

August 19, 2008

Submitted to: Rachel Couch
OPC Project Manager on behalf of
Mike Chrisman, Chair
Ocean Protection Council

Submitted via e-mail: rcouch@scc.ca.gov

Re: Comments on Draft OPC Draft Implementation Strategy to Reduce and Prevent Ocean Litter

Dear Mr. Chrisman:

The California Product Stewardship Council (CPSC) is an organization of California local governments who are working towards a single mission: To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

CPSC has reviewed the Draft Implementation Strategy to Reduce and Prevent Ocean Litter and we have several comments we hope will be addressed in the final report:

1. CPSC agrees that Priority #1 is EPR for Packaging Waste/Ocean Litter. However, we recommend that Objective #1 should be the EPR related objective which is currently #2: Reduce Single-use Packaging and Promote Sustainable Packaging – Changing Producer Behavior. We recommend that the order of the Objectives follow the priorities for clarity.
2. On pages 6-7 where Priority #1 is described, we suggest adding language on the data of waste composition in ocean litter. In footnote #19, it states that 2004 data showed 40% of ocean debris was food and beverage packaging, but it does not provide information on the other 60% of the litter. This is important data to make transparent because we are unsure as to why the recommendations limit EPR to only food packaging and not other products found in ocean litter. Footnote #20 states "There is no comprehensive baseline survey of litter for California that focuses on identifying litter in terms of product wastes." If that is true, we encourage future studies to focus on waste products – and especially studies that measure products by brand -- because that would provide better data on the impact of EPR systems for products other than food packaging.
3. The report analysis is not clear as to why if EPR is implemented (Priority #1) quickly for food packaging, there is a need to impose fees on certain products (Priority #3) which will then create another state government managed program. CPSC's position as outlined in our attached EPR Policy Principles, specifically 4.1 is "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." We have seen all too often with State operated funds, such as SB 20 for e-waste, how they are targeted for other uses and increase the size of government to manage. CPSC's goal is to hold the producers of products responsible for them at end of life with the government's role to be one of setting goals and performance standards and holding

producers accountable to meet those goals and standards. We must reduce the cost to government to clean-up the litter resulting from designing products with little to no regard for environmental degradation resulting from their ultimate disposition. Local and state governments simply cannot afford to clean-up the mess left by our free market economy. We must provide an economic feedback mechanism to product producers/designers so that they re-think product and packaging design to reduce environmental impacts. We recommend focusing on Option 1 and development of a pure EPR system.

4. CPSC is delighted that on page 13 it references in footnote 45 the CPSC website, but since the draft report was written, CPSC has redesigned the website and the new link should be <http://www.caproductstewardship.org/about/participants.html> . CPSC currently has 40 California jurisdictions identified as passing an EPR resolution, the latest being the City of San Juan Capistrano on August 5, 2008.
5. Page 15, under Action (a) – Implement a producer take-back (EPR) program for convenience food packaging, under Implementation Task II it states “Allow the retail and packaging industries to determine whether they will physically take back products for recycling or disposal or simply finance the take-back.” That statement is inconsistent with the CIWMB EPR Framework and the CPSC Principles of Product Stewardship Policy. EPR aims to reduce environmental impacts through product redesign. It is the producer, or brand owner, that makes design and marketing decisions – not retailers and not “packaging industries.” Producers specify packaging criteria to the packaging industry. It is important in designing effective EPR programs to consider the product *and associated packaging* as the responsibility of producers. Furthermore, the above sentence also can be read to support voluntary initiatives. Letting the producers and retailers decide what they will do has resulted in almost 100% of the product waste costs being externalized onto local governments which is totally unacceptable. The CIWMB EPR Policy Framework states that the retailer role is voluntary, but the producers role is to have “producer financed and managed systems.” While acknowledging everyone, including the consumers, have a role in collection systems, the producers have the primary responsibility. CPSC will advocate vigorously for producer financed and managed EPR programs.

CPSC greatly appreciates the incredible effort that went into developing this report and the opportunity to comment. CPSC envisions a predominantly private-sector program without extensive governmental involvement, thereby saving money for both state and local governments and protecting public health and the environment. We look forward to final report and a timely implementation of the EPR program envisioned in Priority #1 but broadened to cover all ocean litter.

Respectfully,



Heidi Sanborn
Executive Director

Cc: Margo Reid-Brown, California Integrated Waste Management Board

Attachments: CPSC Extended Producer Responsibility Framework Principles
CPSC List of Participating Jurisdictions and Associations