

Environmental Compliance Network

Benchmarking Call
Sept 15, 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 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:

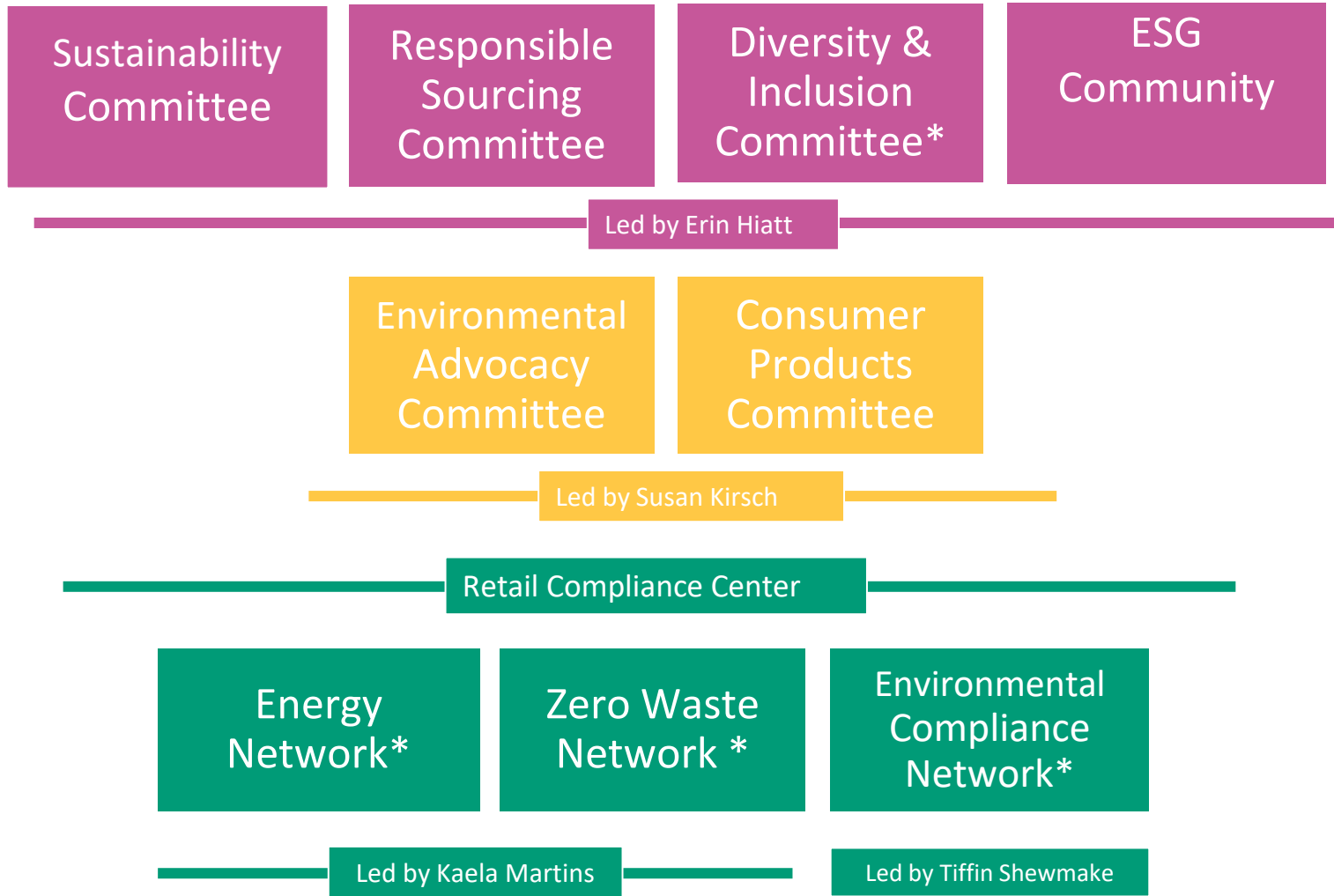
- Do not discuss current or future prices, price quotations or bids, pricing policies, discounts, rebates, or credit terms.
- Do not discuss cost information such as production costs, operating costs, or wage and labor rates.
- Do not discuss profits or profit margins, including what is a "fair" profit 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 Sustainability Structure



Activities include:

- Regular committee calls
- Benchmarking surveys
- Meetings
- Webinars

*=Open to non-members

Today's Agenda

- RILA and RCC Updates and Announcements
- Hazardous Waste – Update
- Prop 65 – Draft proposal for changes to the short form warning
- Food Waste at the Store Level – Discussion
- Benchmarking – Open Mic
- Wrap up

