T-12

SWANA TECHNICAL POLICY

Extended Producer Responsibility (EPR)

I. Policy Statement

Extended Producer Responsibility (EPR) is a policy that requires producers of products to be responsible for the life cycle of their products. This policy is widely used around the globe, including Canada, and becoming more popular across North America. It entails (1) shifting costs of managing product impacts to producers and consumers, and (2) designing products such that safety implications are taken into account for consumers and solid waste professionals.

As this policy is implemented, it is important that stakeholders think seriously about which elements will most efficiently shift costs and ensure the entire life cycle of the product is considered. Accordingly, this Technical Policy will attempt to highlight the elements that should be considered when developing an EPR policy.

II. Scope

This policy statement is meant to serve as guidance and not model legislative language. Products are different and must be handled accordingly. EPR is intended to better the environment and reduce costs and improve safety impacts on the solid waste industry.

III. Discussion

The term "producer" is used to refer to brand owners, i.e. those who design and market a product and/or packaging. The producer is responsible for the entire life cycle of that product and/or packaging. Recognizing products and/or packaging may be manufactured or produced outside jurisdictional boundaries, those brand owners that import or manufacture a product or packaging should be the regulated entity within a hierarchy of responsible parties, and therefore are considered producers for the sake of this policy.

The term "Producer Responsibility Organization (PRO)" refers to individual producers or an association of producers designated to manage and/or operate to comply with the EPR program, and should work with current system operators to utilize an existing system, including accounting for investments in equipment. Current material contracts should be honored such that existing operations are supported. Controls must be put in place to protect against price manipulation.

Items to be considered in the development of EPR include:

- Uniform Collection List – The development of a Uniform Collection List (UCL) would bring clarity to what would be placed in the recycling bin, or drop-off depot. This list brings clarity to consumers within a specific region (state, province, etc.) and as a result the entire recycling system can plan for a consistent stream of materials. To ensure the UCL remains *evergreen*, policy makers should develop "on-ramps" and "off-ramps" for materials that would be placed on the list or those that should be taken off. The following should be recognized given the differences in impacts of hazardous vs. packaging materials:

  Hazardous (refer to the US EPA RCRA definition):

  - ➢ Hazardous materials/waste should be the priority for EPR policy implementation due to importance for worker safety and reducing contamination of all waste/recycling streams.
  - ➢ Hazardous materials/waste must be collected apart from all other waste streams, i.e. Producers must coordinate or otherwise support collection of product/material post-consumer.
  - ➢ Hazardous materials/waste must be handled by trained, certified personnel.

  Packaging/Products:

  - ➢ EPR for Products/Packaging with current processing capabilities and existing recycling markets should account for existing infrastructure, contracts, etc.
  - ➢ Regulators set targets and reporting requirements, and otherwise allow for the PRO to manage the system accordingly.

- Funding Models – There are different models of funding for EPR. Funding from EPR systems should provide funds for the cost of management, including but not limited to target: collection and processing system, contamination enforcement, system collection and material processing upgrades, oversight, administration, ongoing public education of how the system works and the accepted materials, and management of the program(s).

- Contamination – Contamination is that material which is not allowed in a bale of like materials. EPR should develop procedures to minimize the likelihood of contaminants being introduced in the recycling streams. Such procedures may take the form of labeling, color coding, producer fees, encouraging simplification of product design,

community and supply chain education, risk-management, and enforcement.

- Recovery and/or Recycling Rates – A hallmark of EPR policies is setting recovery and/or recycling rates. Recovery and Recycling can be two different things and as such should be defined clearly in the policy.

- Eco-Modulation – Eco-Modulation is an element of EPR that rewards producers for designing their products in such a way that allows it to be easier recovered, recycled, or handled safely. Such rewards are generally realized in the form of lower fees charged to the Producer. Post-consumer recycled content and waste hierarchy can be taken into account when setting incentives and malus fees.

- System Transparency and Performance – Program performance should be clearly measured and tracked over time, ensuring performance goals are met and clearly communicated to stakeholders at regular intervals.

- Responsible End Markets – The end markets are responsible actors for environmental health, public safety, and fully traceable material flow. Protections for, and integration of current waste collection and processing systems should be recognized.

- Material Ownership – Current/existing law may dictate material ownership and should not be superseded by existence of a PRO and should be negotiated.

- Advisory Council – Local government, current waste collection/processors (MRFs), reclaimers, and other stakeholders have 'seat at the table' to provide transparency and oversight. Consider a role for coordinating an advisory board of stakeholders as a policy/program is being negotiated and/or a preliminary vote is occurring on any program/PRO planning, but not during the application or operations of the program.

- Data – Waste Characteristics and Needs Assessments, i.e. good data, should underpin EPR policy construction, implementation, and ongoing system management.

Approved by the Board of Directors on October 19, 2024. Kevin Roche, Secretary