Extended Producer Responsibility

Connecticut Coalition for Sustainable Materials Management

EPR Work Group

Scott Cassel
CEO + Founder

October 8, 2020
Product Stewardship Institute

National Non-profit Building the capacity for product stewardship and EPR in the U.S. to reduce the health & env'l impacts of products across their lifecycle for 20 years

Members from 47 state gov’t agencies hundreds of local gov’ts

> 100 Partners representing producers, recyclers, waste management, retailers, NGOs, academics, international gov’ts
Eight Key Elements of EPR Systems

1. **legislation**: levels the playing field
2. **scope of products**: what’s covered?
3. **producers responsible** for financing (and managing) programs
4. **financing mechanism**: how the system is financed
5. **stewardship organization(s)** manage programs
6. **design for environment** & eco-modulated fees
7. **options for local government** (recycling cost coverage)
8. **government oversight** of industry’s plan
Legislative Elements of EPR for PPP Framework for Discussion

- Covered materials/products
- Covered entities
- Responsible party ("producer")
- Stewardship organization(s)
- Funding mechanism/Covered Costs
- Performance standards
- Convenience standards
- Design for environment & incentives
- Stewardship plan contents
- Reporting requirements
- Outreach/education requirements

- Antitrust & competition
- Pre-emption and related laws
- Penalties for violation
- Administrative fees
- Audit requirements
- State & local government roles
- Implementation schedule
- Markets, research & infrastructure
# Elements of Packaging and Paper Products (PPP)

## EPR Legislation

**Updated June 2020**

This document provides a menu of legislative "elements" and options for state and local officials to use to develop extended producer responsibility (EPR) bills for packaging. The document provides guidance on elements that are necessary components of effective state EPR legislation in the United States. It is also intended to harmonize state legislation across the country. The document was developed by the Product Stewardship Institute (PSI) and a working group consisting of PSI state and local government members and will be updated periodically as appropriate. If you are developing an EPR bill for packaging, please contact PSI’s Sydney Harris (sydneyh@productstewardship.us) for additional resources.

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>BASE MODEL</th>
<th>OPTIONS AND ADDITIONAL CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. COVERED MATERIALS/PRODUCTS/MARKET SECTOR</td>
<td>Packaging is defined by its functions: containment and/or protection. Packaging includes consumer-facing (i.e., intended for the consumer market) primary, secondary, or tertiary packaging, as well as service packaging designed and intended to be filled at the point of sale (such as carry-out bags, bulk goods bags, take-out and home delivery food service packaging, and prescription bottles).</td>
<td>Note: When determining what materials and what entities will be covered, keep in mind that Covered Materials and Covered Entities (Element #2) should align (i.e., the program should pick up material that producers are paying for under Covered Materials). Options to include in Covered Materials:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Single-use plastic products (e.g., cutlery). • Packaging-like products (e.g., aluminum pie plates, sandwich bags, corrugated cardboard moving or file boxes, plastic wrap, aluminum foil). Rationale: Consumers don’t distinguish between PPP and these products, which are often put in recycling bins but are not Covered Materials under the base model. Therefore, producers that pay into the recycling system would subsidize the recycling of these other products.</td>
</tr>
</tbody>
</table>
Most basic material fees for EPR systems

Based on: material, weight (or unit), and net recycling costs

Lower fees: easy-to-recycle materials w/high market value

Incentivizes: waste reduction, recyclability
Eco - Modulated Fees
Design for Environment

**Goal:** incentivize packaging with minimal env’l impacts

**How:** bonuses/credits or extra fees

**Criteria:**
- recycled content
- recyclability
- resource use
- toxics reduction
- GHG emissions
- litter
EPR for PPP: PSI’s Model in Action

**State legislative activity (2019-20)**

Packaging EPR activity in at least 12 states

**Break Free From Plastic Pollution Act**

Federal Legislation by Sen. Tom Udall (D-NM) and Rep. Alan Lowenthal (D-CA)

- EPR for packaging
- national bottle bill
- bag ban + fee
- other single-use plastics bans
**EPR for PPP: 2 Basic Models**

1. Consumer purchases product (a vase from Vases.com)
   - Foam peanuts are placed in the trash.
   - Cardboard is placed in curbside or drop off recycling

2. Cardboard box arrives containing the vase, packaged in air-filled plastic pouches and foam peanuts
   - Vases, Inc. pays PRO based on all packaging used

3a. Pouches are not yet recyclable! The PRO funds research on pouch recycling. Some recycling through in-store collection, where available.
3b. Cardboard is placed in curbside or drop off recycling
3c. Foam peanuts are placed in the trash.

4a. Recycling hauler collects recyclables
4b. Trash hauler collects curbside
5a. Paper recycler pulps and manufactures paper products
5b. MRF sorts and processes materials
6a. New packaging using post-consumer cardboard

**Option 1: Municipal Reimbursement:**
- PRO reimburses local gov’t for recycling costs

**Option 2: Local government contracts with hauler, possibly with MRF:**
- Option 2: Full Producer Responsibility. PRO contracts with hauler & MRF

Disposal
Either system: Local gov’t pays for trash collection & disposal
Working in the Northeast Region on EPR for PPP

- Research
- Policy Development & Facilitation
- Tools & Guidance
- Education
- Coalition Building
- Implementation Support & Program Evaluation
Key Stakeholders

- Residents/Consumers
- Producers
- Haulers & Processors
- Recyclers
- State Government
- Municipal Government
Thank You!

Scott Cassel
CEO + Founder, Product Stewardship Institute
617.236.4822
scott@productstewardship.us
www.productstewardship.us