RCC/RILA Announcements

New Content

- [Retail GHG Emissions Factors, Data, & Methodology Matrix](#)
- [Beverage Container Deposit Legislation Fact Sheet](#)
- [Single-Use Plastic Packaging Reduction Laws Fact Sheet](#)

New Webinar Recordings

- [Advanced Recycling: Limitations and Potential Solutions](#)

Updated Content

- [Packaging EPR - State Passage and What's Next](#)
- [Product Stewardship Matrix](#)
- [EPR Packaging Bills Introduced to States](#)
- [Mandatory Organics Recycling Regulations](#)
- [California Organics Recycling Regulations](#)
- [Mandatory Recycling and Disposal Bans Fact Sheet](#)
- [Hazardous Waste Generator Improvement Rule Matrix](#)
- [Pharm Rule State Implementation Matrix](#)
- [Aerosols as Universal Waste Rule Tracking Matrix](#)

Upcoming Webinars and Events

- September 23: [Product Sustainability & Compliance— Bridging the Gap with Software and Advisory Showcase](#)
- September 30: [Retail Hazardous Waste Program Success for 2022: A Refresher Course](#)
- November 3-4: [Retailer Environmental Roundtable](#)

[Environmental Compliance Network](#) web page

California Treated Wood

- Assembly [Bill 332](#) signed on August 31, 2021
- Takes effect immediate
- Adopts new Alternative Management Standards (AMS) for treated wood waste (Health and Safety Code section 25230)
- All treated wood waste variances issues by DTSC since March 2021 have not further effect
- Treated Wood Waste (TWW) handlers – generate over 10,000 pounds in a calendar year
- [DTSC has more information](#)



Hazardous Waste



RETAIL
COMPLIANCE
CENTER

Update on RCRA rule adoption

- Generator Improvements

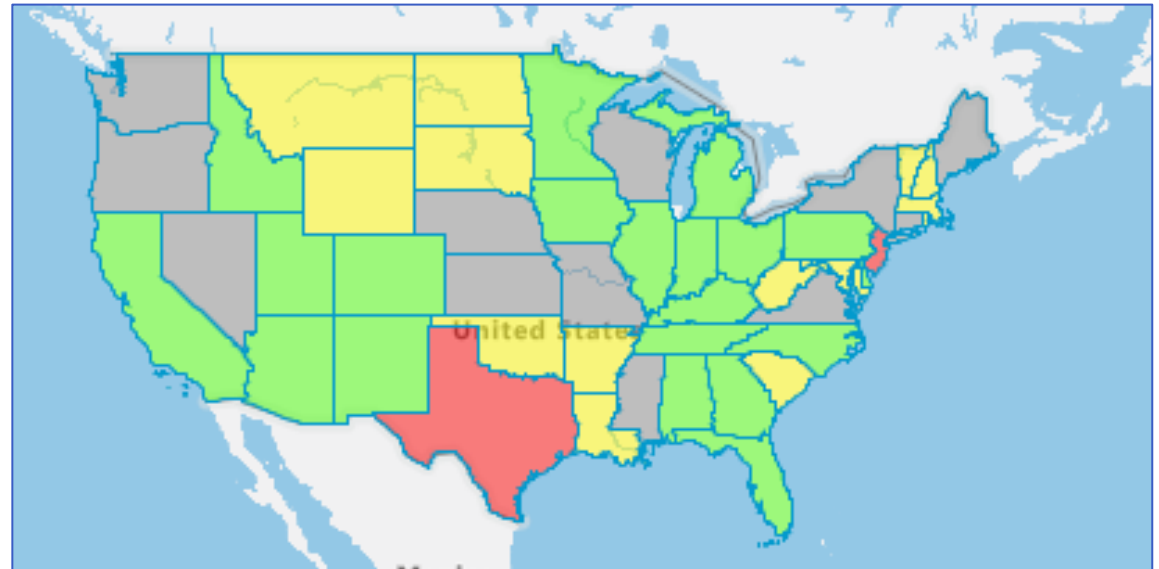
- Maryland – effective date 5/3/21

- Pharm Rule

- Hawaii – effective date 6/7/21
- Idaho – effective date 7/1/21

- Aerosol Can Universal Waste Rule

- Hawaii - effective date 6/7/21
- Idaho - effective date 7/1/21
- Tennessee – effective date 6/3/21



Matrices can be found on the [Regulatory Resources Page](#)



California Prop 65

RILA ECN Meeting | September 15, 2021

Alexis Sumner, Senior Regulatory Specialist


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Article 6 *clear and reasonable* warning

- California businesses are required to provide a ***clear and reasonable*** warning before knowingly and intentionally exposing anyone to a chemical listed on the Proposition 65 List of Chemicals Known to the State to Cause Cancer or Reproductive Toxicity.
- The warning requirement is based on exposure, not a specific content limit.



