

What is Extended Producer Responsibility, and how can it be applied to printed paper and packaging?

Extended producer responsibility (EPR) is an umbrella term used to describe a program which shifts the operational and/or financial burden of managing and disposing waste from municipalities and/or consumers to producers. The overall goals of an EPR program can include increasing product recovery, diverting waste from landfills, minimizing the environmental impact of waste, and creating cost savings for municipalities and taxpayers, and the program can take several forms. Extended producer responsibility programs can cover a wide range of products, such as beverage containers or hazardous waste, but there are a growing number of EPR programs to handle packaging and paper products (PPP) due to its increased prevalence in recycling bins. As of August 2021, there are five Canadian provinces with fully operational PPP-EPR programs: British Columbia, Saskatchewan, Manitoba, Ontario, and Quebec. Two US States: Oregon and Maine – adopted EPR legislation for consumer packaging waste in 2021, but those programs are not yet operational.

Please note that the roles and responsibilities of waste service delivery and financially obligated parties differ across jurisdictions.

What is EPR Intended to Do?

EPR Is intended to.....

- 1) *Encourage design for the environment*: By forcing producers to bear the end of life management costs (in the case of printed paper and packaging, recycling costs) and meet recycled content quotas, the expectation is that producers will design their packaging in such a way that is more readily recyclable given existing infrastructure.
- 2) *Contain Costs*: By shifting end of life management costs onto producers, they will not only be incentivized to use more readily recyclable material, but do so in a way that minimizes material management costs. In Ontario, producers are now obligated to pay for 100% of the Blue Box system, as the province transitions to full producer responsibility. As a result, they have a greater incentive to reduce costs relative to a shared responsibility model where municipalities paid half.
- 3) *Invest in recycling infrastructure to more efficiently capture and recycle light-weight materials*: Under a full producer responsibility model, producers are tasked with the responsibility of operating the entire system, which not only includes a financial obligation, but the operational one as well. Previously in Canada, municipalities have traditionally served as the waste management operator, providing collection and sorting services. A 100% EPR Model will incentivize producers to invest and develop infrastructure that allows them to meet their legislative responsibility, which in turn, will result in investments in collection and sorting infrastructure to better capture lightweight materials.
- 4) *Develop healthy and robust markets for problematic packaging materials*: Given that producers will bear the responsibility of managing all packaging at end of life, this will require significant investments in end markets and end use applications of light weight and composite materials. Despite the increased proliferation of light weight packaging, there remain few viable end markets for these materials. As such,¹

if an EPR model is implemented that obliges producers to recycle their packaging, they will have to develop new and innovative ways to use these materials.

5) Provide sustainable financing for municipal recycling programs to ensure consistent levels of service and access.

Primary Challenges to Extended Producer Responsibility

Lack of Data – Data remains the bedrock of any effective policy – the more data you have, the better informed you are. In many ways, “good data” is a non-negotiable pre-requisite, as it is required to understand the size, scale and scope of the issue. However, data for the waste management sector, particularly surrounding printed paper and packaging, is sparse bordering on non-existent, which makes adopting EPR legislation challenging.

Lack of Harmonization – Both existing and proposed producer responsibility legislation is jurisdiction specific (i.e. Ontario’s Waste Free Ontario Legislation is fundamentally different than Recycle BC’s Producer Responsibility model). A lack of harmonization makes it difficult for multi-national producers to develop an appropriate strategy for meeting their regulatory obligations with respect to producer responsibility.

Lack of a Clear Goal – There is no clear consensus regarding what producer responsibility legislation should ultimately achieve (beyond shifting the financial burden of operating a waste management program directly on to producers). Some jurisdictions (such as Ontario) have used increased recycling rates as a barometer for success, while others such as Oregon have chosen to adopt a more holistic life cycle approach that looks at a package’s overall environmental footprint.



INTRODUCTION TO EXTENDED PRODUCER RESPONSIBILITY

Resa Dimino, Managing Principal
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WHAT IS EXTENDED PRODUCER RESPONSIBILITY?

