

# Environmental Compliance Network

Benchmarking Call  
July 21, 2021

# 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, email [tiffin.shewmake@rila.org](mailto:tiffin.shewmake@rila.org) or message Tiffin 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.

# Strategic Partners



# RILA Communities

Sustainability  
Committee

Responsible  
Sourcing  
Committee

Diversity &  
Inclusion  
Committee

Energy  
Committee

Led by Erin Hiatt

Environmental  
Advocacy  
Committee

Consumer  
Products  
Committee

Led by Susan Kirsch

Retail Compliance Center

Zero Waste  
Network

Environmental  
Compliance  
Network

Led by Kaela Martins

Led by Tiffin Shewmake

# Today's Agenda

- RILA and RCC Updates and Announcements
- Retailer Spotlight – Shannon Slavens, Sr. EH&S Manager, CVS Health
- Hazardous Waste – Incineration Backlogs
- FIFRA - Important Trends Due to COVID-19
- Benchmarking – Extended Producer Responsibility Discussion (all)
- Benchmarking Breakouts
- Wrap up

# RCC/RILA Announcements

## New Content

- [Packaging EPR - State Passage and What's Next](#)
- [TSCA PIP \(3:1\) Rule: What Retailers Should Know Blog](#)
- [Environmental Justice and Retail Blog](#)
- [Packaging Sustainability: Retail State of Play Blog](#)
- Q&A: [The Recycling Partnership Launches Initiative with Facebook](#)
- Q&A: [Commercial Real Estate Principles – Leveraging Sustainable Energy Solutions](#)
- [Complying with Organics Recycling Regulations with a Compost Pickup Service Blog](#)

## New Webinar Recordings

- [Energy Star Products Scope 3 Calculator](#)
- [TSCA: It is Not What You May Think](#)

## Updated Content

- [The RILA Retail Advisor- Accelerating Program Performance](#)
- [Federal Insecticide, Fungicide, and Rodenticide Act Fact Sheet](#)
- [California Organics Recycling Regulations Fact Sheet](#)
- [EPR Packaging Tracker](#)

## Upcoming Webinars

- [RILA Transportation & Sustainability Webinar Series](#)
  - July 14: Reducing Waste & Increasing Revenue through Innovations in Reverse Logistics & Resale
  - July 28: Energy Resiliency in the Supply Chain
- ➔ August 26: [Advanced Recycling: Limitations and Potential Solutions](#)
- [Plastic IQ Information Sessions](#)
  - July 29: Intro Session
  - August 12: What's Your Plastic IQ? Getting Started
- [DOE Better Buildings Summer Webinar Series](#)
  - July 20: Workplace Evolution: Supporting Occupant Health While Achieving Energy Efficiency
  - July 27: Energy-Saving Success Stories: 2021 Building Envelope Campaign Recognition

[Environmental Compliance Network](#) web page

# RCC/RILA Announcements

## RILA Comments on Proposed Phasedown Rule on HFCs

Copy of the [final joint retail association comments](#) submitted to the EPA on its [Proposed Phasedown Rule on HFCs](#), authorized under the American Innovation and Manufacturing (AIM) Act of 2020, which will impose new obligations on companies that import, use, and sell refrigerants.

In collaboration with the National Retail Federation (NRF), the National Association of Chain Drug Stores, and the Food Industry Association (FMI).

EPA has until **September 27, 2021** to promulgate the final rule and must distribute allowances by **October 1, 2021**.

### Additional Background/Resources

- [RILA Retail Compliance Center Fact Sheet](#)
- [Slides from Beveridge & Diamond's June 9 presentation on EPA's proposed rule on HFC's.](#)
- Beveridge & Diamond News Alert - [EPA Proposes Its First Rule Controlling HFCs Under the AIM Act](#)
- [AIM Act](#)
- [EPA's Press Release](#)
- [EPA Fact Sheet on Proposed Rule](#)
- [EPA's FAQs on Proposed Rule](#)
- [EPA's Website for the Proposal](#)
- [GHGRP - List of Companies that Reported HFC Supply](#)

Susan Kirsch [susan.kirsch@rila.org](mailto:susan.kirsch@rila.org)

# Joint Meeting with ZWN

August 18 – 2-3 PM ET

Organics and Food Waste

Have questions or topics we should cover? Email [Kaela.Martins@rila.org](mailto:Kaela.Martins@rila.org)


[ZWN Committee Page](#)

# Zero Waste Meeting Poll Question

Which topics would you like to benchmark with your peers on the August 18 Organics and Food Waste call ? (select your top 3)

- Bioplastics
- Food Waste Reduction – Store Level
- GHG Emissions from Organics/Food Waste
- Other

# Retail Spotlight

A graphic of a spotlight shining from the top left towards the center. The spotlight is represented by a yellow cone of light originating from a black and grey fixture. The light illuminates a yellow rectangular area containing the text for Shannon Slavens.