What is
clear?






What is
reasonable
?

§ 25602 consumer product exposure warnings – methods of transmission

- Posted sign, shelf tag or shelf sign at each point of product display
- Warning provided via electronic device or process that automatically provides warning prior to or during the sale, without the purchaser having to seek it out
- A warning on the label using the new safe harbor language – compliance with Section 25603(a)
- A short-form warning on the label, no smaller the 6-point font, but same size as other consumer information on product – compliance with Section 25603(b)

§ 25603(a) – safe harbor language

-  **WARNING:** This product can expose you to formaldehyde, which is known to the State of California to cause cancer. For more information go to www.P65Warnings.ca.gov.
-  **WARNING:** This product can expose you to chemicals including formaldehyde, which is known to the State of California to cause cancer, and DEA, which is known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.
-  **WARNING:** This product can expose you to chemicals including Acrylamide, which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.

§ 25602 (d)

Warnings must appear in all languages that other information on the label appears in.

Example: A combined US and Canada label would include information in English and French and the warning would also need to be in English and French.

CaOEHHA has provided translations for warnings in Spanish, Cambodian, Chinese Simplified, Chinese Traditional, French, Hmong, Korean, Tagalog and Vietnamese.

For a single listed reproductive toxicant

English Spanish (Español) Cambodian (ខ្មែរ)
Chinese Simplified (简体中文) Chinese Traditional (繁體中文)
French (Français) Hmong (hmoob) Korean (한국어) Tagalog
Vietnamese (Tiếng Việt)


⚠ ADVERTENCIA: Este producto puede exponerle a [name of chemical], que es conocido (a) por el Estado de California como causante de defectos de nacimiento u otros daños reproductivos. Para mayor información, visite www.P65Warnings.ca.gov.

§ 25603(b) – short-form warning

Chemical names are not required

 **WARNING:** Cancer - www.P65Warnings.ca.gov

 **WARNING:** Reproductive Harm - www.P65Warnings.ca.gov




 **WARNING:** Cancer and Reproductive Harm - www.P65Warnings.ca.gov

Proposed changes

- January 8, 2021 – proposed update to the short-form warning
- Public comment period extended to March 29, 2021
- Disclosure of chemical name(s) required
- Usage limited to the size of the container (<5 inches² surface area)
- Not appropriate for use on large industrial containers



Proposed short-form warning

-  **WARNING:** Cancer Risk From Formaldehyde Exposure - www.P65Warnings.ca.gov
-  **WARNING:** Risk of Cancer From Formaldehyde Exposure And Risk of Reproductive Harm From DEA Exposure - www.P65Warnings.ca.gov.
-  **WARNING:** Risk of Cancer and Reproductive Harm From Acrylamide Exposure - www.P65Warnings.ca.gov.

Labelling requirements will go into effect one year after formal adoption. Products manufactured prior to the effective date can comply with the 2016 or 2020 wording.

Proposed changes

- July 23, 2021 – proposed update to change wording for products containing glyphosate
- Public comment period extended to October 7, 2021



Proposed safe harbor language



CALIFORNIA PROPOSITION 65 WARNING: Using this product can expose you to glyphosate. The International Agency for Research on Cancer classified glyphosate as probably carcinogenic to humans. Other authorities, including USEPA, have determined that glyphosate is unlikely to cause cancer, or that the evidence is inconclusive. A wide variety of factors affect your personal cancer risk, including the level and duration of exposure to the chemical. For more information, including ways to reduce your exposure, go to www.P65Warnings.ca.gov/glyphosate.

For products that have a FIFRA approved label, **CALIFORNIA PROPOSITION 65 WARNING** can be replaced by **ATTENTION** or **NOTICE**, as appropriate.

