

SINGLE-USE PRODUCTS WORKING GROUP

EPR PROGRAMS
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Issues Discussed at Last Meeting

- The amount of SUPs being produced/consumed is increasing.
- Significant landfill capacity is used to dispose SUPs
 - ~ 1/3 of VT MSW disposed is SUPs
 - Not all SUP can be recycled, only about half of what is currently disposed
- Recycling costs are increasing dramatically and must be addressed, to sustain recycling and before more materials are required to be recycled.
 - VT taxpayers/users are paying for recycling of these SUPs.
- There are negative environmental impacts from SUPs.

Act 69: Requires SUPs WG

To make recommendations that:

- (A) **reduce the use** of single-use products;
- (B) **reduce the environmental impact** of single-use products;
- (C) **improve statewide management** of single-use products;
- (D) **divert single-use products from disposal** in landfills; and
- (E) **prevent contamination of natural resources** by discarded single-use products.

What is EPR?

- **Extended Producer Responsibility** is about product management, where producers/manufacturers have a mandated responsibility for end-of-life management product/packaging management.
- **PSI's Definition:** *“Extended Producer Responsibility (EPR) is a mandatory type of product stewardship that includes, at a minimum, the requirement that the producer’s responsibility for their product extends to post-consumer management of that product and its packaging. There are two related features of EPR policy: (1) shifting financial and management responsibility, with government oversight, upstream to the producer and away from the public sector; and (2) providing incentives to producers to incorporate environmental considerations into the design of their products and packaging.”* (from Product Stewardship Institute webpage)

What are the benefits of EPR?

- Provide **incentives to manufacturers** to make changes that can result in less toxic, easier to recycle products/packaging
- Provide for **convenient collection opportunities** for used products/packaging, that can result in increased recycling rates
- Provide **financial relief to municipalities and taxpayers** for the costs of managing used products/packaging (the costs can be embedded)
 - EWaste example

Who is Involved with EPR?