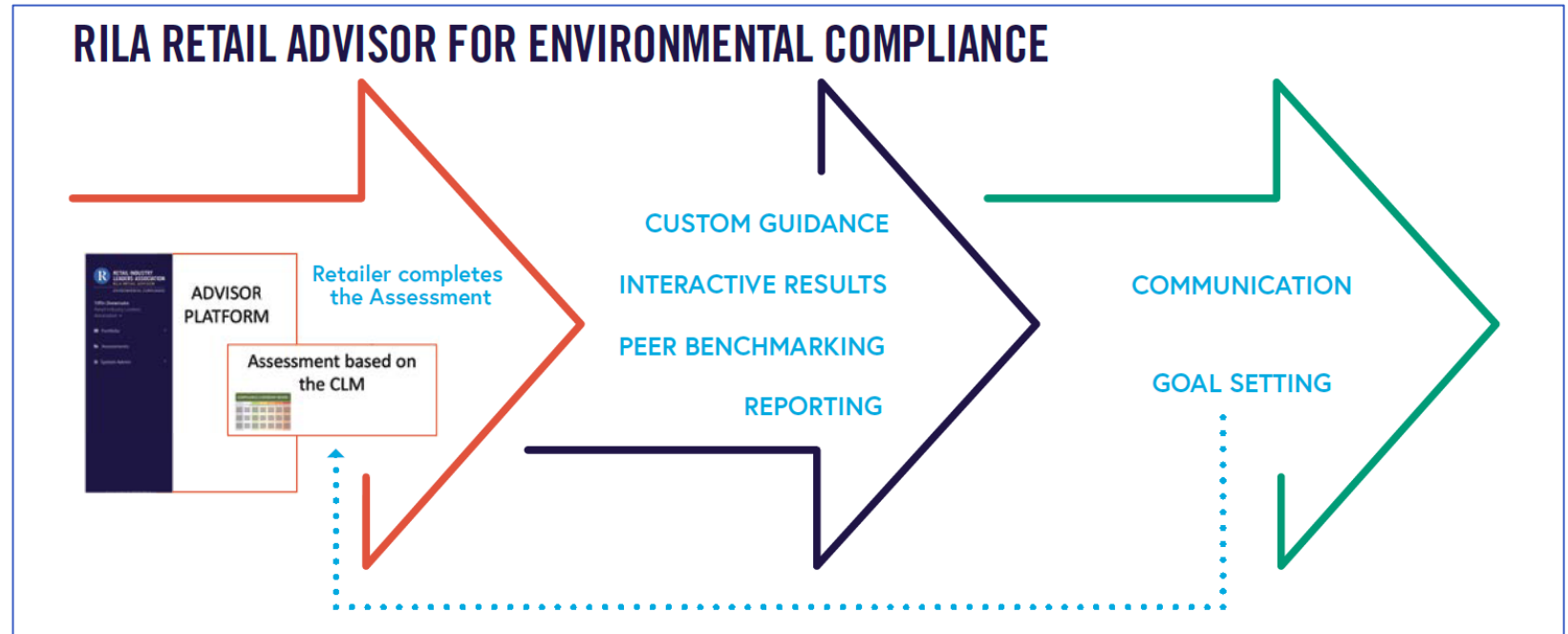
## Shannon Slavens

Sr. EH&S Manager  
CVS Health

# RILA Retail Advisor for Environmental Compliance

## Updates

- New program comparison questions
- New goal setting feature
- Streamlined questionnaire
- New [webpage](#) and Quick Start Guide



Please create a new current Advisor Assessment by **October 1**

# RILA Retail Advisor for Environmental Compliance

## Next steps

- Get [registered](#) if you are not already
- Download the [Quick Start Guide](#)
- [Log on](#) and get started!

COMPLIANCE LEADERSHIP MODEL (CLM)				
DIMENSIONS	ESSENTIAL	STRUCTURED	OPTIMIZED	PROACTIVE
Context of Compliance	Compliance			
Leadership & Planning		Standardizations & Integration		
Compliance Operations			Optimization & Risk Reduction	
Compliance Support			Environmental Impacts	
Continual Improvement				Life Cycle Thinking



Please start or update your Advisor Assessment by **October 1**



# Hazardous Waste



RETAIL  
COMPLIANCE  
CENTER



## Jason Fici

### Director, Strategic Sourcing

25 years of hazardous waste industry experience  
Manages strategic partnerships to ensure customer's waste and byproducts are safely treated, recycled, or disposed at our facilities or managed in partnership with approved 3rd party vendors.