Extended producer responsibility is a practice and a policy approach in which producers take responsibility for management of the products and / or packaging they produce at the end of their useful life. Responsibility may be fiscal, physical, or a combination of the two.

WHO ARE THE PRODUCERS?

Brands / Retailers



EPR ACROSS THE US

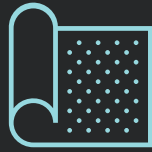
BEVERAGE CONTAINERS

CA, CT, HI, IA, ME, MA, MI, NY, OR, VT



CARPET

CA



MERCURY SWITCHES

IA, IL, IN, MA, MD, ME, NC, NJ, RI, SC, VA, VT



CELL PHONES

CA



FLUORESCENT LIGHTING

ME, VT, WA



RECHARGEABLE BATTERIES

CA, IA, MD, MN, NY, NJ, ME, VT*
(*includes alkaline)



ELECTRONICS

CA, CT, DC, HI, IL, IN, ME, MD, MI, MN, MO, NJ, NY, NC, OK, OR, PA, RI, SC, TX, UT, VT, VA, WA, WV, WI



MERCURY THERMOSTATS

CA, CT, IA, IL, MA, ME, MN, NY, PA, RI, WA, VT



PHARMA

CA, WA, NY, OR, MA



PAINT

CA, CO, CT, DC, ME, MN, NY, OR, RI, VT, WA



SOLAR PANELS

WA



MEDICAL SHARPS

CA



PESTICIDE CONTAINERS

CA



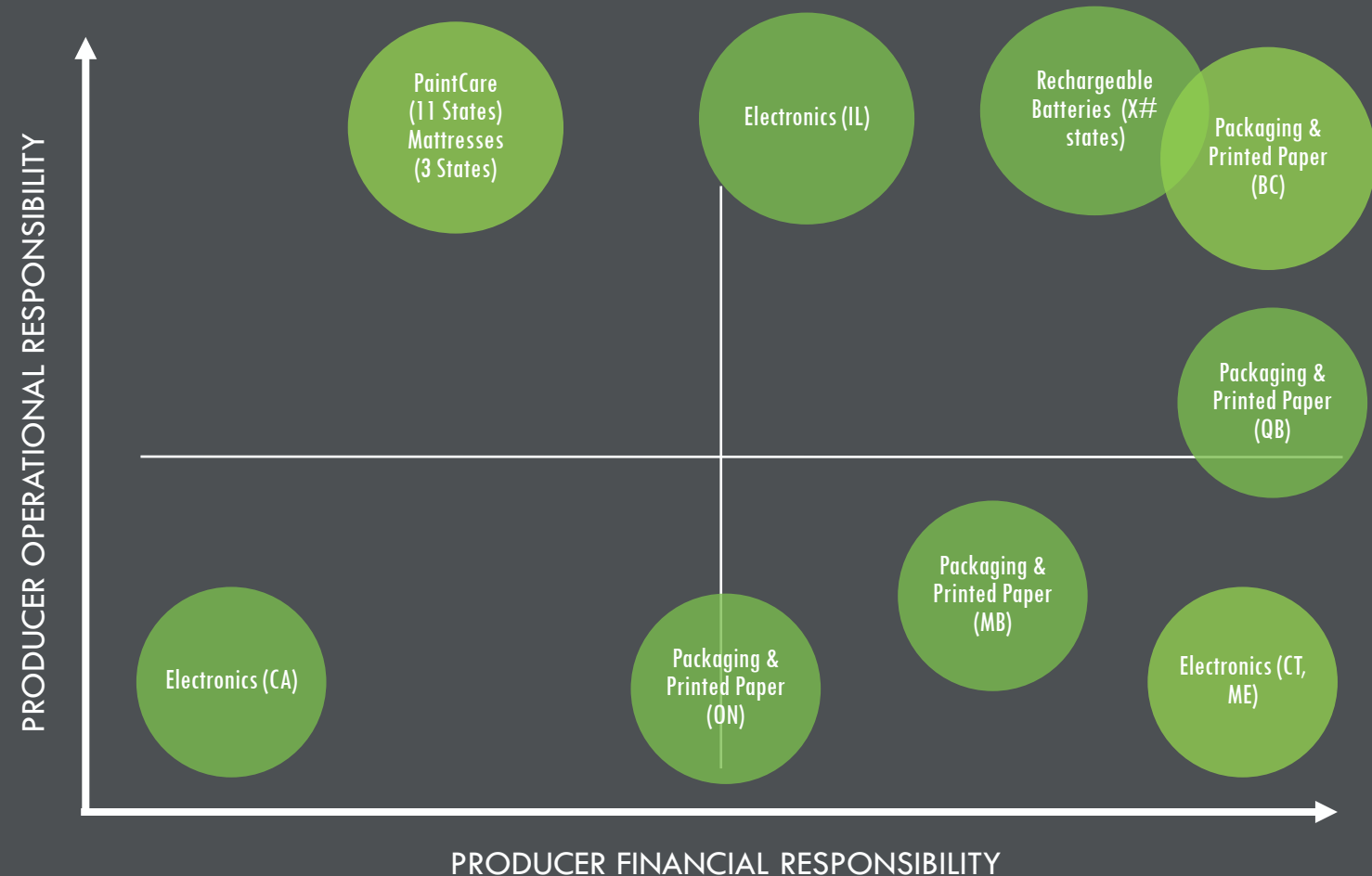
MATTRESSES

CA, CT, RI



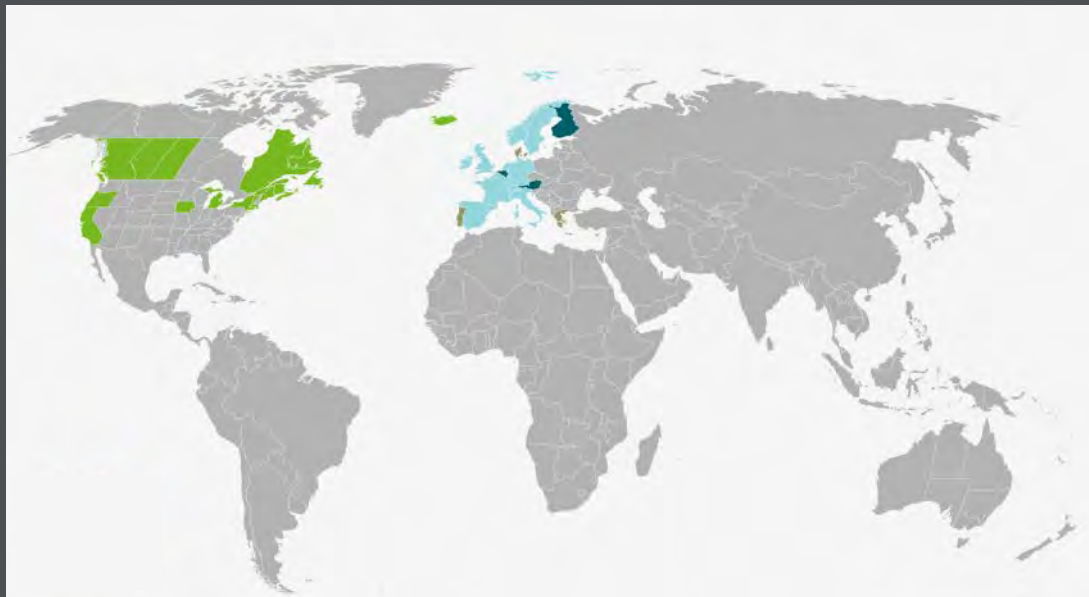
SPECTRUM OF EPR MANAGEMENT STRUCTURES

The level of financial and operational responsibility varies depending on the structure of the program



