Advocating for Effective Packaging Producer Responsibility Policy

LWVMA
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Advisor, Mass. Product Stewardship Council
Member, Westwood-Walpole-Dedham LWV

What's the problem?

- Consumption and disposal capacity crisis
- Trash & recycling costs doubled in 8 years

  ⇨ Fees, taxes
- Mass. trash generation: 6.2MM TPY. Capacity: 3.5MM TPY (2023)
- Excess ⇨ EJ communities as far away as AL
- 1.2MM TPY trash is paper & packaging, DOUBLE what is recycled
- Inefficient, ineffective, costly

What's the problem? (cont'd)

- Upstream GGEs far outweigh materials
  - On par with auto emissions
- Most emitted out of state
- 2020 SWMP: cut 30% of disposal by 2030, 90% by 2050.

  Paper & packaging heavily targeted
- Consumer ed ineffective. Need policies that go to the SOURCE

AN EFFECTIVE PACKAGING PRODUCER RESPONSIBILITY PROGRAM WILL:

Reduce wasteful, non-recyclable and unnecessary packaging and unwanted mail.

Create financial incentives for companies to use more recyclable materials with more recycled content.

Provide free recycling for all MA residents, including those living in apartments, dormitories and rural areas.

Save local governments money by reimbursing their costs to run recycling programs, and reducing disposal costs.

Support Mass. businesses by creating a more resilient domestic supply of raw materials to make new products.

Cut greenhouse gas emissions and pollutants from manufacturing, transporting and disposing of covered

Recycling avoids three tons of climate pollution for every ton recycled.

-U.S. EPA https://tinyurl.com/mwzsfbea

What's Mass. doing about it?

Extended Producer Responsibility (EPR) Commission

Section 108 of Chapter 239 of the Acts of 2024 (Climate bill):

- Establishes a legislative commission to recommend EPR policies for Mass. to General Court
- Commissioner of MassDEP leads, diverse set of 21 stakeholders
- Materials: Paint, Mattresses, Batteries, Electronics, and **Plastics/Packaging**
- Final reports due to legislature by 1/15/2026
- Send comments to bit.ly/EPRComComments

S570, An Act establishing a waste reduction needs assessment (in SW&M)

Filed by Senator Sal DeDomenico
Cosponsor:
Dylan A. Fernandes

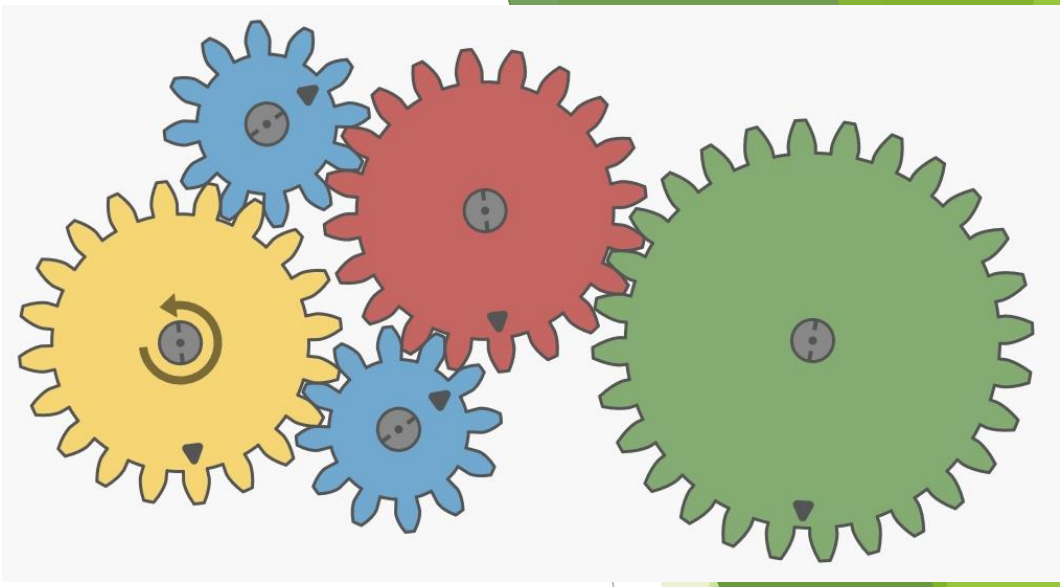
S571, An Act to reduce waste and recycling costs (in SW&M)

Filed by Senator Sal DeDomenico
Cosponsors:
Dylan A. Fernandes
Manny Cruz
Joanne M. Comerford
James B. Eldridge