MSU, B.S. in Environmental and Natural Resource Policy Studies

# Incineration Backlogs

# Backlog: Past and Present



## Past

- Manufacturing production and import of goods to U.S. outpacing capabilities for RCRA and non-RCRA incineration.
- Incineration capacity issues not new
  - 1996: 8 incinerators operational
  - 2021: 9 incinerators operational
  - 25+ years of growth in GDP and import of goods
  - Multiple captive incinerators closed in the past 15 years
- The Perfect Storm
  - The addition of retail waste entering market starting in early 2000's
  - Manufacturing and imports recovering from pandemic shutdown
  - Incinerators have overlapping, longer shutdown periods for regulatory and operational maintenance
  - Winter storm knocked out power to 4 incinerators at once

## Present

- 30-50% of retail waste moves to incineration due to regulations or the waste itself
- All TSDFs experiencing backlogs and capacity limits due to incinerators reducing slots

# Regulatory/Environmental Impacts and Future



## Impacts

- Potential need to store more waste at generator locations than permitted
  - Generators can ask EPA for extensions to store more waste on site
  - May lead to increased EHS risk by exceeding standard permitted quantities
- US Ecology taskforces reviewing all waste profiles deemed for incineration to provide alternatives that still offer brand protection and ensure compliance:
  - Fuels blending
  - Waste to energy
  - Recycling
  - Landfill

## Future

- No end in sight: backlogs expected through 2022; no new slots available until at least December
- EPA may recognize need for updating regulations/permit additional incineration capacity or treatment/disposal of wastes requiring combustion



# FIFRA Regulations: Important trends due to Covid

RILA ECN Meeting | July 21, 2021

Dee Wilson, Senior Regulatory Specialist  
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# Agenda

- FIFRA highlights
- Products categories regulated
- How different product categories are regulated
- Trends associated with the COVID pandemic



# FIFRA essentials

FIFRA – Federal Insecticide, Fungicide and Rodenticide Act applies to:

- Insecticides, Herbicides, Fungicides, Rodenticides and Antimicrobials
- EPA regulates the registration, distribution, sale and use of pesticides
- Regulates pesticide devices
- Regulates treated articles



# Understanding your product

## Pesticide Products

- Substances or mixture of substances that prevent, destroy, repel, or mitigates a pest, or is a plant regulator, defoliant, desiccant, or nitrogen stabilizer

## Pesticide Devices

- Instrument or contrivance (other than a firearm) used to destroy, repel, trap or mitigate any pest (such as insects, weeds, rodents, certain animals, birds, mold/mildew, bacteria and viruses)
- Works by physical means (such as electricity, light or mechanics), does not contain a substance or mixture of substances to perform its pesticidal purpose

## Treated Articles

- Products that are treated with pesticides in order to protect the item itself

# Pesticide products

- Require registration
  - Conventional chemical pesticides
  - Biopesticides
  - Antimicrobial pesticides
- Require scientific studies to support registration
- Must have a US address or appoint a US agent
- Require state level registrations



# Understanding the correct Agency for disinfectants and sanitizers

## EPA regulates FIFRA

Regulates antimicrobials (disinfectants and sanitizers) for use on inanimate objects (not used on humans)



