

## **Product Stewardship Grows Globally**

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Product stewardship can be expressed in many ways, and there's no single best definition. According to the U. S. Environmental Protection Agency (EPA), "[p]roduct stewardship is a product-centered approach to environmental protection. Also known as extended product responsibility (EPR), product stewardship calls on those in the product life cycle -- manufacturers, retailers, users and disposers -- to share responsibility for reducing the environmental impacts of products ([www.epa.gov/epaoswer/non-hw/reduce/epr/about/index.htm](http://www.epa.gov/epaoswer/non-hw/reduce/epr/about/index.htm))."

Many, including EPA, believe that manufacturers, because they have the greatest ability to reduce environmental impacts of their products, should shoulder the greatest responsibility. This can be expressed in product design improvements, diminished toxic components included in a product and designing the product for reuse and/or recycle, to name a few.

While product stewardship is a component of good business practices, increasingly it's more than voluntary. Environmental protection today, particularly in the European Union (EU), more and more focuses on prevention-oriented product regulation, especially on consumer products. These directives aim to minimize waste by prompting product design changes and requiring product reuse and recycle. In 2000, the EU adopted the precedent-setting End-of-Life Vehicles (ELV) Directive (Directive 2000/53/EC). EU member states must develop and implement collection and recycling systems of all ELV and establish reuse and recycle goals. Product design standards mandated that vehicles marketed after July 1, 2003, not contain lead, mercury, cadmium or hexavalent chromium, except as authorized under the Directive.

More recently, Directive 2002/95/EC, Restrictions of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS Directive), barred manufacturers and importers after June 30, 2006, from marketing in the EU electrical and electronic equipment containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers. Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE Directive) requires EU member states to establish systems to manage the burgeoning amounts of electronic waste. Other directives have been enacted, and more are expected to follow.

While Europe is setting the pace, other countries are following. Japan rolled out a RoHS-like initiative in July 2006. China's RoHS-like law went into effect on March 1. It restricts six compounds and imposes labeling requirements. Australia, New Zealand and countries in Latin America have similar initiatives.

These directives assume the responsibility of sustainability is shared, with a role for all major players involved, including government and private industry. Local governments also may play a role, and typically in the return of goods. Accordingly, companies, both manufacturers and

retailers, should expect to see both a proliferation of these initiatives, as well as greater partnering opportunities with local governments and others in the commercial sector.

In the United States, product liability and related legal theories for assessing liability based on harm alleged to derive from products is another not-to-be-underestimated incentive to intentionally design a product with diminished human health and environmental impact. Increasingly too, positive marketing that comes from “green” branding influences product design as the purchasing public is more mindful of the end-of-product-life environmental consequences of their purchasing and use patterns.

The growing body of global initiatives will continue to influence product manufacturing standards. They can be expected to heighten consumer insistence upon product take-back and/or end-of-life accountability for many products. These initiatives are now impacting, and will continue to impact, chemical manufacturers that are targeted for restriction, consumer products makers that must meet new design standards and the local municipal and other infrastructures that must accommodate recycle and reuse requirements of these initiatives.

State and local government agencies also are expected to pick up the pace and impose similar end-of-life requirements to ensure that electronic and similar high-volume consumer products are recycled and/or reused and thus avoid becoming the next generation’s waste problem. Manufacturers of a wide range of products are urged to think now about these initiatives, identify strategically how they will affect their operations and plan accordingly.

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