H926, An Act to save recycling costs (in HW&M)

Filed by Rep. Michael Day

HOW S571 WOULD WORK



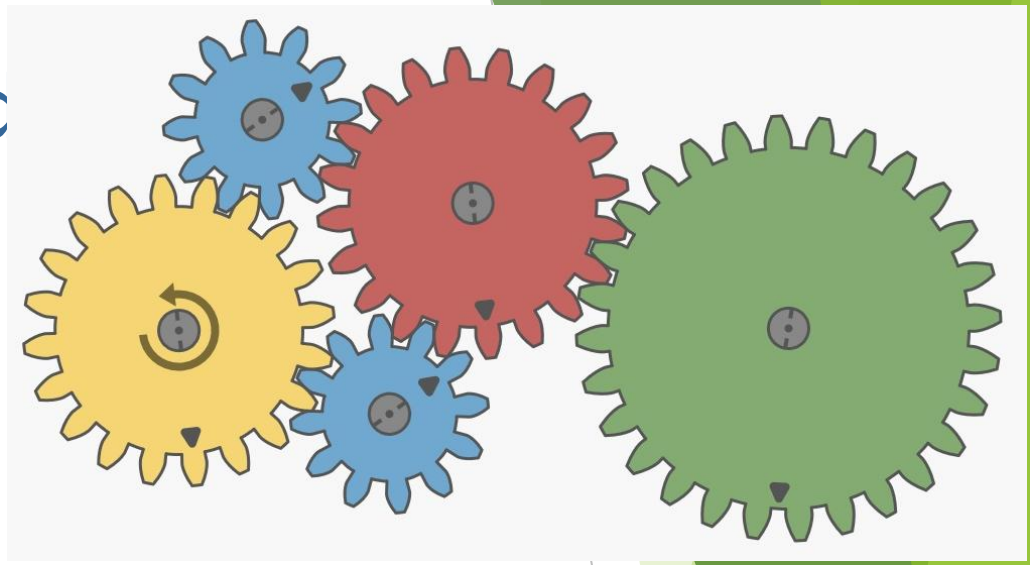
•**Companies that produce** & sell/deliver printed paper, packaged products **pay costs to recycle** covered packaging and printed paper products

•MassDEP selects an independent non-profit "**Packaging Reduction Organization**" (PRO), which:

- drafts, coordinates, manages funding & reports on the program.

•**Companies pay fees** to PRO based on amount & types of packaging used.

HOW S571 WOULD WORK (cont'd)



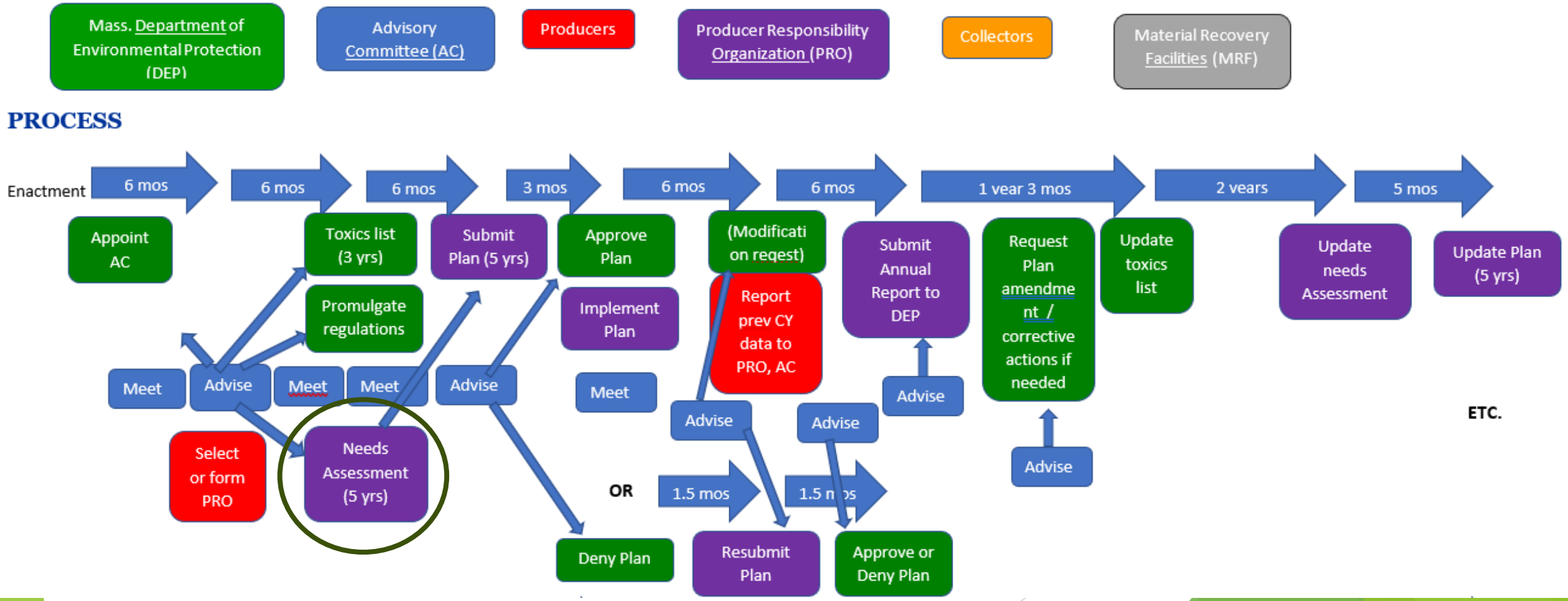
- PRO **reimburses qualifying local gov'ts & private haulers** the recycling costs for **residents, schools, small businesses, & hospitality venues**.
- PRO pays for approved **consumer education** & **infrastructure improvements**, & **government oversight** of the program.
- **MassDEP** appoints advisory committee, oversees PRO, sets fees and toxics list, enforces requirements.