Shared Responsibility

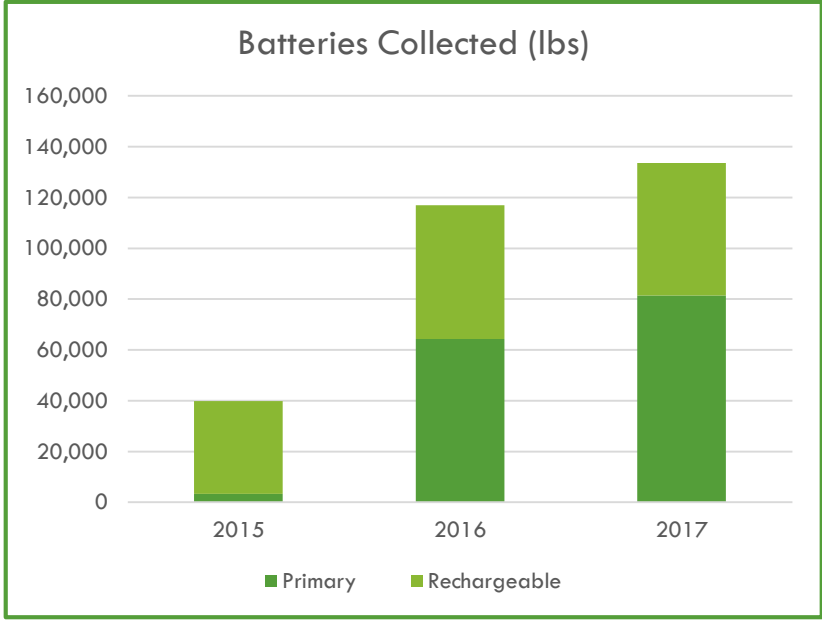
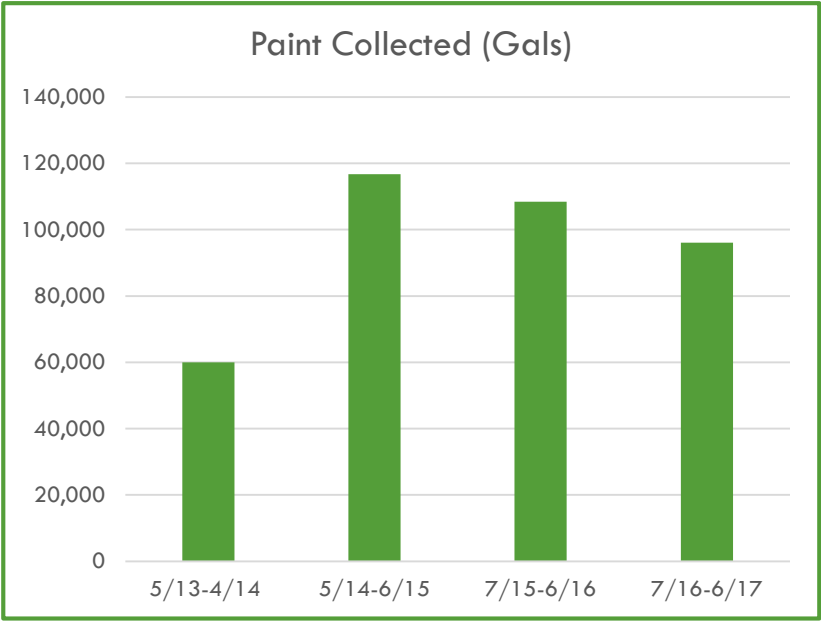
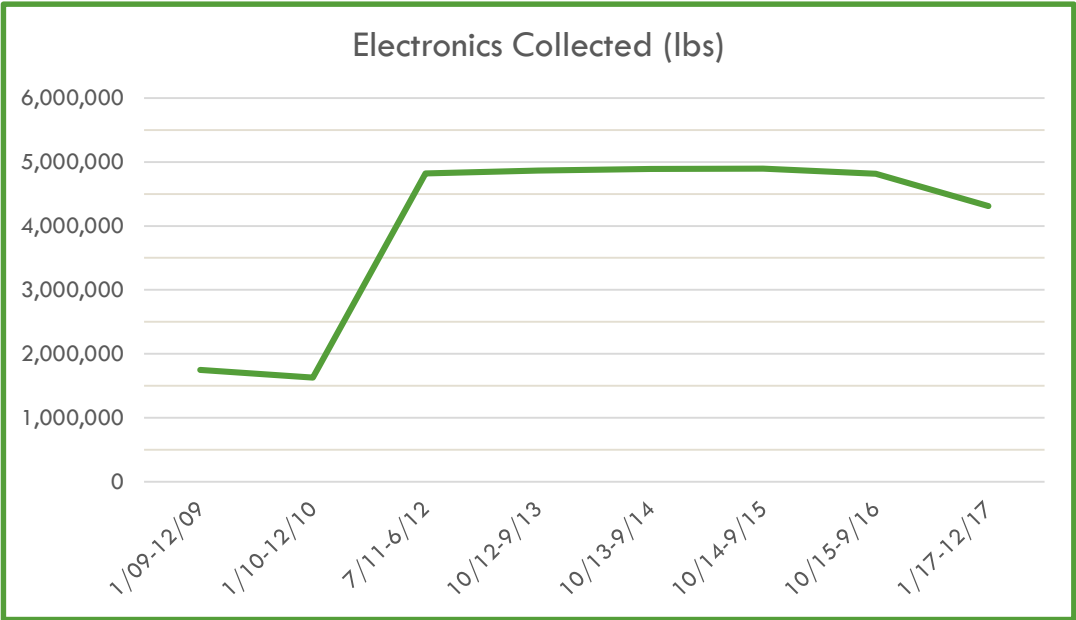
- Manufacturers/producers
- Retailers
- Consumers
- Government



Vermont EPR Programs



<p>Electronics</p>	<ul style="list-style-type: none"> • Highest per capita collection rate nationally • Collection tripled after program started
<p>Mercury Lamps (Bulbs)</p>	<ul style="list-style-type: none"> • Highest recovery and per capita collection rates nationally • 166.6 pounds of mercury have been collected since the start of this program
<p>Mercury Thermostats</p>	<ul style="list-style-type: none"> • Highest per capita collection rate nationally • This program collected 17.3 pounds of mercury in 2017 from 2,468 thermostats
<p>Mercury Auto Switches</p>	<ul style="list-style-type: none"> • 5,606 switches and 12.34 lbs of mercury collected since start of program in 2007
<p>Primary Batteries</p>	<ul style="list-style-type: none"> • Collection of primary batteries has increased by 2,300% since program started • Collection of rechargeable batteries has increased by 43% since program started
<p>Paint</p>	<ul style="list-style-type: none"> • Highest recovery rate of all state programs • Collection has increased by an average of 78% since the program started



Vermont EPR Programs

- Increased the amount collected, recycled (graphs)
- Saves taxpayers and SWMEs money
 - E-waste example:
 - Collected 32,093,420 pounds in 7.5 years,
saving taxpayers & SWMEs over \$10M
- Different Models

Basic Components of SUPs EPR

- **Definitions** (covered products, producers, brands, covered entities, etc.)
 - Consider whether program will cover materials from residents and business.

- **Convenient collection system** throughout the state, usually at no additional costs to consumers
 - Consider how existing infrastructure will be used

- **Outreach & Education** requirements

Basic Components of SUPs EPR (continued)

- ❑ **Stewardship organization**, usually a not-for profit organization that works on behalf of the manufacturers to plan and implement the program
 - ❑ Consider whether to allow multiple Stewardship organizations or option for manufacturer(s) to work independently
- ❑ **Plan** to include which producers/brands are represented, collection services, how materials will be managed, data management, education & outreach, performance goals, how performance will be met, reporting, etc.

