



Northwest Product Stewardship Council

2010 Policy Subcommittee Issue Paper

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The Issue

Policies and legislation that contain elements of “product stewardship” or “extended producer responsibility (EPR)” are gaining popularity in the United States. There are several key features of EPR policy: (1) the shifting of responsibility (physically and/or economically, fully or partially) for product end-of-life handling (recycling or safe disposal) to the producer and away from municipalities, (2) establishment of more widespread, convenient and effective collection options than government can provide, and (3) provide incentives for producers to factor environmental considerations into the design of the product and reduce the overall lifecycle impacts of those products.

Most current product stewardship policies and legislation focus on a single, specific product or issue. Electronic products were selected as a product category that can be effectively managed through a producer responsibility system resulting in legislation being passed in both Washington and Oregon. These laws require electronics manufacturers to finance and implement programs for recycling computers, monitors and televisions at no charge to the consumer. However, the product-by-product approach to legislation can create a maze of laws that lack consistency, are confusing to all stakeholders, and are time-consuming to pass and implement.

Several Canadian provinces, including British Columbia, have developed “framework” policies to provide a consistent, standardized format for managing products under one single set of rules. The framework policy in British Columbia, called the [“Recycling Regulation”](#) was adopted in January 2003. The regulation includes core producer requirements applying to all programs and products, performance-based regulations for all programs, and lists implementation schedules for regulated product categories. It provides for individual product plans so that program elements unique to each product can also be addressed. By standardizing the framework for all programs and products, this system provides consistency, predictability, a level of detail to avoid ambiguity, and reduces the need to pass a law for each product or program. A simplified framework approach, the first in the US, was passed by the Maine legislature in 2010.

Over the past several years, the Policy Subcommittee has examined how EPR policies or legislation can be developed using a similar template or “framework” for specific single product legislation, or for a variety of products or group of products.

The policy subcommittee’s work products/activities have included:

- Development of a set of principles to be applied to framework and product specific legislation (which has now been adopted by most other product stewardship councils) and that can be

used as a checklist when reviewing policy proposals. This set of principles was used to guide the discussions of the Oregon Product Stewardship Stakeholder Group in 2010;

- Drafting a sample framework policy and showing its adaptability to specific products (this draft has been utilized as a starting point and refined by the Beyond Waste Implementation Work Group of the WA Climate Action Team, and other entities, states and legislators);
- Participating in discussions and processes with other governments to further develop and harmonize framework approaches under development across the U.S. and Canada. Harmonization can make it easier for producers/manufacturers to comply with the various regulations across the states. Maine, in 2010, is the first state to pass a framework law in the U.S. and their efforts began by working with draft model framework legislation worked on by the Policy Subcommittee and adapted and circulated by the Product Policy Institute. The ultimate legislation passed by Maine was pared down to key elements and principles of product stewardship policy and framework.

The NWPSC Position

The Policy Subcommittee has examined how producer responsibility or EPR policies or legislation can be developed using a similar template or framework for a variety of products or group of products. The goal of the policy subcommittee has been to make the policy or legislation as streamlined as possible, while providing a level of detail necessary for effective implementation and minimal rule making - and for adapting the model legislation to various separate products. Until overarching framework legislation is passed, it is beneficial to utilize a consistent approach to product specific legislation, to the degree possible. This is meant to set the stage for stakeholders and legislators understanding a standardized approach, and will make it easier to incorporate previously passed policy into a framework policy when it does pass.

The Policy Subcommittee will continue to work to promote incorporation of core principles into new legislative initiatives, and to work with other stakeholders and legislators to incorporate compatible producer responsibility components into legislation that they plan to or have introduced.

The goals of the Policy Subcommittee are to:

- create a framework policy or legislation that follows a standard set of product stewardship principles including a set of core producer requirements, performance based regulations and a process for adding new products and product categories.
- understand how to adapt this approach and the key principles for use in product specific legislation.
- harmonize, to the degree possible, the framework approach among the governments in British Columbia, Washington, Oregon and California, Maine, Minnesota, Rhode Island, Vermont and other states.
- track current and proposed legislation for conformity with the product stewardship principles and encourage inclusion of the principles into legislation wherever possible.
- serve as a resource to other subcommittees and stakeholders on product stewardship principles, framework policies and how to incorporate these into policies and legislation.

Proposed Solution/Recommendations

The Policy Subcommittee has developed core principles to be used as the basis for model product specific and framework policy. The subcommittee has drafted a model of framework policy/legislation which has already been utilized and revised for product specific legislation in the region and for framework legislation in the NW and a number of other states. The sample framework policy is based on full producer responsibility for developing and implementing the program and for submitting a plan for approval by a governmental agency. The core principles and draft model language serve as working documents that will be periodically revised on an as needed basis based on additional analysis and discussion and lessons learned from legislative initiatives and stakeholder processes.

The Subcommittee will serve as a resource to the other NWPSC Subcommittees as they undertake or respond to product specific legislation and policy development. The subcommittee will also serve as a “think tank” to address specific policy issues that develop through stakeholder processes or legislation that have broad product stewardship policy implications. The Subcommittee will also provide information and support to other stakeholders regarding incorporation of the core principles and framework approach to their endeavors.

The Subcommittee will track policies and legislation introduced into the Washington and Oregon legislatures that have potential to contain elements of producer responsibility. The Subcommittee will endeavor to incorporate producer responsibility components into legislation as appropriate and resources allow.

The Subcommittee will lay groundwork with targeted stakeholders to develop broad understanding and support for product-by-product policies that utilize the core principles and that are compatible with framework approaches.

As an adjunct to the general policy work of the Policy Subcommittee, the Oregon Policy Subcommittee has been formed to focus on the development of Oregon specific product stewardship policy and legislation as well as provide a forum to build the Oregon local government membership in the NWPSC. The key tasks of the Oregon subcommittee are included in the chart below.

Subcommittee Next Steps/Timeline

Task	Timeline
Develop the Principles for Product Stewardship	Completed
Develop the model Framework Policy/Legislation	Completed
Track ongoing legislation - review and analyze legislation for other NWPSC subcommittees as needed.	On-going during sessions and as needed.
WA - Provide forum for discussions and recommendations on specific EPR policy issues resulting from passed lighting legislation, introduced pharmaceutical legislation, and paint legislation that is being considered.	April – December 2010
OR – Provide forum for discussion, recommendations and support on specific product stewardship policy issues including possible new legislation and implementation of existing programs. New legislation may include mercury lighting, mercury thermostats, new electronic products, and framework. Discussions on the existing programs may address Oregon E-cycles and the roll-out of the paint pilot program.	On-going. New legislation for 2011: May – December 2010.
Track framework concept/policy development throughout U.S. and Canada resulting from stakeholder processes and legislative proposals. Continue to coordinate with others regarding “state of the art”, simplified approaches, and harmonization.	On-going
Develop list of key stakeholders and develop and implement strategy to work with them on core principles and to address their concerns.	May – December 2010