NUTS AND BOLTS

- Covered Materials (s 330)
- Entities (s 330, 332, 343)
- Financial terms (s 334, 336, 338,341-343, Sec. 35TTT)
- Needs Assessment (s 333)
- Regulations (s 343)
- Packaging Reduction Plan, Program (s 334, 335)
- Fee setting (s 334, 343)

- Collector requirements (s 341)
- Collector reimbursement (s 342)
- Reporting (s 337, 340)
- Enforcement (s 344)
- Alternative Collection Program (s 339)
- Toxics list (s 343i)

“FLOW” CHART


Mass. Department of Environmental Protection (DEP)
Advisory Committee (AC)
Producers
Producer Responsibility Organization (PRO)
Collectors
Material Recovery Facilities (MRF)
PROCESS
Enactment
6 mos
6 mos
6 mos
3 mos
6 mos
6 mos
1 vear 3 mos
2 years
5 mos
Appoint AC
Toxics list (3 yrs)
Submit Plan (5 yrs)
Approve Plan
(Modificati on reqest)
Submit Annual Report to DEP
Request Plan amendme nt / corrective actions if needed
Update toxics list
Update needs Assessment
Update Plan (5 yrs)
Promulgate regulations
Implement Plan
Report prev CY data to PRO, AC
Meet
Advise
Meet
Meet
Advise
Meet
Advise
Advise
Advise
Advise
Select or form PRO
Needs Assessment (5 yrs)
OR
1.5 mos
1.5 mos
Deny Plan
Resubmit Plan
Approve or Deny Plan
ETC.

COVERED MATERIALS

- **Packaging Material:** Any part of a non-durable package used for the containment, protection, handling, delivery and presentation of a product offered for sale in Mass., including internet sales.
  - **Exempt**: some medical packaging; beverage containers subject to a redeemable d small producers
- **Printed Paper Products:** Includes flyers, magazines, greeting cards, catalogs, copy and writing paper
  - **Exempt:** Paper towels and tissues; Bound books; Newspapers

This is over 40% of our total municipal solid waste/recycling stream.

All single stream recyclables are covered and then some.