Stewardship org. is required to submit plan to state for review and approval.

Basic Components of SUPs EPR

(continued)

- **Producers pay** stewardship organization for costs of program, including the collection, transportation and recycling/management of the used product/packaging
 - Consider **Modulating Fees**, based on recyclability, PCR content, and toxicity. Higher fees for materials that can't be recycled.
 - Consider requirement of **embedded fees**
 - Allow use of national sales data, prorated for state population
 - **Exemptions for small producers**, quantity of products or sales

Basic Components of SUPs EPR (continued)

□ Stewardship Organization

- Consider how to require payment or reimbursement for the costs to collect, transport, and recycle materials from residents and businesses
- Consider payment for portion of waste stream that is disposed
- Consider their efforts to enhance/develop markets for recycling materials
- Consider having stewardship organization report annual on efforts and effectiveness to
 - (A) **reduce the use** of single-use products;
 - (B) **reduce the environmental impact** of single-use products;
 - (C) **improve statewide management** of single-use products;
 - (D) **divert single-use products from disposal** in landfills; and
 - (E) **prevent contamination of natural resources** by discarded single-use products.

Basic Components of SUPs EPR (continued)

- **Sales**, A producer can't sell their products in state if not participating
- **Collection/performance Goals** for each material type (glass, paper, #1 plastics, etc.) and **consequence** if goal is not met
- **Annual Reporting** by stewardship org. of amount of material collected, how material was managed, audit by 3rd party, status of the program, etc.
- **Anti-Trust protection**, so that producers in a stewardship organization can work together to implement the approved plan

Basic Components of SUPs EPR (continued)

- **Administrative Fees**, paid to ANR by stewardship organization, for oversight of program
- **ANR oversight**, define ANR's responsibilities and authorities, includes review and approval of plan, verify whether performance goals are met, rulemaking authority, enforcement, etc.
- **Confidentiality** of certain submitted data (sales, trade secrets)
- **Schedule** for program development and implementation

Other States

- Multiple EPR programs for various products throughout the US and in other countries
- Several States are considering new programs, including EPR for packaging, plastics, and/or SUPs
- Maine and Washington passed legislation to evaluate and report back
- California passed legislation on recycled content and is considering comprehensive legislation

Maine

Has EPR Framework law that outlines required components of EPR laws

Legislature passed a Resolve in May 2019. It requires:

- Maine DEP to submit proposed legislation for an EPR law for packaging by Dec. 16, 2019.
- The proposed legislation must include:
 - a system that has a stewardship organization,
 - producer fees are based on the recyclability or toxicity of packaging,
 - producer fees pay for reimbursements of 80% of the costs of recycling and a portion of costs of disposal of non-recyclable material,
 - funds for education & outreach, etc.

Washington State

2019 legislation:

Goal: have legislation that is effective Jan. 2022 to better manage plastic packaging

Requires state to hire 3rd party consultant to:

- evaluate various aspects of plastic packaging (amount, management, costs, infrastructure needed, etc.) and
- submit a report by Oct. 31, 2020

WA State (continued)

2020 report must include recommendations to meet the goal of reducing plastic packaging, including through industry initiative, plastic packaging product stewardship, or both to:

- Achieve 100% recyclable, reusable, or compostable by Jan 1, 2025
- Achieve at least 20% postconsumer recycled content in packaging by Jan 1, 2025
- Reduce plastic packaging when possible
- Identify expected costs and benefits

California Circular Economy Bill

- AB 1080 and SB 54
- Would require CalRecycle to, by 2024,
 - develop/adopt regulations to require **all** single-use packaging and “priority single-use products” sold in CA to be **recyclable or compostable by 2030...**[and]
 - “achieve and maintain” a **75% reduction of the waste generated from these single-use products.**
 - And more: labeling requirements, deposit systems, reusable & refillable systems, incentive programs, and more

https://resource-recycling.com/recycling/2019/09/17/single-use-packaging-proposal-on-pause-in-california/?utm_medium=email&utm_source=internal&utm_campaign=Sept+17+RR

Other CA bills recently passed by the legislature:

- Assembly Bill 827: Businesses that are required to recycle or compost will need to provide recycling collection services to customers.

https://resource-recycling.com/recycling/2019/09/10/california-moves-needle-on-commercial-collection/?utm_medium=email&utm_source=internal&utm_campaign=Sept+10+RR

- Assembly Bill 792: “Producers of most plastic beverage containers sold in California will need to include 10% recycled plastic across their product offerings by 2021 and 50% by 2030.”

https://resource-recycling.com/recycling/2019/09/17/two-recycled-content-bills-gain-approval-in-california/?utm_medium=email&utm_source=internal&utm_campaign=Sept+17+RR



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