

# Interview: Environmental lobbyist Heidi Sanborn

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News



by AARON GILBREATH posted 11.28.2022

California recently approved three sweeping environmental laws: [SB 54](#), [SB 343](#), and [AB 1201](#). Hopefully, this game-changing legislation will shape national policy about recycling, composting, plastic pollution, and human health.

We have many people to thank for the recent measures to reduce plastic pollution and increase plastic recycling, but we citizens rarely know who. Heidi Sanborn is one of those people.

The founder of three nonprofits, she is currently executive director of the National Stewardship Action Council and also serves as VP of the board of the Sacramento Municipal Utility District, a community-owned electric utility.

| In her youth, she wanted to work as a singer, but she took a career test at Long Beach City College that suggested she would make a great environmental lobbyist.

During the two years she chaired the State Commission on Recycling Markets and Curbside Recycling, the 17-member commission successfully got 34 policies to the Legislature with 17-0 votes, which is impressive unanimity in our divisive era.

Many of those recommendations became law, including SB 343, “[The Truth in Labeling for Recyclable Materials](#),” and its companion bill AB 1201, about compostable product labeling. The National Stewardship Action Council co-sponsored both SB 343 and AB 1201 with Californians Against Waste. Sanborn also worked at the center of California’s extended producer responsibility law SB 54, which imposes the most stringent plastic reduction rules in the United States, and the nation’s first true circular economy bill.

With over 32 years of experience as a leader in the solid waste industry, Sanborn is now the nation’s foremost expert on producer responsibility and product stewardship. In her youth, she wanted to work as a singer, but she took a career test at Long Beach City College that suggested she would make a great environmental lobbyist. Once she researched what exactly that was, she transferred to UC Davis to earn her Bachelor of Arts in Political Science, and later a Master of Public Administration in Non-Profit and Government Management of the University of Southern California.

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Sanborn spoke with me about tackling our world’s largest waste challenges, the course of her professional life, her ideas and hopes, and the work that lays ahead. She keeps a quote from Joan of Arc in her office that speaks to her sense of purpose: “I am not afraid,” it says. “I was born to do this.”

**Capitol Weekly:** You are the nation’s foremost expert on producer responsibility and product stewardship, correct?

**Heidi Sanborn:** Yep. I’ve passed more producer responsibility and product stewardship bills and implemented them than anybody.

**CW:** How did you develop your expertise, and how has that led to California’s recent sweeping waste legislation, [SB 54](#), [SB 343](#), and AB 1201?

**Sanborn:** My interest in product stewardship started in 2000, when I worked as a policy advisor to the chair of the California Integrated Waste Management Board. Chair Linda Moulton-Patterson asked me to pick three things that I wanted to accomplish while she was chair and to focus on those things. While at a conference I learned how other countries were implementing extended producer responsibility policy, called EPR, where the government set the performance standards and producers had to meet them, be it a recycling goal rate by a certain date, for example, and then the government had the oversight role, making sure there was transparency, accountability, and they enforced the program. As a policy person, with a Master of Public Administration from USC, I take good governance very seriously. Having watched California’s bottle bill, I didn’t think that the proper role of government was to run a program that manages \$2 billion dollars each year and has approximately 500 people at that

time overseeing 4% of the non-toxic waste stream. There are fantastic things about the bottle bill program, but it has never worked optimally, so I started learning about how producers could take charge of doing the work, since they make the design and marketing decisions, and only they can change material choices and product design.

“Also in 2008, was the lead-based lunchboxes fiasco, where 50,000 or so lead-painted lunchboxes were sold in the state...”

After helping get EPR into the state strategic plan, I realized there was not much more I could do there, so when I left, I became an advocate for EPR. I created two nonprofits to focus solely on product stewardship and EPR. The first was the California Product Stewardship Council, or CPSC. Second was the National Stewardship Action Council, or NSAC. Just last year, the NSAC board and I decided to create the National Stewardship Action Foundation, which gives us an IRSC3 nonprofit at the national level as well as an IRS C4, so we can now lobby anywhere in the country, educate the public and stakeholders, get grants to implement projects, and we can do all kinds of activities under a circular economy umbrella...

In 2008, we passed the first EPR law in California for mercury thermostats. The state leveled the playing field on other products that year too including agricultural pesticide containers, which the state made into a mandatory producer run collection program. Also in 2008, was the lead-based lunchboxes fiasco, where 50,000 or so lead-painted lunchboxes were sold in the state, and they were coming back to public facilities and all the waste operators were saying, “Why am I paying to dispose of this? This wasn’t even supposed to be sold!” So, California passed a bill requiring the producers of lead painted lunchboxes to take their toxic products back if it was illegal to sell.

