Problem Statements Related To Surplus Consumer Products

POINT OF GENERATION

When is a Product a Waste (Point of Generation)/Reverse Distribution: Uncertainty regarding the “point of generation” discourages reverse distribution, which is an established, safe option for the reverse flow of surplus household consumer products that increases the frequency of donation, liquidation, and waste reduction methods because of economies of scale, reduces the amount of waste disposed of in landfills or by incineration, and allows businesses to collect useful product condition information to support waste minimization efforts and to track products for regulatory or financial reconciliation purposes, or both.

Disposition: Decision on the disposition of surplus consumer products may lead to one or more ways in which it may be characterized as waste and may be subject to the California hazardous waste control laws and regulations. California’s hazardous waste characteristics may be viewed as confusing by manufacturers, distributors, suppliers, vendors, retailers, and reverse logistics facilities managing surplus consumer products and need clarification on California’s hazardous waste control laws and regulations.

TYPES OF WASTE, VOLUMES AND CLASSIFICATION (DATA)

If the type of surplus consumer product that is being identified as waste is known, appropriate methods to manage it (laws and regulations) will help to protect human health and environment. For example, surplus consumer products may be pharmaceuticals, medicated personal care products or non-medicated personal care products. A data on the quantities of surplus consumer products in the various dispositions processes is needed to better understand the pathways of dispositions.

HAZARDOUS WASTE TESTING IN THE STATE OF CALIFORNIA

Hazardous Waste Testing - Aquatic Toxicity Test:

The current required aquatic toxicity testing methodologies are outdated, expensive and difficult. Application of the aquatic toxicity testing to surplus consumer products may result in inconsistency and conservative classification of many waste consumer products. Newer testing methodologies are required to meet current scientific advances. Alternatives to the aquatic toxicity test method, such as the GHS calculation method for aquatic toxicity are suggested.

California’s hazardous waste characteristics may be viewed as confusing in the retail context. The current required aquatic toxicity testing methodologies were last revised in 1988 and are dated, expensive and difficult to conduct. Application of the aquatic toxicity test to consumer
products may result in inconsistent and overly conservative classification of many waste consumer products. For example, consumer products, such as surfactants, can fail this test due to reasons other than bio-toxicity. It is appropriate to explore newer testing methodologies to reflect advances in scientific methods which meet or exceed current required methodologies, including using alternatives to the aquatic toxicity test method, such as the GHS calculation method for aquatic toxicity.

**REVERSE DISTRIBUTION FOR SURPLUS HOUSEHOLD CONSUMER PRODUCTS**

The established reverse flow of surplus household consumer products that increases the frequency of donation, liquidation, and waste reduction methods may need to be verified and qualified in the state of California to avoid the promotion of toxic dumping in secondary markets and charities.

**MEDICAL WASTE MANAGEMENT ACT FOR OVER THE COUNTER PHARMACEUTICALS**

Current law requires the incineration of nonprescription over-the-counter pharmaceuticals, even when the surplus consumer products may not hazardous and imposes undue costs on businesses and consumers without a commensurate benefit to the environment.

**WASTE REDUCTION**

Reduction in the generation of waste may be attained by retailers controlling and managing the product demands appropriately and avoid disposing of good products because of superficial changes or marketing issues (such as label changes).