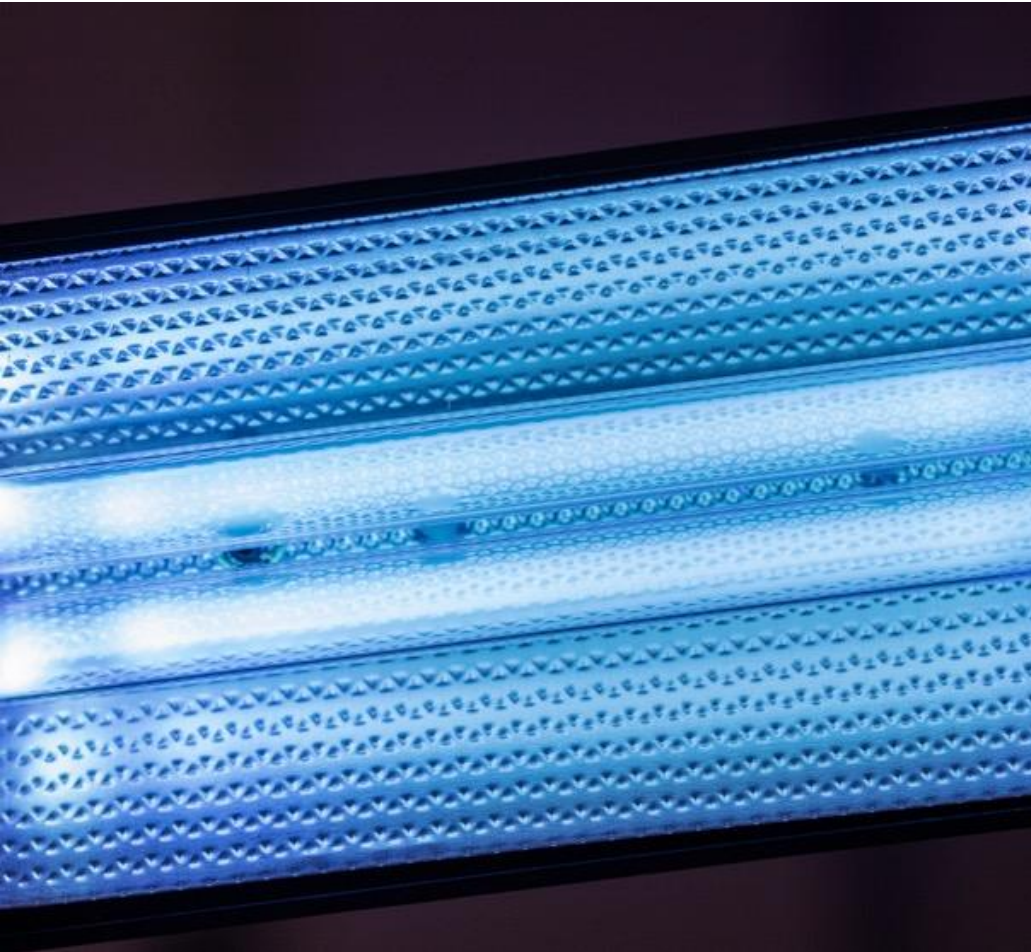
## FDA

FDA regulates hand sanitizers (for use on humans)



- A product can NOT have both end uses
- Separate Agencies **require** separate product registrations

# Devices



- Do not require product registration
- Do require a manufacturer registration
- Foreign companies must appoint a US agent
- Require an EPA Establishment Number on product labeling
- Must be able to substantiate claims
- Must file annual reports and maintain production records

# Treated articles and substances

- Exempt from registration
- Must use a registered pesticide product approved for the end use within the dose range
- Can not make any public health claims
- Antimicrobial protections are for preservation of the article itself and does not extend antimicrobial properties beyond the article treated
- Must use qualifying statements



# Trends associated with the COVID pandemic

- **New products are flooding the marketplace**
  - **Current manufacturers with new products**
  - **New companies entering the pesticide industry**
- **EPA delays due to substantial increases in requests**
- **Non-compliance violations and examples**
  - **Companies are selling “dual” products to retailers**
  - **Unsubstantiated and/or unqualified claims**
  - **“Treated Articles” making and/or implying public health claims**
  - **Devices without registered establishments**
  - **Unregistered products are subject to fines**
  - **Retailers are pulling unregistered pesticides from their shelves**
  - **Additional delays in customs**





Thank you!

[Dee.Wilson@ul.com](mailto:Dee.Wilson@ul.com)

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# Benchmarking -- Discussion

## Extended Producer Responsibility (EPR) for packaging

- [Article: Maine EPR Bill – July 13, 2021](#)
- [RCC Blog: Packaging EPR - State Passage and What's Next](#)
- [RCC Blog: Extended Producer Responsibility Bills Gain Momentum](#)
- [RCC Tracker: EPR Packaging Bills Introduced to States](#)
- [RCC Tracker: Product Stewardship Matrix](#)
- RILA Packaging EPR Viewpoint - [Email Kaela](#)



# Benchmarking -- breakout discussion

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- Inspections and Enforcement
- Chemicals in Products



# Next ECN Call

September 15 at 2:00 PM ET

**Topic:** *To be announced closer to the call date*

[Take our topics survey to share input on what you would like to discuss](#)

*Please send any topics/questions of interest for benchmarking to*  
[Tiffin.Shewmake@rila.org](mailto:Tiffin.Shewmake@rila.org)

A woman with dark hair, wearing a grey cardigan, is sitting at a desk and looking at a large monitor. The monitor displays a virtual meeting grid with several participants. A semi-transparent white circle is overlaid on the left side of the image, containing the event details.

# Retail Environmental Roundtable

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**November 3-4, 2021**  
Afternoon, Eastern

Join us for our virtual joint meeting with the:

- *Environmental Compliance Network*
- *Zero Waste Network*
- *Environmental Advocacy Committee*
- *Sustainability Committee*

# Healthy Buildings Poll question

Which best describes your interest in learning more about healthy buildings (i.e., indoor environmental quality)?

- Very interested/something my company is exploring or does
- Interested/something we might explore
- Interested but it is a personal rather than company interest
- Not interested

# RILA Contact Information



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For more resources:

- [Network page](#)
- [RCC](#)
- [Advisor](#)

# Environmental Compliance Network Strategic Partners



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Thank You