“I wanted internalized costs for the cost of recycling as a cost doing business, like every other expense, because that’s when producers care about design.”

**CW:** It sounds like you have always had clear opinions on how producer responsibility should work, and you know how to respectfully, and effectively, disagree over details.

**Sanborn:** Yes, when Californians Against Waste sponsored the mattress bill in 2013, I didn’t like it. I fought it up until the very end and said they were going to regret doing a visible fee. I wanted internalized costs for the cost of recycling as a cost doing business, like every other expense, because that’s when producers care about design. The reason is that when a producer who’s publicly traded on Wall Street must have a quarterly meeting and explain all the different line items of their budget, and one of them is recycling and take back, they get negative feedback if those costs go up. Shareholders will want to know: What are you doing? Why are you spending so much on that? Well, they should redesign the darn thing, make it more durable, refillable, make it more recyclable, less toxic, and make it out of materials that are recyclable, and then you get that cost down. Until that economic feedback happens, they

have literally no financial reason to focus on eco-design. Instead their reason is altruistic. I don't want vital environmental protection being based on somebody's altruism. It needs to be part of the business model.

2018 was a big year when we passed SB 212 by Senator Hannah-Beth Jackson and Assemblymembers Phil Ting and Adam Gray, and it informed how we approached SB 54. Many people thought there was no way we were going to pass medication and needle EPR and the manufacturers in big tech and big pharma to take these unused medications and used needles back and *pay for it* in the whole state of California. But I don't take no for an answer.

**CW:** So now that you have SB 54 in California, would you retroactively try to expand an existing law to include those parameters?

**Sanborn:** SB 54 is exactly what we wanted, but I would not go back to change bills unless the program is not working. It was the pharmaceutical and sharps program model as the base, which by the way, is now officially rolling out in California this year. Producers have to hit several clear targets, including elimination, recycling rates and dates, source reduction, a refill target of 4% by 2030, and so on, and they must prove they're hitting the targets to keep selling in California, so it would be wise for them to use recycled content to drive the market for the material they choose to use for packaging. The reuse-refill targets are the first in the nation. Elimination: Producers have to eliminate 10% of their packaging right off the top, and they have to do it by both volume and by unit. That's hard to do.

“How do we reduce contamination? How do we define recyclable and compostable? How do we create markets for recyclables? We tackled all of it.”

**CW:** One interesting thing about SB 343's chasing arrows and recyclability rules is how it will hopefully force producers to spend the money to create the markets to reuse their material. Sure, these plastics can be recycled in theory, but in practice, they need markets to incentivize that they get recycled, because many resin numbers do not. By placing the responsibility on plastic producers, maybe they will pool their resources and spend the money to create markets to recycle their own waste. Is that correct?

**Sanborn:** Yes. Producers now have to hit targets that protect people and planet. With SB 343 and AB 1201, I was chair of the Statewide Commission on Recycling Markets and Curbside Recycling. It was a 17-member board, and we were all appointed by Cal EPA, and I was elected chair and served in that capacity on the Commission for its first two years. We finalized 34 policy recommendations that were all passed with unanimous votes. That is very difficult thing to do, so I'm extremely proud of all the commissioners and everything we accomplished, because we had a wide variety of stakeholders on the commission including waste management companies, NGOs, local government representatives, unions —the whole gamut—and we all managed to agree on 34 policy recommendations.

**CW:** What do you think that says?

**Sanborn:** I think that says that even groups who have a lot of disagreement on a lot of things, when they are civil and treat each other with respect, and they are active listeners, they can still come to agreements and find the middle to thread the needle and solve big problems. I think we did that through the Commission, and then the Commission set the tone for SB 343, AB 1201, and, also, for SB 54 to pass.

**CW:** Does that productive civility also speak to everybody's recognition that these waste management problems have gotten out of control?

**Sanborn:** Yes. The haulers were incredibly frustrated by all the products and contamination they have to deal with at the backend of the system when they have zero communication or knowledge of what producers were selling—which was whatever they wanted to sell in the market, because it looked good or was going to sell better. It didn't matter if it was recyclable, compostable, or a contaminant to recycling streams. Producers didn't care about the waste. So we at the Commission created a space to have a respectful conversation about all these things, and the public could weigh in on the discussion. Everybody had a voice. We laid out are the specific tasks we were given by the legislature: How do we reduce contamination? How do we define recyclable and compostable? How do we create markets for recyclables? We tackled all of it, and the legislature, thank goodness, responded, and started introducing and passing bills based on the policy recommendations.