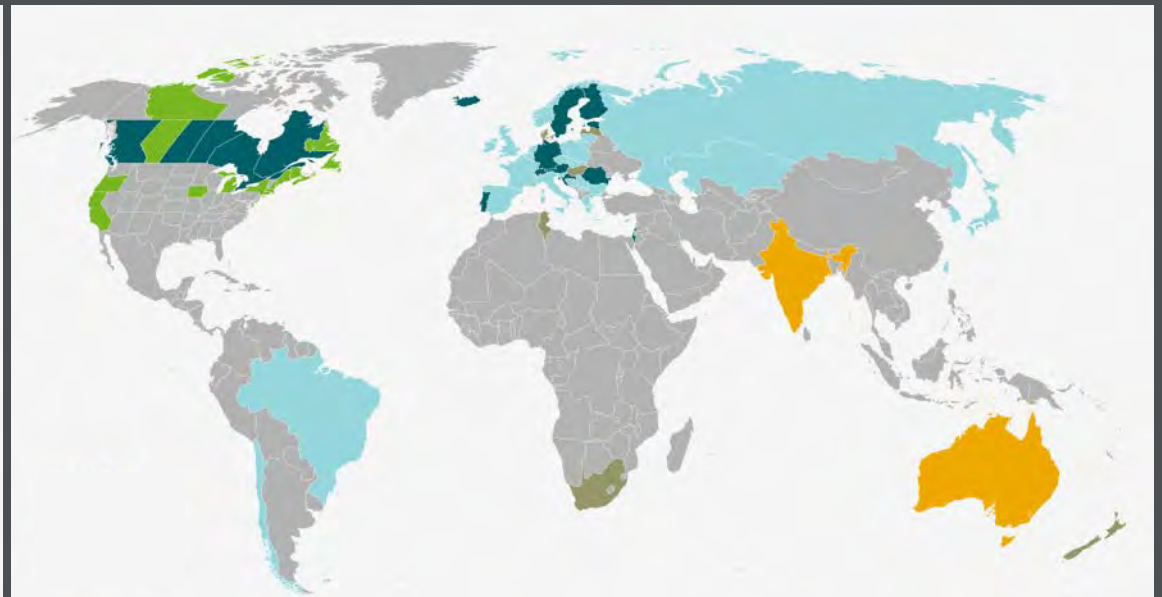
EPR FOR PACKAGING AND PRINTED PAPER

2000



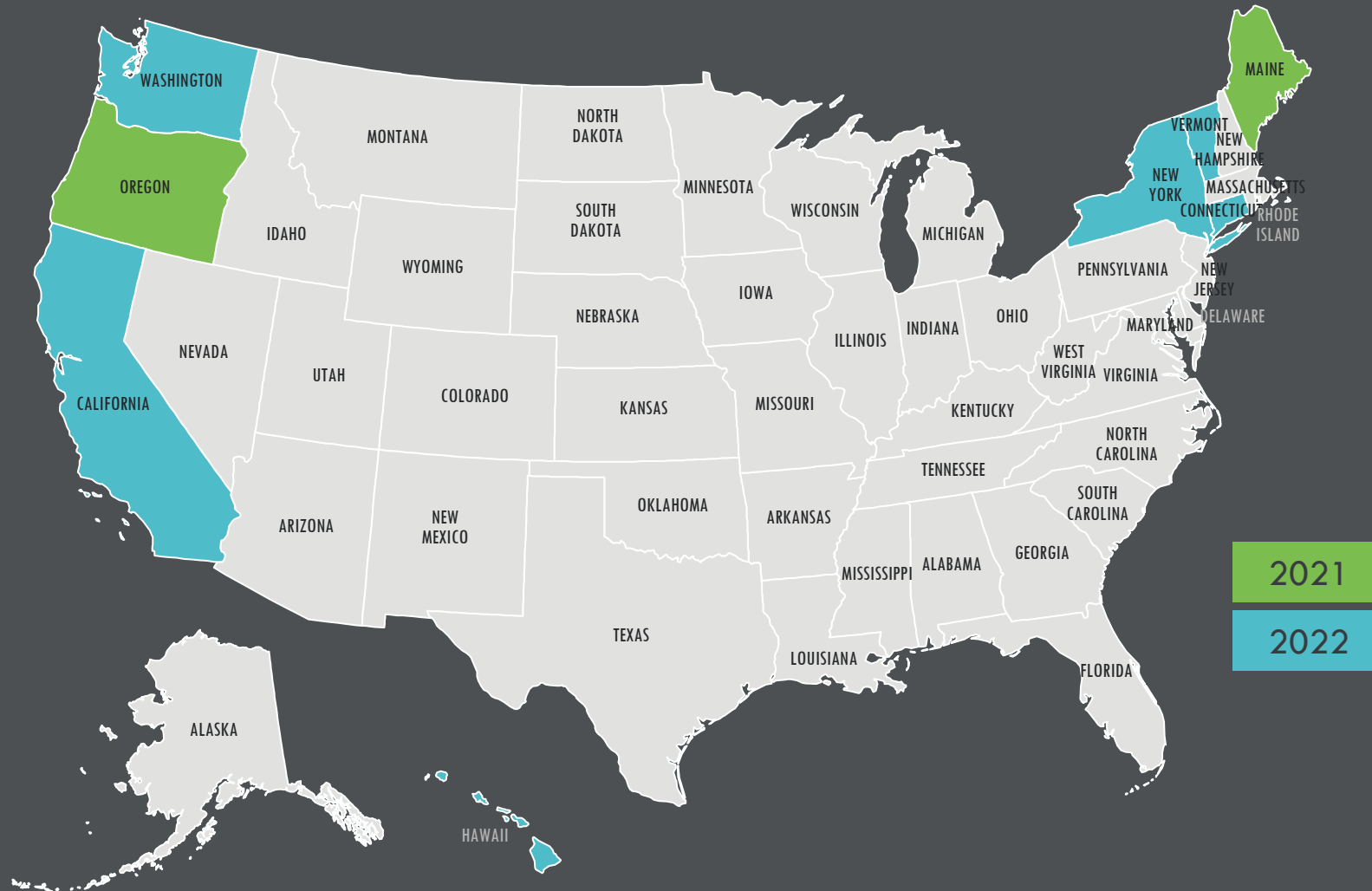
■ No EPR
■ Beverage Container Deposit
■ EPR
■ EPR + Beverage Container Deposit

