



July 8, 2009

WCGA Executive Committee  
c/o: NOAA Coastal Services Center  
1330 Broadway, Suite 1135  
Oakland, CA 94612

To Whom it Concerns:

The California Product Stewardship Council (CPSC) and the Northwest Product Stewardship Council (NWPS) thank you for the opportunity to provide comments on the **West Coast Governors' Agreement on Ocean Health Action Coordination Team (ACT) Work Plans**. The comments provided in this letter will be focused on the Marine Debris Action Plan regarding land-based debris. We urge you to make extended producer responsibility a priority in the work plans.

The CPSC and the NWPS represent a coalition of government entities in California, Oregon and Washington seeking to change the way product waste is managed through support of Extended Producer Responsibility (EPR) policies and programs. EPR is also known as Product Stewardship. We are part of a large movement nationwide in support of EPR policies working collaboratively with other councils in Texas, Vermont, New York and British Columbia. We have jointly adopted Framework Principles for Product Stewardship Policy (attached). We would like to use this opportunity to comment on why EPR should be an important part of the Marine Debris Action Plan.

In the United States, producers of products currently have little or no responsibility for their products and packaging once the product is sold to a consumer. Products or their packaging that are littered or otherwise improperly disposed can end-up as marine debris.

Under EPR policies, producers of products and packaging share the responsibility for managing the end-of-life impacts of what they produce. In EPR systems, products and their packaging are managed at the end of their useful lives through an infrastructure arranged and paid for by the producers and provided to consumers as an expected customer service.

Without EPR, the responsibility for ensuring collection, recycling or disposing of product waste is a burden generally left to local governments to operate and fund through taxes or garbage rates. Local governments are already overwhelmed with unfunded mandates. Collecting the products and packaging that are littered or illegally disposed and contribute to marine debris often falls to volunteer citizen groups. As the draft report notes, these efforts are difficult to efficiently and effectively coordinate.

Finally, by shifting the financial responsibility for products waste to the producer, EPR policies also provide an incentive for the producer to reduce the quantity and toxicity of products and packaging they produce. EPR can encourage the design of products and product packaging that are less wasteful, more recyclable and less problematic for the environment.

We have reviewed the draft report and recommend that the Marine Debris action plan address the following:

- 1) Include EPR as a “best idea and practice” when developing guidelines for addressing land based debris (LBD) [Table 2 #4., page 17; and #4, page 16]

The draft report acknowledges the work done by the California Coastal Commission and Ocean Protection Council that recommended implementing EPR strategies for marine debris. We believe this is a very good place to start in developing a set of best practices. We believe it is important that the report reiterate EPR as a priority consideration in the marine debris ACT Work Plan. California spent years of agency effort in crafting these policies in a public process, and given that EPR is critical for source reduction of the plastics that are proliferating in the marine environment, EPR should specifically be highlighted in ACT Work Plans.

We would also recommend that the action plan require review of existing EPR policies that could impact marine debris, for example, the German Green Dot program in existence since 1991 and the packaging stewardship efforts in the province of Ontario, Canada.

- 2) Coordinate the action plan’s strategies with existing state and local government EPR policies in California, Oregon, and Washington

Support for EPR policies in the three states has been growing in the past several years. For example, the California Integrated Waste Management Board adopted a Framework for EPR in January 2008 and the Ocean Protection Council adopted an Implementation Strategy in November 2008. Both of these adopted strategies prioritized the creation of EPR programs. Public agencies in all three states have been involved in a number of public processes exploring and recommending EPR policies.

- 3) Explore modifying existing state legislation

Both Oregon and California have beverage container statutes that already help to reduce litter and marine debris. The action plan should include exploration of how such legislation could be expanded to include additional containers.

- 4) Consideration of multi-state efforts

Include an action item for consideration of regional (i.e., multi-state) EPR programs for plastic packaging products that are common in marine debris.