“Overseas these stakeholders are having drinks together and solving problems. It made me wonder: *What's wrong with us? What happened to us?*”

The other thing that I think played into this strongly was education. I had been traveling the world seeing producer-run programs that work. I was so frustrated coming home to see everybody fighting over these issues instead of talking. Overseas these stakeholders are having drinks together and solving problems. It made me wonder: *What's wrong with us? What happened to us?* So I decided it would benefit everyone to get the legislators and other policymakers and stakeholders on study trips to see, firsthand, what they do in other countries. They needed to get out of this bubble, where they hear stakeholders bickering and hear the same big companies using high-paid lobbyists to tell them a bunch of stories that, I'm sorry, are not always true. I was introduced to Jay Hansen, President of the California Foundation for the Environment and the Economy—a 40-year-old nonprofit. All they do is take legislators on study trips and have dialogues to learn about hot topics of the day. If I remember correctly, their focus was on water, energy, health, technology, and climate, but they didn't have any focus on waste management. I told them that we cannot talk about water pollution or climate without talking about waste management. They're connected. So we started the 'California's Recycling Challenge' study trips in 2019. We've visited Vancouver,

British Columbia, Toronto, Quebec, Seattle, Oregon, and Maine—which passed the first packaging EPR bill in the U.S. We picked the locations strategically based on the news of the day.

**CW:** Is the idea to show them the need to unite these pieces of the policy puzzle—waste, climate, pollution, water—inside the circular economy rubric in new legislation?

“The fact is, California has come light years from where we were when I started doing this work in 2000.”

**Sanborn:** Yes, the public health and environment are linked just like waste management and climate are linked. Lobbyists have told legislators things that I don’t think are true. When I take them out of the bubble and plop them into a facility that is doing exactly what they were told couldn’t be done in California, the light bulbs go off. After attending one trip, I had one legislator tell me, ‘I have a few words for a particular lobbyist that I know has not told me the truth.’

**CW:** So if it’s not just profit margins that make U.S. companies wail about how producer responsibility will crush their business, what is it about companies who insist that they can’t do what Europe does, when you see other companies doing it?

**Sanborn:** I am not sure. Some are having a knee jerk response to any sort of government requirement because they’ve been able to sell whatever they want and externalize end of life costs for so long.

**CW:** Does seeing things work in Europe give you hope that new policy and approaches can get adopted in California? That we will achieve better standards for waste, pollution, climate, and waste here?

**Sanborn:** Oh yes, absolutely. The fact is, California has come light years from where we were when I started doing this work in 2000. Twenty-two years ago, nobody could have imagined that California would pass a bill where the manufacturers of all packaging had to reduce waste, create a refill system, go back to refillables, hit recycling and composting targets, and pay \$5 billion to clean up California of all this mess. Nobody thought we could ever do that! I’ve been told a thousand times ‘You can’t, you can’t, you can’t, you can’t.’ I say, watch us.

“Leadership is a lot about having vision but also knowing how to lead people and have them follow. Leadership is also about tenacity.”

**Here’s the thing:** If you get enough committed people, you can, you can, you can. I call it lockjaw. Once we bite, we’re locked. We are not letting go until we get it. That’s exactly what happened with the producer responsibility law with big pharma and sharps needles. I had to get 12 ordinances passed before L.A. County was ready to go. And then pharma acquiesced

and said okay, let's just do a state bill and harmonize the rules. There was too much momentum for them to resist. They wouldn't work with us on a state bill, so I had to take one bite at a time with those 12 separate ordinances, and I made sure they were all a little different to make their head spin and make them want a state bill. In other words: We got it done. We get the impossible done over and over again. We tell people all the time: 'We want to work with you, but you make it very difficult.' It's more fun for me to have a group who wants to work with us to solve a problem, like the paint industry did. They were relatively easy to work with. Carpet has been challenging. So has the mercury thermostat manufacturers. Leadership is a lot about having vision but also knowing how to lead people and have them follow. Leadership is also about tenacity. You have to stay true to your vision, and that's what we do. I will not let go until we get the big kahuna done. SB 54 is the big kahuna.

**CW:** Along with reducing the amount of plastic getting pumped into the marketplace, California law now stipulates that more of the plastic that is supposedly recyclable actually gets recycled. AB 1201 aims to fix compostable product labeling and the compost stream what SB 343 does with recyclable product labeling. Learning that there forever chemicals in many supposedly "compostable" single-use foodware is disturbing. It's disturbing to learn that things that are supposed to be compostable actually break down into microplastics and spread, rather than become usable organic matter. Can you talk about that?