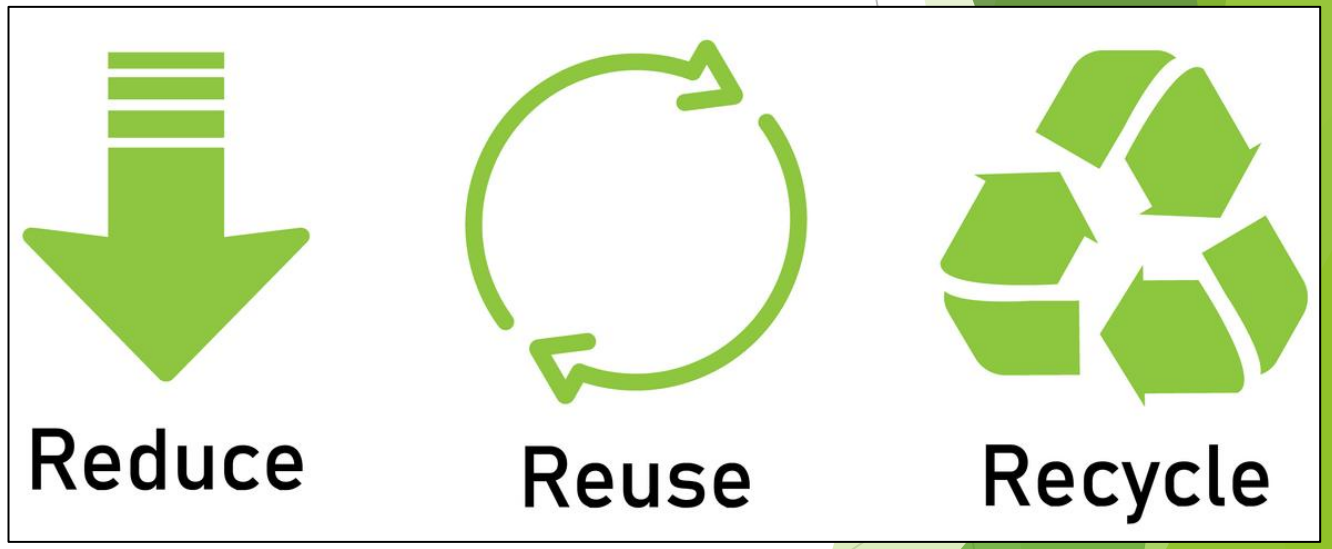
FEE SETTING, “ECOMODULATION”

PRO determines total costs to be covered by producer fees.

DEP defines material categories. Fee for each category is set based on costs, value.

DEP, with AC, sets further guidelines for fees (“eco-modulation”) to incentivize:

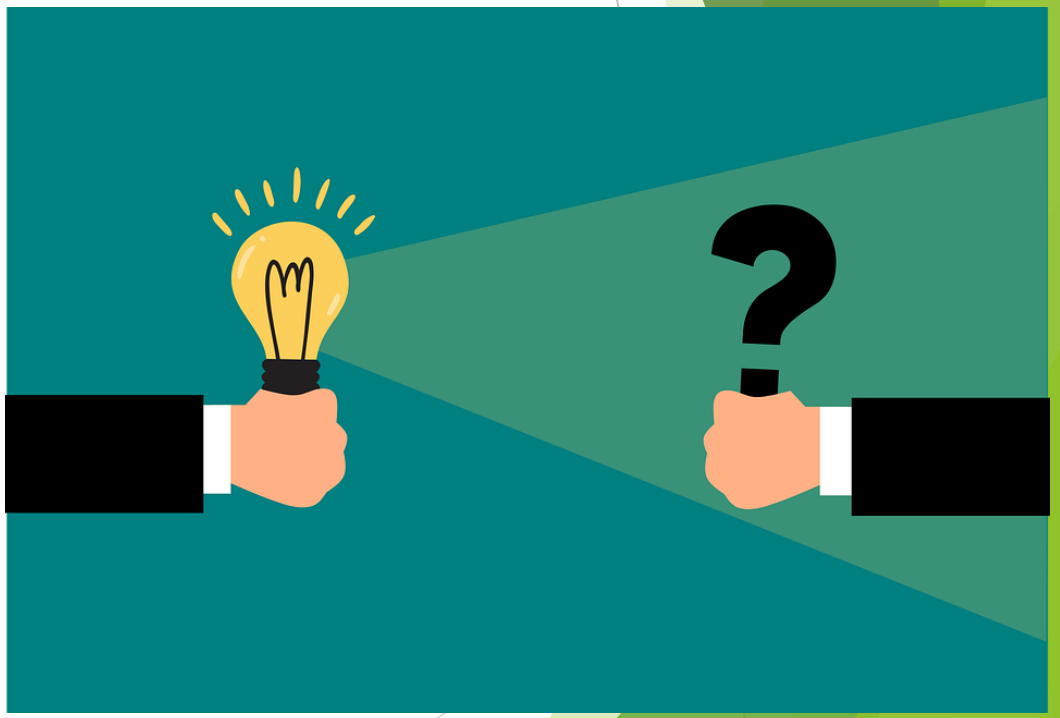
- Material reduction
- Reuse, lifespan extension
- Minimal life cycle impact
- Minimal quantity to protect product
- Recyclability
- Single-material packaging, clear labeling
- Post-consumer recycled content
- Minimal use of toxic substances
- Domestic processing



