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Framing Questions and Considerations for Discussing EPR

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AIV appreciates the opportunity to provide some initial comments on this issue, and looks forward to continuing to work with the Working Group as discussions progress.

EPR is a broad and varied policy approach. How effective it is and how appropriate it is can vary widely across products and industries, scale of jurisdictions, and actual program details. Addressing the specific pros and cons of applying EPR to the charges of this Working Group is somewhat difficult at this time given the lack of more specific or concrete proposals for discussion.

However, the following are some very basic initial questions and considerations that might help frame a discussion of whether or not EPR would make sense in addressing the Working Group's five charges or whether other approaches would be more effective and appropriate.

Considering EPR in the Context of the Working Group's Charges

Reduce the Use of Single-Use Products

- The Working Group should understand how single-use products, particularly packaging, use and design is driven by quality, health and safety, efficiency, and presentation and availability for consumers, and how these performance requirements limit the ability to change or reduce single-use packaging and other products, especially through a Vermont EPR program.
- Manufacturers are already motivated to minimize costs, including materials, regardless of whether Vermont imposes EPR costs. There are also sustainability goals and marketing and consumer appeal motivations that would be unrelated to EPR.
- The Working Group should understand how industry already has and continues to work to reduce unnecessary packaging and increase recyclability of products based on the much larger market context and practical technology and materials opportunities that would not be meaningfully changed by a Vermont EPR program.

Reduce the Environmental Impact of Single-Use Products and Prevent Contamination of Natural Resources by Discarded Single-Use Products

- With regard to environmental impact of single-use packaging and other product material composition, the Working Group should understand how that is driven by existing health and environmental regulations and the performance requirements noted previously. It does not appear that experiences in other jurisdictions that have EPR for packaging, for example, have seen meaningful effects in this area.
- With regard to environmental impact of recycling versus landfill disposal, the Working Group should understand the factors actually driving the market viability for recycled materials and consumer decisions on how they dispose of packaging and other products, neither of which would appear likely to be impacted by a broad Vermont EPR program in and of itself.

Improve Statewide Management of Single-Use Products

- The Working Group should understand whether and how any new management system and infrastructure on top of or replacing what already exists, as would be the case in some approaches to EPR, would make any rational or cost effective sense.
- The Working Group should also understand how an EPR approach that simply shifts costs on to manufacturers, and then back on to consumers, would in and of itself improve management. It is not clear why it would.

Divert Single-Use Products from Disposal in Landfills

- With regard the recyclability of packaging and other products, this is subject to the same cost effective and practical performance considerations noted above. And again, industry has and continues to work to improve recyclability where it can meet these needs, including where it can meet sustainability goals and improve marketing and consumer appeal without unduly compromising performance.
- Above all, however, diversion is a function of consumer choices, which are driven by consumer incentives and education that are not readily changed or necessarily dependent on EPR programs. The Working Group should understand what motivates and educates consumers, and how can that most cost effectively be pursued. This is also an area where a better understanding of industry programs and possible participation could be helpful.

Prioritizing the Working Group's Work

Generally, it does not appear that EPR is likely to be the most effective approach to meet the five charges of the Working Group, especially with regard to single-use packaging. Vermont has a fairly well developed recycling and waste management infrastructure in place. Simply trying to replace the existing system with a broad new EPR driven and managed system would seem unlikely to improve on the Working Group's charges, nor would simply shifting costs of the existing system on to manufacturers and then back on to consumers.

Industry is already motivated and acting on improving recyclability and reducing materials while still meeting performance needs. Broadly, convenient collection systems are in place. The biggest factor in further addressing the charges of the Working Group would seem to be individual consumer choices.

Educating consumers about the importance of proper recycling and directly incentivizing consumers would seem to be the most appropriate focus of the Working Group. There are ways that industry can assist in this area other than through broad EPR programs, and the Working Group should learn more about these opportunities as well.