California Prop 65 resources

[California's Office of Environmental Health Hazard Assessment \(CaOEHHA\)](#)

[Current Proposition 65 list](#)

[CaOEHHA listserv - email notification of changes](#)

[CaOEHHA warning translations](#)

[Specific Phrases – Product and Places](#)

[UL California Prop 65 Overview Training](#)

Questions

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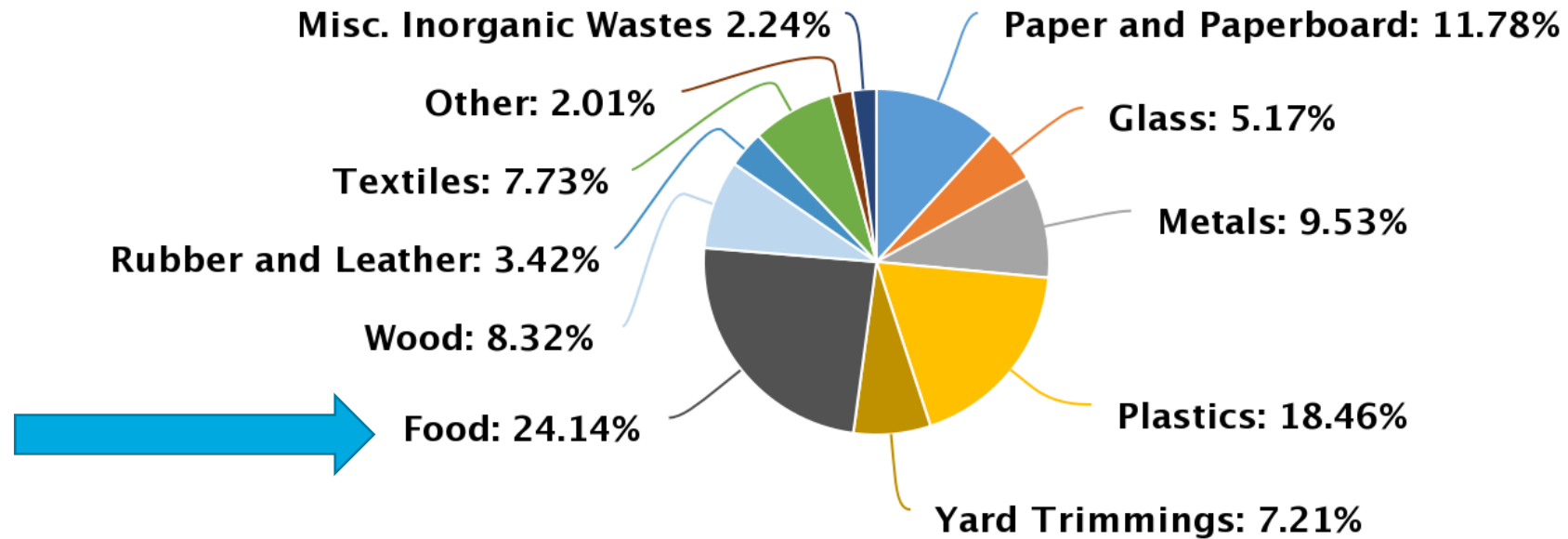


Benchmarking -- Discussion

Food waste at the
Store Level

Total MSW Landfill by Material, 2018

146.1 million tons



Food waste at facility level questions

How would you characterize the importance/priority placed on reducing food waste at your stores?

- Low, we sell little to no food products.
- Low, its not a priority.
- Only a priority in areas with regulations around food waste and composting.
- Medium – its part of our waste and GHG targets
- High – its an important part of our waste and GHG targets
- Very High – even our CEO and C-suite are involved

Food waste at facility level questions

What areas do your current or planned programs for reducing food waste cover?

- Portion size
- Consumer education campaigns
- Demand planning
- Waste tracking
- Markdown alerts
- Date Labels
- Package design
- Storage and handling
- Other
- Does not apply

Food and Organic Waste Resources

RCC Resources

- [Mandatory Organics Recycling Regulations](#) (fact sheet)
- [California Organics Recycling Regulations](#) (fact sheet)
- [Organics Recycling With A Compost Pickup Service](#) (blog post)

Other Resources

- [ReFED](#)
- [EPA Sustainable Management of Food](#)
- [CalRecycle Organic Materials Management](#)



Benchmarking Discussion

Open Mic



Retail Environmental Roundtable

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](#)

[Register here](#)

Next ECN Call

No November call
because of the
Roundtable!



January 19 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
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RILA Contact Information



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For more resources:

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

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Thank You