“When compostable plastics go in the composting bin, we cannot tell if it is safe for the compost, so it's pulled out. That adds huge amounts of cost.”

**Sanborn:** The waste haulers were part of that discussion to set up SB 343 and AB 1201. The process and cost of recycling film is a nightmare, for example, as is determining what is 'composable' if you are a consumer. Film plastics wrap around the recycling machinery belts. We have to cut them off, pull them out by hand, and it slows everything down. When compostable plastics go in the composting bin, we cannot tell if it is safe for the compost, so it's pulled out. That adds huge amounts of cost. Consumers have the right intentions. They just don't get clear, sensible labels and instructions to follow. Plastic products have a chasing arrow symbol, so they think they're doing the right thing putting it in the recycling bin, but the misinformation and misleading labeling means waste processors and agencies have to sort the majority of plastics all out—usually only number one and two resin plastics are recycled, not three to seven—and that's what's costing everybody a fortune. Same with 'biodegradable' and 'compostable' and 'no microplastics' labeling. We have seen all of those terms on labels for products and they're not true for many. That's why it was so important to all of us to address the contamination of the recycling and composting streams. I personally think the state and the whole country needs a program where every child of a certain age gets educated with site visits for every single utility that they end up paying for as an adult, because they need to understand the costs of these systems and why they are the way they are right now.

**CW:** It's like the water in the faucet. Even if there's not a lot of it, when you turn on the faucet, clean water comes out. How? We don't know. It just does. But we can increase public appreciation for waste processing and recycling, and improve our sorting of it at our homes, with some strategic government help?

**Sanborn:** Well, we have to make it a lot easier for people. That's why we passed the truth and labeling bills, because the public is being lied to on the label. At the Commission, one of our charges was to help advise Cal Recycle in their public education campaign. Now, with compostable product labeling: Would you buy food in a supposedly compostable bowl if it was sprayed with toxic chemicals? If they put skull and crossbones on it, would you? No. Well everybody in America is doing it all day, and they have no idea, because it's not labeled that way. That makes me angry, because that means people are exposing themselves to toxic substances against their knowledge and will and I am happy to say that by July 1 of 2025, companies cannot call anything recyclable or compostable with intentionally added PFAS in the packaging thanks to SB 343 and AB1201.

**CW:** You know, one of my daughter's preschool friends had a birthday party recently. We were literally eating a vegan rainbow cake on a piece of compostable paper, and I told one of the vegan parents there, 'You know, it's a great time to be vegetarian, but we're still probably eating forever chemicals on this frickin' 'compostable' plate.' Why? He had no idea, and this is an informed eater!

**Sanborn:** How would people know when nothing's labeled correctly? Companies have lobbied hard to make sure that they're not labeled with transparency to ensure they can make an informed purchasing decision. That bothers me and why our 'free market' is not really working as designed, because the assumption is that the public has information to make informed decisions, and they don't.

**CW:** How can manufacturers still use these toxic, horrific chemicals in supposedly compostable foodware? How has that remained acceptable?

**Sanborn:** Because government has been distracted or underfunded, and because some of the lobbyists who work for these chemical companies used to work for the government. They know how this works. It's standard for lawmakers to become lobbyists. I dealt with one on SB 212. They take a pay cut to work in government but eventually get a lobbying job and jump to pharma, or jump to chemical companies, for much better pay.

**CW:** As a concerned citizen, it's difficult to simultaneously feel confident and hopeful about new legislation's ability to move the needle—like SB 54 and SB343—while also knowing that many people in government do what is best for themselves, rather than the public and planet. It's a strange tension to hold.



**Sanborn:** It is. I don't know what the future is going to hold. There's only one thing I know for sure. I know how I'm going to behave. And I know that we have to stand up and fight, because being nice is not working. We have to be smart. We have to be strategic. I've always said that we can't outrun the opposition with money. They're too wealthy. We have to outsmart them.

If young people vote, there is hope. This can turn around quickly, because they really are tired of BS from anybody, and their BS meters are very good. They realize when they're being lied to, and that's why they are very careful where they spend their money. Interestingly, they are not loyal to brands at all. My parents, if you took away the Crest toothpaste, they'd lose their minds. They don't even know what's in their products or anything, or that they used to put plastic pellets in toothpaste. But this younger generation?

It blows me away that some companies are literally exposing their customers to known dangerous substances. It's a strange business model but, as I always say, if you can't explain the behavior, follow the money.

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*Editor's Note: Aaron Gilbreath, author of "The Heart of California: Exploring the San Joaquin Valley," is a regular contributor to Capitol Weekly.*