



# Northwest Product Stewardship Council

## **2008 Policy Subcommittee Issue Paper January 9, 2008**

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### **The Issue**

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Policies and legislation that contain elements of “product stewardship” or “extended producer responsibility (EPR)” are gaining popularity in the United States. There are two key features of EPR policy: (1) the shifting of responsibility (physically and/or economically, fully or partially) upstream to the producer and away from municipalities, and (2) to provide incentives to producers to take environmental considerations into the design of the product.

Current product stewardship policies and legislation focus on a single, specific product or issue. Electronic products are one target of producer responsibility legislation that has passed in both Washington and Oregon. The new 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 rules and regulations that lack consistency, and are confusing and 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. By standardizing the framework for all programs and products, this system provides consistency, a level of detail to avoid ambiguity, and reduces the need to pass a law for each product or program.

### **The NWPS Position**

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The Policy Subcommittee is examining 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 is to make the policy or legislation as streamlined as possible, while providing a level of detail necessary for implementation. Until framework legislation is passed, it is beneficial to utilize a consistent approach to product specific legislation. This will 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 work to promote the framework approach and 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.
- to harmonize the framework approach among the governments in British Columbia, Washington, Oregon and California and other states as appropriate.
- to track current and proposed legislation for conformity with the product stewardship principles and encourage inclusion of the principles into legislation wherever possible.
- to 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**

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The Policy Subcommittee has developed core principles to be used as the basis for model framework policy and has drafted a model of framework policy/legislation. This model has drawn from the approaches of product legislation/regulations in Saskatchewan and British Columbia, Canada and from consultation with others. The sample framework policy or legislation 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 based on additional analysis and discussion and lessons learned from legislative initiatives.

The Subcommittee will lay groundwork with targeted stakeholders to develop understanding and support of framework approaches. 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 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.

Using the California Product Stewardship Council's (CPSC) "Adopt-a-Legislator" program as a model, the Subcommittee will develop and implement a similar program for the NWPSC. The program asks CPSC members to reach out to their state legislators in both the Assembly and the Senate to educate them on EPR issues.

**Subcommittee Next Steps/Timeline**

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<b>Task</b>	<b>Timeline</b>
Develop the Principles for Product Stewardship	August 2007
Develop the model Framework Policy/Legislation	September 2007
Track ongoing legislation - review and analyze legislation for other NWPSC subcommittees	December 2007 – March 2008
Provide comments and feedback to legislators on producer responsibility legislation	December 2007 – March 2008

Work to gain support of framework legislation	June 2008 – December 2008
Review and update the Model Framework Legislation based on the experiences gathered from the 2008 legislative session.	June, 2008
Communicate with other subcommittees and stakeholders to gain support for product stewardship principles and framework policies.	Ongoing
Develop and implement an “Adopt-a-Legislator” program similar to what is being used by the California Product Stewardship Council.	June – Dec 2008