- 5) Engage and partner with organizations that can provide information and research on EPR

Our Councils stand ready to provide assistance on EPR program data, research, technical assistance, facilitation of EPR discussion amongst the parties, and implementation of pilot projects. We want to partner with you and with product manufacturers and retailers to find the best solutions as quickly as possible to prevent marine debris.

In conclusion, we look forward to the final West Coast Governor's Agreement of Ocean Health with a greatly enhanced discussion on the important role EPR can play in reducing marine debris and how the three states will work in coordination with their local government Product Stewardship Councils to promote effective EPR policy adoption and implementation.

Respectfully,



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**Attachment: Joint Principles of EPR Policy**



# Framework Principles for Product Stewardship Policy

The following principles are intended to guide development of product stewardship policies and legislation that governs multiple products. It is primarily aimed at state legislation but is also intended as a guide for local and federal policy.

## 1. Producer Responsibility

- 1.1 All producers selling a covered product into the State are responsible for designing, managing, and financing a stewardship program that addresses the lifecycle impacts of their products including end-of-life management.
- 1.2 Producers have flexibility to meet these responsibilities by offering their own plan or participating in a plan with others.
- 1.3 In addressing end-of-life management, all stewardship programs must finance the collection, transportation, and responsible reuse, recycling or disposition of covered products. Stewardship programs must:
  - Cover the costs of new, historic and orphan covered products.
  - Provide convenient collection for consumers throughout the State.
- 1.4 Costs for product waste management are shifted from taxpayers and ratepayers to producers and users.
- 1.5 Programs are operated by producers with minimum government involvement.

## 2. Shared Responsibilities

- 2.1 Retailers only sell covered products from producers who are in compliance with stewardship requirements.
- 2.2 State and local governments work with producers and retailers on educating the public about the stewardship programs.
- 2.3 Consumers are responsible for using return systems set up by producers or their agents.

### 3. Governance

- 3.1 Government sets goals and performance standards following consultation with stakeholders. All programs within a product category are accountable to the same goals and performance standards.
- 3.2 Government allows producers the flexibility to determine the most cost-effective means of achieving the goals and performance standards.
- 3.3 Government is responsible for ensuring a level playing field by enforcing requirements that all producers in a product category participate in a stewardship program as a condition for selling their product in the jurisdiction.
- 3.4 Product categories required to have stewardship programs are selected using the process and priorities set out in framework legislation.
- 3.5 Government is responsible for ensuring transparency and accountability of stewardship programs. Producers are accountable to both government and consumers for disclosing environmental outcomes.

### 4. Financing

- 4.1 Producers finance their stewardship programs as a general cost of doing business, through cost internalization or by recovering costs through arrangements with their distributors and retailers. End of life fees are not allowed.

### 5. Environmental Protection

- 5.1 Framework legislation should address environmental product design, including source reduction, recyclability and reducing toxicity of covered products.
- 5.2 Framework legislation requires that stewardship programs ensure that all products covered by the stewardship program are managed in an environmentally sound manner.
- 5.3 Stewardship programs must be consistent with other State sustainability legislation, including those that address greenhouse gas reduction and the waste management hierarchy.
- 5.4 Stewardship programs include reporting on the final disposition, (i.e., reuse, recycling, disposal) of products handled by the stewardship program, including any products or materials exported for processing.

Northwest Product Stewardship Council [www.productstewardship.net](http://www.productstewardship.net) Adopted May 19, 2008  
California Product Stewardship Council [www.calpsc.org](http://www.calpsc.org) Adopted June 4, 2008  
Vermont Product Stewardship Council [www.vtpsc.org](http://www.vtpsc.org) Adopted November 6, 2008  
British Columbia Product Stewardship Council [www.bcproductstewardship.org](http://www.bcproductstewardship.org) Adopted Dec. 9, 2008  
Texas Product Stewardship Council [www.txpsc.org](http://www.txpsc.org) Adopted January 30, 2009  
NYS Assoc. for Solid Waste Management [www.newyorkwaste.org](http://www.newyorkwaste.org) Adopted March 11, 2009



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