**.

State Updates

New Emissions Standards in California and Maryland

- **California:** Also in April, California Air Resources Board approved the Advanced Clean Fleets rule. Under the new rule, fleet owners operating vehicles for private services such as last-mile delivery and federal fleets such as the Postal Service, along with state and local government fleets, will begin their transition toward zero-emission vehicles starting in 2024. The rule includes the ability to continue operating existing vehicles through their useful life. [Read more here.](#)
- **Maryland:** Recently passed the Clean Trucks Act of 2023, which applies to vehicles from the 2027 model year onward and requires 40% to 75% of mid- and heavy-duty vehicles sold in Maryland to be electric by 2035. [Read the legislation here.](#)

State Plastics Action

- **Michigan Bill Calls for Repeal of Plastic “Bans on Bans”:** [MI HB 4359](#) would repeal state law that prohibits localities from regulating auxiliary containers, such as plastic bags and polystyrene foam containers.
- **Maine Introduces Packaging Ban:** [ME LD 1645](#) would prohibit the sale or distribution of a product containing prohibited plastic packaging, which is defined in the bill as any product that contains polystyrene, expanded polystyrene, polyvinyl chloride, polyvinylidene chloride, or polyethylene terephthalate and is manufactured using antimony or cobalt as a processing aid or additive. The Retail Association of Maine is engaged on this issue.
- **Connecticut Plastics Bills Fail:** A number of waste policy bills failed to advance in Connecticut, including those aimed at plastic food ware ([CT H 5617](#)), polystyrene ([CT H 5619](#)), and plastic packaging ([CT H 6814](#)).

Proposed BPA Ban Surfaces in Pennsylvania

[PA HB 853](#) would ban the manufacture, sale, or distribution of any container intended for use by infants that contains bisphenol A (BPA) at a level above 0.1 parts per billion.

State Updates

State Extended Producer Responsibility (EPR) Action

- **Washington Battery EPR Bill Enacted:** Signed by Governor Inslee on May 11, [SB 5144](#) is an EPR program for batteries that covers portable batteries and, beginning **January 1, 2029**, medium format batteries. It sets a deadline of **July 1, 2026**, for battery stewardship organizations to submit plans that propose performance goals, education and outreach, collection site safety training procedures, funding, collection strategies and end markets.
- **New York Carpet EPR Program Postponed to 2026:** The law would have required carpet producers to submit compliance plans by the end of this year, but an amendment ([NY S834](#)) signed by Governor Hochul officially gives them an extra two years to comply. [Read more here.](#)
- **Illinois Packaging EPR Scaled Back to a Study:** [IL SB 1555](#), which began as an extended producer responsibility bill for packaging and paper, was amended in the House into a study and data assessment bill.
- **Maryland approves packaging EPR study:** Last week, Maryland Governor Moore signed [MD SB 222](#), an industry-supported EPR bill which was amended in the House into a study and data assessment bill. [Read more here.](#)
- **Connecticut Packaging EPR Reported Favorable:** [CT H 6664](#) was reported favorable out of the Joint Finance Committee to the House Floor. The bill would establish an EPR program for packaging, packaging like materials and paper.
- **Mattress EPR Companion Bill Introduced in New York:** [NY S 6419](#) would establish an EPR program for mattresses. The bill excludes advanced recycling from the definition of recycling.

Washington Seeks Comment on Recycled Content Rule for Plastic Packaging

Washington Department of Ecology (Ecology) is seeking public comments on a proposed rule that establishes the agency's oversight and enforcement procedures for a portion of the state's 2021 plastics law. The 2021 law requires a post-consumer recycled (PCR) content minimum in trash bags and plastic packaging. Comments are due by **July 1, 2023**. Ecology will also hold two online public hearings on **June 8 and 15, 2023**, where attendees can ask questions, learn more about the rule, and provide verbal testimony. After the rule is finalized, it will take effect on **January 1, 2024**. Find the proposed rule, registration for the public hearings, and the online comment [portal here.](#)

