epr opportunities + challenges: charting a path forward for Massachusetts

epr summit
boston, ma
february 28, 2019

scott cassel
ceo/founder, product stewardship institute
president, global product stewardship council
who is the product stewardship institute?

- members
- partners
- advisory council
- global psc
our mission

reduce the health & environmental impacts of products across their lifecycle
extended producer responsibility
psi’s epr roots in Massachusetts

• included ps/epr in 2000 sw master plan
• MA EOEEA – seed money for psi
• Gina McCarthy – founding psi board member
• revitalized MA PSC, handed off to MassRecycle
key elements of epr systems

1. **legislation**: levels the playing field
2. **producers** responsible for financing and managing programs
3. **stewardship organization(s)** manage program
4. **retailers** voluntarily collect products
5. **performance** goals/convenience standards
6. **government oversight** of industry’s plan
116 epr laws
14 products
33 states + d.c.
product categories

appliances with refrigerants
gas cylinders
pesticides
used motor oil

framework
carpet
auto switches

tires
radioactive devices
solar panels
challenges

**awareness**
of problems posed by improperly managed waste and recovery options

**infrastructure**
to properly manage products and packaging

**sustainable funding**
for permanent take-back programs

**industry opposition**
to legislation
psi strategy

- research, pilot projects, and evaluation
- facilitation and consensus building
- build product stewardship capacity through education and empowerment
- legislative technical assistance, analysis, lobbying, and stewardship models
the problem
example: paint

take → make → dispose
example: paint
9 U.S. EPR laws

31 million gallons collected
over $150 million gov’t savings
1,775 collection sites (77% retail)
increased consumer convenience
over 200 recycling jobs
Product Focus
Paint

www.recycledpaint.org
challenges
passing a paint epr law in ma

• retail association concern about border sales
  • discounts loss of benefit to other retailers in state
  • no evidence a fee in MA on paint will change consumer behavior
  • no evidence that fee in VT or ME has impacted sales to NH or residents changed behavior

• fee = tax – House Speaker’s concern?
  • Rep Patricia Haddad – Speaker Pro Tempore (bill sponsor)
briefing document and stakeholder meetings (2011)
devolved model, passed in 3 states (CT, RI, CA)
PSI/ISPA discussions in Oregon
recommendations to improve RI law (Lt. Governor's office)
challenges
passing a mattress epr law in ma

• last mattress law passed 2013; need to refine model w/ISPA?

• ensure all collected mattresses, regardless of condition, are managed by the stewardship program

• establish measurable performance goals for collection, recycling, convenience, reducing illegal dumping, and public awareness

• political aversion to fees
current system is...

• **stagnant**
  u.s. packaging recycling rate stagnant over past decade

• **fragmented**
  patchwork of public collection programs leads to high levels of contamination and inefficient processes – increasing costs

• **underfunded**
  municipal budgets are tight; costs are increasing (estimated at least $30 million per year spent to recycle packaging in state of Connecticut → 3.6 million population

• **difficult markets**
  china’s restriction on recyclables
• psi epr model

• psi work – 12 years
  • dialogues, meetings, task forces
  • building support for epr legislation
  • best programs: bc, belgium europe/globally
challenges
passing a packaging epr law in ma

• need education on epr & elements of well-designed programs
  • two MA bills: industry managed vs. government managed

• need to build broad support (especially among municipalities)

• opposition from those wanting status quo
what is your current recycling model?

municipal recycling contract

municipal crew

private subscription
psi work – 18 years

- Staples retail take-back pilot (2004)
- epr model (2015)
- program evaluation and support for regulatory improvements in multiple states
u.s. e-waste epr laws

based on pounds of e-scrap collected per capita by state, 2014

Note: This chart presents available data on program performance, but does not provide an “apples to apples” comparison as the covered products and entities (e.g., residents, businesses, schools, etc.) vary from state to state.

Source: PSI analysis of ERCC data, 2016
challenges
passing an e-waste EPR law in MA

• industry opposition/introduced federal eco fee proposal
• ensuring year-round convenience for consumers
• getting targets and incentives right to achieve high recycling rates
key events in drug stewardship

- 2005: psi identified the problem & need for a national solution
- 2008: psi’s briefing document + stakeholder dialogue meetings
- 2008: Federal Secure and Responsible Drug Disposal Act passes
- 2010: DEA’s final rule on the collection of controlled substances comes out
- 2014: DEA’s final rule on the collection of controlled substances comes out
- 2015: Alameda County Supreme Court case

★ = “Extended producer responsibility” (EPR) law passed in US
Ma substance abuse prevention law
first state-level pharms epr law

passed **unanimously** in house (rep mahlia) and senate (sen keenan)

first state-level pharms epr law passed in US.
psi work – 11 years

• national stakeholder dialogue meetings (2008)
• il stakeholder dialogue (2018)
• ok stakeholder dialogue (2019)
• multiple projects

• need pharms laws passed first
• industry opposition
building coalitions
the future of packaging
from linear to circular

get your copy:
bit.ly/2SsfXmF

chapter on epr
by scott cassel
for more information and to register, visit:  
www.GlobalPSC.net/ParisForum2019
thank you!

scott cassel
ceo/founder, product stewardship institute
president, global product stewardship council
617.236.4822
scott@productstewardship.us

www.productstewardship.us