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Producer Responsibility

Posted By John Trotti [Comment](#)

I've had my reservations about producer responsibility initiatives in the past, and to be honest, I reserve the right to renege on what I'm about to say now, but given their thoughtful assessment and implementation, I think they are a way to replace governmental mandates with an approach straight out of the competitive capitalistic playbook. In short, the costs are borne by those who benefit...the producers or importers for certain, but so, too, the consumers rather than society at large.

I bring this up at the moment because the movement is maturing and getting traction both in the US and Canada. Just this past week, Maine adopted a plan sensibly based on the model framework provided by the Product Policy Institute (PPI) as explained in the following news release:

First State Producer Responsibility "Framework" Law Passed in Maine with Unanimous Bi-Partisan and Chamber of Commerce Support

Movement Is Sweeping the Nation

(Augusta, ME—March 25, 2010) With a show of unanimous bipartisan and Chamber of Commerce support, today the first extended producer responsibility "framework" law (LD 1631, An Act to Provide Leadership Regarding the Responsible Recycling of Consumer Products) was signed into law by Maine Governor John Baldacci. Business, environmental groups and legislators came together to make this happen. This sets a precedent for other states to adopt similar framework laws to address the growing, expensive problem of managing consumer product waste. Product Policy Institute (PPI), which developed model framework producer responsibility legislation that was the starting point for Maine and several other states, commends this effort.

The law, sponsored by Rep. Melissa Walsh Innes (D—Yarmouth), applies the principle of producer responsibility for managing products when consumers are done with them, to reduce life-cycle impacts. The law establishes a process for creating product stewardship programs for hard-to-recycle products and packaging, moving the physical and financial responsibility for managing old products from the general taxpayer to producers, consumers, and others who benefit from products sold and used.

"Mainers can be proud of their business leaders and legislators for coming together to pass this unprecedented producer responsibility framework law," said Rep. Innes. "We are the first to enact a comprehensive producer responsibility law which addresses the economic and environmental impacts to Maine of product waste."

The legislation resulted from collaboration between the business community, the environmental community and the Legislature. In a recent Impact article, Dana Connors, president of the Maine Chamber of Commerce, said: "LD 1631 is a true example of the best of the legislative process. [It] establishes a simple and reasonable framework for identifying products appropriate for product stewardship, along with ways to improve existing product stewardship programs already on the books in Maine. ... I'm proud of the Chamber's role in this important issue, and excited about the opportunities going forward to build on the relationships forged during the work on LD 1631."

Extended producer responsibility—also known as product stewardship—is a policy approach that is common in Europe, Canada and other industrialized nations but is relatively new to the United States. In the US, 19 states now have laws for discarded electronic products that require producers to finance or manage collection and responsible recycling.

“Thanks to this law, Maine people will have increased opportunities to responsibly recycle products that don’t currently have good disposal options,” said Matt Prindiville, Clean Production Project director for the Natural Resources Council of Maine. “Product stewardship programs put the right incentives in place so that products are designed to be recycled instead of land-filled or incinerated.”

“Maine’s historic action adopting a producer responsibility framework indicates that this is the right approach to deal with the recycling waste products and packaging instead of a product-by-product approach,” said Bill Sheehan, executive director of Product Policy Institute. “It’s now time for stakeholders in other states to work together to build on this victory and follow suit.”

The momentum and political will is there. Local and state EPR resolutions are sweeping the nation and could lead to state frameworks:

Producer responsibility legislation for a range of products and packaging has been introduced in the last four years in 32 state legislatures. Comprehensive framework bills have been introduced in six states.

In 2009, two national organizations of local elected officials—the National Association of Counties and National League of Cities—adopted resolutions calling for producer responsibility, including the framework approach.

Local governments are adopting resolutions calling for producer responsibility state legislation, including framework legislation. In California, 81 local jurisdictions and regional or statewide local government associations have adopted such resolutions.

Product Policy Institute has been leading the producer responsibility movement by setting the goal of a comprehensive policy approach, and by helping local and state government officials and other stakeholders work effectively to support the new policy approach. PPI helped local governments organize Product Stewardship Councils in California, Texas, New York and Vermont; the Councils serve as hubs that bring together all stakeholders to develop sustainable solutions based on the producer responsibility principle.

PPI’s framework is based on the following:

1. Producer Responsibility

All producers selling a covered product into the state are responsible for designing, managing, and financing a stewardship program that addresses the life-cycle impacts of their products, including end-of-life management.

Producers have flexibility to meet these responsibilities by offering their own plans or participating in a plan with others.

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 include the following:

- * Cover the costs of new, historic, and orphaned covered products
- * Provide convenient collection for consumers throughout the state
- * Costs for product waste management are shifted from taxpayers and ratepayers to producers and users.
- * Programs are operated by producers with minimum government involvement.

2. Shared Responsibilities

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

3. Governance

- * 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.
- * Government allows producers the flexibility to determine the most cost-effective means of achieving the goals and performance standards.
- * 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.
- * Product categories required to have stewardship programs are selected using the process and priorities set out in framework legislation.
- * 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

- * 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

- * Framework legislation should address environmental product design, including source reduction, recyclability, and reducing toxicity of covered products.
- * Framework legislation requires that stewardship programs ensure that all products covered by the stewardship program are managed in an environmentally sound manner.
- * Stewardship programs must be consistent with other state sustainability legislation, including those that address greenhouse gas reduction and the waste management hierarchy.
- * 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.

The plan has been adopted by:

- * Northwest Product Stewardship Council [.productstewardship.net](http://productstewardship.net) May 19, 2008
- * California Product Stewardship Council [.calpsc.org](http://calpsc.org) June 4, 2008
- * Vermont Product Stewardship Council [.vtpsc.org](http://vtpsc.org) November 6, 2008

* British Columbia Product Stewardship Council [.bcproductstewardship.org](http://bcproductstewardship.org) Dec. 9, 2008

* Texas Product Stewardship Council [.txpsc.org](http://txpsc.org) January 30, 2009

* NYS Assoc. for Solid Waste Management [.newyorkwaste.org](http://newyorkwaste.org) March 11, 2009

What do you see as the stumbling blocks to the adoption of such a program in your state?