2020



■ Voluntary EPR, Packaging Tax, or Other
■ Voluntary EPR, Packaging Tax, or Other + Beverage Container Deposit

STATES ENACTED OR ACTIVELY CONSIDERING EPR FOR PPP



2021

2022

COMMON FEATURES OF EPR FOR PPP PROGRAMS



Created by legislation
establishing rules and targets



Managed by one or
more Producer Responsibility
Organizations (PRO)



Guided by a Program Plan

2021 ORRA Fall Conference
EPR Keynote Session
When Policies Collide, is it Possible to Find Agreement?
Resa Dimino, RRS and Dr. Calvin Lakhan, York University

Issues Paper

1. Why is EPR such a driving concept today for solutions to challenges in solid waste management?
2. What should the goals of EPR be?
3. What could the outcome of EPR be?
4. Historically, there seems to be a real lack of transparency in EPR programs, which limits the ability to gather the necessary data to help inform the development of evidence-based policy. How can we balance a need to protect proprietary information and the need for transparency to inform and adapt EPR models?
5. Some EPR motivation seems to come from the “Stick it to the Man” philosophy – a belief that corporations bear responsibility for what they produce beyond the point of when consumers purchase it for use. But does this really track in EPR?
6. In the cycle of Materials Management and EPR, what is the appropriate role of Producers, to consumers and beyond?
7. Plastic has been demonized – rightfully so in some cases, but of course there are many benefits to plastic packaging as well. . How could LCA make EPR different, and can it set the tone for determining what waste management programs should look like?
8. Can we use EPR to focus on sustainability instead of recyclability?
9. Will the ecomodulation fee work?
10. There is conversation about economically challenged communities purchasing significantly more packaged goods than more affluent communities. Is this accurate? If so, how will EPR affect this?
11. Some have taken the position that producers should cover more collection costs, and we have heard statements like, “collection is 2/3 of the cost of the program.” What do you know about this?
12. Considering that EPR materials are just a subset of the materials being discarded by households and businesses, why should producers of EPR program materials cover collection costs for their products?
13. Fully harmonized systems are those where the producers are responsible for all aspects of end-of-product-life management, including collection. That is not the Oregon choice reflected in SB 582, but why would it be the choice of any program to shift all responsibility to producers?