

EXTENDED PRODUCER RESPONSIBILITY (EPR) POLICY TEMPLATE

The following guidelines are designed to help you navigate through the process of either creating new Environmentally Preferable Purchasing (EPP) Policies, or updating existing policies.

1 Define Your Scope

- Product domain:** identify the product category and define what is covered and what is exempt
- Environmental standards/legislation:** identify applicable environmental standards, or official legislation that will be used to establish minimum requirements pertaining to waste management, material composition, product design, etc., as applicable
- Targets/goals:** establish program benchmarks and appropriate units of measurement (i.e. minimum percent post-consumer recycled content, etc.)

2 Incorporate Key Terminology

- “Extended Producer Responsibility (EPR)”** otherwise known as Product Stewardship, is the extension of the responsibility of producers, and all entities involved in the product chain, to reduce the cradle-to-cradle impacts of a product and its packaging; the primary responsibility lies with the producer, or brand owner, who makes design and marketing decisions.
- “Producers”** are the companies that manufacture or are the brand owners or first-importers of products for sale.
- “Cradle-to-Cradle Impacts”** refers to the environmental factors affected throughout the course of a product’s life cycle. This includes energy, water, and materials use; greenhouse gas and other air emissions; toxic and hazardous substances; materials recovery and waste disposal; and worker safety.
- “Product Stewardship Program”** encompasses product design that takes into consideration source reduction and reuse, as well as the collection, transportation, recycling, and disposal of unwanted products. This program is financed, as well as managed or provided by the product producers.



- ❑ **“Stewardship Organization”** is an entity appointed by a producer to act as an agent on their behalf to administer a product stewardship program.
- ❑ **“Procurement”** refers to a purchasing department or agent to a public agency.
- ❑ **“Vendor”** refers to any provider or sales agent of product to a public agency.

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Define the Responsibilities of Procurement Services

- ❑ Whenever possible, procurement shall purchase products that comply with all applicable standards. These standards should be reviewed and approved by consensus of the stakeholder committee, as defined by the International Organization for Standardization (ISO) and the Federal Government (Office of Management and Budget Circular A-119), and are therefore consensus standards.
- ❑ As applicable and whenever possible, procurement shall include contract language that fosters take-back and management services for environmentally responsible end-of-life disposal (see *Sample Procurement Contract Language*).

Sample Procurement Contract Language

(for Mandatory End-of-Life Waste Management)

Producers must propose a program in which they agree to provide take-back and management services for end-of-life (INSERT PRODUCT) at no additional cost to (INSERT COUNTY), as this cost should already be incorporated into the original product proposal. This can be accomplished through a variety of contractual provisions whereby the Producer agrees to be responsible for taking back the (INSERT PRODUCT), and providing for appropriate reuse or recycling when Procurement no longer needs the (INSERT PRODUCT). Such take-back methods and parameters may include, but are not limited to:

- *One-for-one exchange of end-of-life products offered by, or previously purchased from the Producer, upon purchase of new products from said Producer.*
- *Collection of any end-of-life products by Vendor (or subcontractor) for reuse or recycling, preferably to also include provisions that ensure Vendor will continue the program should a subcontractor no longer be able to perform such activities.*
- *Vendor must manage all end-of-life collection of their products at a collection facility provided or funded by Vendor.*
- *Coupon system for pre-paid take-back at permanent regional collection centers (at no additional cost to Procurement).*
- *Vendor must provide information to the agency on available take-back and end-of-life product management options.*



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- *Product packaging and containers must clearly display information on the Vendor's environmentally preferable end-of-life recycling and disposal options for the product and its packaging, as applicable.*
- *Vendor must post the aforementioned consumer information on at least one clearly visible sign at the point-of-purchase for the end user of the product.*

End-of-life management must follow the following **pollution prevention hierarchy**:

Level 1 – Reuse the Product

- *All collection facilities must develop/adopt a comprehensive product receiving protocol (addressing inspection, sorting, and labeling methods) for reusable products that will facilitate and encourage product reuse.*

Level 2 – Recycle the Product

- *Allowable only after Level 1 opportunities have been fully exhausted.*
- *Recycling of end-of-life products shall be handled by a responsible recycling operation with an environmental management system in place.*

Level 3 – Recover the Materials or Energy from the Product

- *Allowable only after Level 1 and Level 2 opportunities have been fully exhausted.*
- *Recover energy from end-of-life products.*
- *Recover any reusable and/or recyclable materials from end-of-life products.*

Level 4 – Dispose of the Product

- *Allowable only after Level 1, Level 2 and Level 3 opportunities have been fully exhausted.*
- *Dispose of product waste in compliance with the specific end-of-life regulations pertaining to the product category.*
- *Dispose of hazardous waste products in compliance with the Household Hazardous Waste requirements established by the California Department of Toxic Substances Control (DTSC)*
- *Provide measures to ensure hazardous waste will not be sent to landfills for disposal, or be incinerated.*

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Responsibilities of Vendors

- ❑ Whenever applicable, Procurement will include Extended Producer Responsibility (EPR) language in Requests for Proposals (RFPs), contracts and service agreements for the product (i.e. specifying product packaging collection and excess product recycling requirements (see *Sample Proposal Language*)).



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- ❑ Whenever applicable, indicate that Procurement may give preference to Producers that are willing to redesign their product and packaging materials to fulfill EPR objectives, which helps decrease the amount of end waste disposed of by the County (see Sample Proposal Language).

Sample Proposal Language

Vendor must arrange for the collection and recycling of used (INSERT PRODUCT) and packaging materials and include a list of recyclers with whom they plan to subcontract in their original bids. The cost of service is to be included in the original bid. The vendor will ensure that all used (INSERT PRODUCT) and packaging materials are sent to a recycler and make certain that hazardous waste and Universal waste is not incinerated or shipped to developing countries for disposal. Vendor shall provide to Procurement descriptions and/or documentation of receipt and proper disposal of all used (INSERT PRODUCT) and packaging materials.

(INSERT PRODUCT) and all associated packaging materials should be designed using the principles of Design for Environment to increase durability, reusability, recyclability, and compostability, as well as decrease overall packaging and end-of-life waste generation.

