



To Valued Publix Suppliers
From Dave Bornmann, SVP Business Development Grocery, Fresh & Customer Service
Date May 7, 2018
Subject **Requirements for Generators of Hazardous Wastes**

Overview

On October 28, 2016, EPA published a final rule to the Code of Federal Regulations changing many long-standing requirements for generators of hazardous wastes. Under the regulation, a person who generates solid waste is responsible for accurately determining whether the waste is a hazardous waste, and if so, to ensure that the hazardous waste is properly managed. A hazardous waste determination must be made at the point of waste generation based upon acceptable knowledge about that waste.

The rule generally does not take effect until adopted by each individual state but will take effect in a majority of the states we operate in by July 1st, 2018.

Implications

In order to create and maintain records supporting hazardous waste determinations, Publix has selected the WERCSmart Solution supported by UL. This solution will give us visibility to information necessary to identify and manage products that may constitute hazardous wastes. WERCSmart is the only solution in the industry that derives the regulatory results from the manufacturer's provided formulation and is used by most major retailers.

Publix will rely upon our suppliers to provide the information to WERCSmart necessary to identify the supplier's products that may constitute hazardous materials or hazardous waste.

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**Supplier
Responsibilities**

For existing products, suppliers must register their Covered Products (as described in the table on page 4 of this memo) with the WERCSmart Solution **by June 1, 2018** to enable UL to perform a review of each product and enter the necessary regulatory information into the WERCSmart database.

If you already have a WERCSmart account with registered products, simply log into your account and click the button to “Forward Product Registration” and select “Publix Super Markets, Inc.” as a retailer to receive the data. If you do not have a WERCSmart account, please visit <https://www.ulwer-smart.com> to set up your account and enter the required information into the WERCSmart portal for each Covered Product.

For new products being presented to Publix, suppliers will need to register the item and Publix will need to receive the data from WERCSmart, prior to the item being authorized to any Publix store.

Covered Products whose formulations, ingredients or UPC codes have changed in any way will need to be reevaluated by WERCSmart prior to receiving by any Publix store.

**Removal of
Hazardous Wastes
from the store**

Non-intact products (leaking, damaged, etc.) that can be classified as hazardous waste can no longer be removed from the store or disposed of in accordance with the Damage Return Agreement, even if delivered via DSD. Publix will now manage these hazardous wastes through a third-party hazardous waste handler.

If you have signed a Damage Return Agreement and elected to have unsaleable products destroyed or discarded, and one or more of these products can be classified as a hazardous waste, please complete and sign a new Damage Return Disposition Agreement (available on the Publix Portal) **by June 1, 2018**, electing one of the other options for disposition of unsaleable product. In the event that you do not provide a signed and completed Damage Return Disposition Agreement by June 1, 2018, Publix will determine the disposition of your products that become unsaleable.

If you are a DSD supplier and have managed product through supplier personnel, your personnel will no longer be able to remove from the store non-intact products that can be classified as hazardous waste. Publix will now manage these hazardous wastes through its third-party hazardous waste handler.

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Supplier Costs

UL will assess a per product registration fee based on the service required and the type of product being registered. Pricing information can be found at <https://www.ulwercsmart.com/subscription-options.php#pricing>.

Publix will incur significant additional costs associated with hiring a 3rd party hazardous waste handler to pick up and manage unsaleable products that can be classified as hazardous waste. Effective July 1st, 2018, Publix will assess quarterly waste disposal fees for any unsaleable product that is classified as a hazardous waste by WERCSmart. This fee will be based on the disposal cost that Publix incurred the previous quarter and allocated across suppliers based upon the volume of items that were disposed. We plan to operate this way for at least the first year after which we will re-assess and make any adjustments needed to the process.

Critical Timeline

Failure to register your products with WERCSmart **by June 1st** could result in removal of unregistered products from our planograms and items being deauthorized for sale at Publix stores.

Questions

For questions regarding the Publix program, please email wercsinfo@publix.com Visit the WERCSmart Help Desk at <https://wercsmart.freshdesk.com> for helpful documents, tutorials and resources.

If you have any questions regarding the quarterly waste disposal fee assessment, please contact Paul Dixon at (863) 688-7407, extension x52238.

We greatly appreciate your cooperation and partnership in this project.

Sincerely,



Dave Bornmann

SVP Business Development Grocery,
Customer Service & Fresh

The following types of products are Covered Products, however this is not an all-inclusive list. If you have any questions about whether a product must be registered, please go to the WERCSmart website at <https://www.ulwercsmart.com>

Non-Food Products Containing Chemicals

- Any product that is advertised or labeled to kill, repel, or prevent the growth of any living organism. This includes, for example, anti-microbial products. It also includes all pesticides and other products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act
- Any product that contains a powder, gel, paste, liquid, or gas, and which is not intended for human consumption
- Products intended for human inhalation, consumption, or absorption: lozenges, pills or capsules (e.g. pain reliever, water pills)
- Medicated swabs, wipes and bandages
- Patches (heated and/or medicated)
- Liquids (e.g. soap, shampoo, cough medicine, eye drops, ear drops, nasal spray and inhalers)
- Medicated shampoos, gums, ointments and creams, including suntan lotion
- Lip balm, lip creams and petroleum jelly
- Contraceptive foams, films, and spermicides
- Equipment sold with chemicals (e.g. vaporizer sold with medication, air fresheners, and gel shoe inserts)
- Any other over-the-counter medication or supplement of any kind

Food Products Containing Chemicals

- Food aerosols with propellant
- Extracts
- Concentrated flavored water enhancers
- Energy Bars
- Vitamin and vitamin drinks

Aerosols

- Any product that contains a compressed gas or propellant

Batteries

- All batteries
- Any product that contains a battery of any kind

Electronics

- Any product that contains a circuit board (e.g., blinking lights or making sounds)

Fluorescent Lamps

- Fluorescent lamps and compact fluorescent lamps
- Halogen lamps that are not certified lead-free
- High-Intensity Discharge (HID) lamps (e.g., grow lamps)