Product Stewardship: Who’s Responsible for the Future?

Maryland Recycling Network & Mid-Atlantic SWANA 2013 Annual Meeting

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Product Stewardship Institute, Inc.
Who is the Product Stewardship Institute?
PSI is a 501 c(3) **nonprofit** founded in 2000.

**Memberships**
- 47 States
- 230+ Local gov’ts

**Partnerships (95+)**
- Companies
- Organizations
- Universities
- Non-US gov’ts

**Board of Directors**
- 7 states
- 4 local agencies

**Advisory Council**
- Multi-stakeholder (14 members)

**Also:**
PSI sits on the **Global Product Stewardship Council** Board of Directors
Some of PSI’s Sustaining Partners and Advisory Council Members...
We use hundreds of products every day.
We use hundreds of products every day.
Unfortunately, there is little incentive to create products that last longer or can be easily recycled...
...because it costs manufacturers nothing to throw away valuable materials.
So, at the end of a product’s useful life, rather than being managed properly...
It ends up here.

Becoming part of the 250 million tons of household trash generated by the U.S. each year.
Most of these environmental impacts are invisible to consumers.

25,000 lbs. of minerals extracted from the earth per person, per year!
Product disposal leads to extraction of **finite virgin natural resources** to make new products.
29% of greenhouse gas emissions come from the products we use.

Some products are **bulky** and **hard to manage** at end-of-life...
Some products contain toxins.
4 mg mercury
Beryllium, PVC, brominated flame retardants, lead, copper

4 lbs lead; barium, nickel, cadmium, rare earth metals
Nickel, lithium, cadmium

0.8 g mercury
Brominated flame retardants

BPA, endocrine disruptors

Petrochemicals, volatile organic compounds

Pharmaceutical compounds

4 g mercury

BPA, endocrine disruptors

Petrochemicals, volatile organic compounds

Pharmaceutical compounds

Brominated flame retardants
We expect local governments to manage our increasingly complex waste stream...
...but, in turn, we end up spending millions in tax dollars to pay for it.
We also waste valuable commodities.

This is **not** sustainable!

Total MSW Generation and Recovery, 1960-2010

- **Generation**
- **Recovery**

Do we optimize the current system, or transform it?

Do we implement voluntary programs, or regulatory programs?
How do we optimize the current system?

- Public education
- Landfill bans/mandatory recycling
- Recycled content standards
- Invest in upgraded recycling facility equipment
- Improve communication between end-markets & manufacturing process (closed loop recycling)
How do we **transform** the current system?
What is product stewardship?

- **Minimizing** health, safety, environmental, and social impacts

- **Maximizing** economic benefits of a product and its packaging

- Considering all lifecycle stages, from design to end-of-life

- Either **voluntary** or **required by law**
Who is **involved** in product stewardship?

- The **producer** of the product has the **greatest ability** to minimize adverse impacts...

- Other stakeholders – such as **retailers, collectors, recyclers, governments**, and **consumers** – also play important roles.
What is **Extended Producer Responsibility (EPR)?**

- Mandatory product stewardship
- **Producers** hold financial and managerial responsibility for *post-consumer products* and packaging.
- Central tenet of product stewardship
Product stewardship vs. EPR

Both: Manufacturer responsibility for financing and managing products and packaging

Product Stewardship:
• Full Lifecycle
• Voluntary or Mandatory

EPR:
• Mandatory at End of Life
EPR shifts the costs and responsibility off of government, even if the government keeps collecting.
That means tax dollars can be used to meet other needs in the community...

...instead of paying to recycle or dispose of our old products.
The benefits are significant.
EPR is happening now in the U.S.

EPR laws since 2000
A look at state EPR laws for multiple products around the nation

73 EPR laws in 32 states (including mattresses, carpet, cell phones, agricultural pesticide containers, and one “Framework” law)
Electronics: Laws & Legislation

25 Product Stewardship Laws* today

*In 2005, MD was one of the first states to pass a law regulating electronic waste.
Electronics EPR
Not all Programs are Created Equal!

*Best practices of high-performing programs should be replicated*

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**Figure 2: Pounds per capita collected in 2011 (or July 2011-June 2012)**
(Source: Electronics Recycling Coordination Clearinghouse, June 2013 data tables)

This includes lbs. collected outside of grant and manufacturer programs. In 2010, MD reported that grant and manufacturer programs generated a collection rate of 1.6 lbs per capita.

Source: Electronics Recycling Coordination Clearinghouse, March 2013 data tables
Batteries

Industry-funded stewardship organizations support state-wide EPR legislation to ensure a level playing field for all battery manufacturers.

Rechargeable Batteries

- California (2011, 2012)
- Rhode Island (2012)
- Oregon (2013)

Single-Use Batteries

- Minnesota (2013)

In 2013, PSI worked with the Corporation for Battery Recycling to assess state interest in legislation and develop plan for national roll-out of EPR legislation.
**Mattresses**

**EPR Laws & Legislation**

- **Connecticut:** Legislation* introduced in 2012, **first-in-nation law passed in 2013**
- **California:** 2012 & 2013 (pending)
- **Rhode Island:** 2011 (part of “framework” bill), 2012, and 2013 (pending)

*PSI facilitated a multi-stakeholder dialogue that led to the CT mattress EPR law*
Thermostats & Auto Switches
Laws & Legislation

- **10 states** have EPR thermostat laws
  - Based on PSI model legislation

- **14 states** *(including Maryland, 2009)* have EPR auto switch laws
Paint EPR
Laws & Legislation*

- Oregon (2009)
- California (2010)
- Connecticut (2011)
- Rhode Island (2012)
- Minnesota (2013)
- Vermont (2013)

*All based on PSI-developed model legislation
Bills introduced:

- California (2013)
- Pennsylvania (2012)
- Washington (2011)
- New York (2011)
- Maine (2010)
- Maryland (2010)
- Minnesota (2010)
- Oregon (2009)
- Florida (2009)
California is a leader in pharmaceuticals EPR

Alameda County passed the **nation’s first** EPR law for pharmaceutical take-back

*Industry lawsuit claiming the law is unconstitutional, violates the Interstate Commerce Clause*

Legislation introduced at the **state level** (SB 727)

*Source: Superior Court of California, County of Alameda*
Pharmaceuticals EPR Bills in Progress

King County, WA
• Considering an EPR Rule and Regulation
• Meetings held since July 2012

Wisconsin
• Only 2% of household pharmaceutical waste is currently collected, despite extensive take-back efforts.
• Stakeholders are drafting a bill.

Source: Epodunk
• Multiple initiatives in different directions
• Legislative activity this year: RI, NC, and CA.
• PSI’s Work:
  • Representing government interests in EPR legislation
  • Researching EPR policy best practices
    PAC NEXT Policy Harmonization Committee Chair
    o 11 EPR programs in Canada, Europe, Australia
    o EPR consulting to the same companies that oppose similar legislation in the U.S.
  • Reducing plastic packaging and marine debris on college campuses
    (U.S. EPA, voluntary project)
    o Coordinating efforts with five national organizations
Want to learn more?

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Thank you!