State Updates

State Chemicals Activity

- **Minnesota Passes PFAS Ban:** [MN HF 2310](#), which imposes bans and reporting requirements on certain products containing intentionally added PFAS, is being sent to the governor for signature. The [A68 amendment](#), passed last week as part of the final state budget package, requires the Pollution Control Agency to issue rules establishing water quality standards for six types of PFAS by **July 1, 2026**. The amendment directs the Department of Health to set the health risk limit for PFOS at 0.015 parts per billion and includes exemptions for FDA regulated medical devices and pharmaceuticals, and pesticides. View more information [here](#).
- **Nevada PFAS Ban Bill Passes Senate:** The Nevada Senate voted to approve [SB 76](#), which would restrict the sale or distribution of carpets or rugs, fabric treatments, food packaging, and juvenile products containing intentionally added PFAS. The proposed bill provides several exemptions for electronics, internal components of juvenile products, mattresses, FDA, and USDA applications (including packaging), and HFOs used in cosmetics and fabric treatments.
- **Additional PFAS Resources**
 - [Morning Multistate: PFAS and other state news](#). Questions? [Contact Bill Kramer](#), Vice President, Policy at Multistate.
 - [New tech could one day scrub PFAS from your tap water](#)

Save the Date: Sustainable Packaging Webinar Series

[Packaging EPR State of Play and What's Yet to Come in 2023](#)

TOMORROW May 18, 2:00-3:30 PM ET

As states struggle with how to manage packaging waste, many have made the push towards extended producer responsibility (EPR) regulations that move the cost and responsibility of waste handling from communities to product manufacturers and distributors, including retailers. In 2022, five states, (California, Colorado, Maine, Oregon, and Washington), passed packaging EPR legislation, and several states are considering similar bills this year. Join us as **Garth Hickle, Managing Director at Signalfire Group** (subsidiary of Resource Recycling Systems) provides an overview of the packaging EPR landscape, as well as important upcoming regulatory implementation milestones and opportunities for stakeholder engagement. Hickle will also highlight other related state bill activity such as recycled content mandates and bans/fees. We will also hear from **Joe Rinzel, Principal at Multistate** and **Townsend Brown, Coordinator, State Government Affairs at RILA** on what packaging legislation may come to fruition soon, and key elements and trends retailers should monitor.

[March 23 Recording: Setting and Meeting Your Company's Sustainable Packaging Goals](#)

Kim Carswell and Dr. Sandeep Kulkarni, two seasoned leaders in the packaging space, as they discuss best practices for setting and meeting sustainable packaging goals.

[April 12 Recording: Complying with Packaging Legislation through Circular Design](#)

Kim Carswell and Dr. Sandeep Kulkarni share a quick review of key components to EPR; more circular packaging design strategies such as elimination, reduction, reuse, increased recyclability; and guiding resources to aid in more circular packaging design.

Next Steps

- Look for call follow-up e-mail by the end of the week!
- **2023 call schedule:**
 - ✓ January 18, 2:00 PM ET
 - ✓ March 15, 2:00 PM ET
 - ✓ May 17, 2:00 PM ET
 - July 19, 2:00 PM ET
 - September 20, 2:00 PM ET
 - November 15, 2:00 PM ET
- *Contact Susan to follow-up individually on anything discussed today on priorities or recommendations for programming (susan.kirsch@rila.org)*

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MEMBER SPOTLIGHT

Target Debuts New Store Format Centering Community and Sustainability



Target recently revealed the next evolution of its new store strategy and store design created to better serve its guests and team members, drive continued growth, and support its goal to achieve net zero emission by 2040. Its future new stores and remodels will incorporate sustainable updates such as local product offerings, native landscaping, EV charging ports for guests, and reafter collection

Environmental Compliance Network Strategic Partners



Jacqueline Claudia
Chief Executive Officer
jc@smarterx.com



Cory Anderson
Manager, Retail Supply Chain
cory.anderson@ul.com



Beth Richardson
Principal
erichardson@bdlaw.com



Tadd Wilson
Chief Commercial Officer
tadd@smarterx.com



Eric Esser
Retail Solutions Expert
eric.esser@ul.com



Aaron Goldberg
Principal
agoldberg@bdlaw.com



Lance Medlin
Director, National Sales
Lance.Medlin@usecology.com



Jamie McDonald
Senior Manager, Operations Execution
Jamie.mcdonald@usecology.com



Breakouts/Benchmarking

Facilitators

- Room 1: Aaron Goldberg (B&D); Eric Esser & Cory Anderson (UL)
- Room 2: Beth Richardson (B&D); Susan Kirsch (RILA)
- Room 3: Jamie McDonald (US Ecology); JC & Tadd Wilson (SmarterX)

**Thank you for your time and
participation!**