NEEDS ASSESSMENT – S570 and S571

Establish current baseline

Determine funding, program needs to achieve DEP SWMP goals & Waste Ban compliance



- ✓ Access, Convenience
- ✓ Material recovery, reuse rates
- ✓ Capacity (collection, transportation, processing)
- ✓ Market conditions
- ✓ Infrastructure improvement
- ✓ Consumer education
- ✓ Environmental justice
- ✓ Contamination reduction of inbound and outbound materials at MRFs

SIMILAR PROGRAMS

US:

- Enacted in ME, CA, OR, CO, WA, MN, MD
- Proposed in CT, HI, IL, NJ, NY, RI

Canada:

British Columbia, Saskatchewan, Manitoba, Ontario and Québec

Globally:

EU, UK, Australia, New Zealand, Russia, India, …

Will Massachusetts be next?

WHAT CAN YOU DO NOW?

Send comments to the EPR Commission:

bit.ly/EPRComComments

Calls and (paper) letters to:

Senate Committee on Ways and Means

24 Beacon St., Room 212, Boston, MA 02133

(617) 722-1481

CONTACT YOUR STATE SENATOR

Are you in SW&M Leaders' districts?:

Sen. Michael J. Rodrigues, Chair Michael.Rodrigues@masenate.gov

(617) 722-1114

Sen. Joanne M. Comerford, Vice Chair Jo.Comerford@masenate.gov

(617) 722-1532

Sen. Paul R. Feeney, Assistant Vice Chair Paul.Feeney@masenate.gov

(617) 722-1222

If not, Email AND call your legislator: https://malegislature.gov/Legislators

Thank them if they are sponsors

Ask them to convey (enthusiastic) support for

S570 and S571 to SW&M

ONGOING ADVOCACY

Sign up for Action Alerts at

bit.ly/SSRCActionAlerts

SSRC Advocacy page

bit.ly/SSRCAdvocacy

Mass. Product Stewardship Council info, bimonthly meetings

- *Open to members of MassRecycle*

bit.ly/MassPSC

THANK YOU!

Claire Galkowski, Executive Director

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director@ssrcoop.info; 781.329.8318

CELEBRATING 25 YEARS OF SERVICE

SOUTH SHORE RECYCLING COOPERATIVE

MASSRECYCLE

PRODUCER RESPONSIBILITY IS A PROVEN SOLUTION

Over **40 countries** have reduced waste with Producer Responsibility policies for containers and packaging materials.

Seven states (ME, OR, CA, CO, MN, WA, MD) have adopted EPR policies for packaging

WILL THIS INCREASE COSTS FOR CONSUMERS?

There is **no direct evidence** to show that Producer Responsibility programs led to an increase in consumer prices, based on research on similar programs throughout Canada and Europe.

Mass. Product Stewardship Council

A Committee of MassRecycle, geared to municipal governments

Officers

Chair, Waneta Trabert, City of Newton
Vice Chair Phil Goddard, Town of Bourne
Jessica Camarena, City of New Bedford
Josie Ahlberg, MA Municipal Association (MMA)
Claire Galkowski, South Shore Recycling Cooperative
Rob Gogan, Harvard University Recycling (retired)
Robin Ingenthron, Good Point Recycling
Terri Goldberg, NEWMOA (retired)
Sharon Byrne Kishida, MassDEP (retired)
Brooke Nash, MassDEP (retired)

COVERED WASTE GENERATORS

Generators on residential and commercial collection routes

- **Residences:** Where residents live, stay, or are cared for
- **Schools:** Preschool through university
- **Municipal buildings**
- **Public spaces**
- **Small businesses**
- **Hospitality locations:** Food and beverage service, entertainment, recreation

ENTITIES

- **Producers:** Manufacturers/owners/importers to US of product brands for sale, use, or distribution in MA, including online (sec. 330)
- **Exempt:** 501(c)(3); <$1 million gross revenue; using <1 ton per year of covered material (sec. 331)
- **Producer Responsibility Organization(s) (PRO, Organization):** A not-for-profit formed by producers or their agents to act as all producers' agent, develop the Plan and operate the Program. (sec. 332)
- **Department (DEP):** Mass. Department of Environmental Protection
- **Advisory Committee (AC, Committee):** Established / convened by DEP, includes reps from DEP, AG consumer advocate, producers, retailers, waste haulers, MRFs, municipalities, environmental / community orgs, litter programs, and enviro/human health scientists. (sec. 343)
- **Collectors:** Municipalities, regional associations, and private haulers that collect solid waste from covered waste generators (sec. 330)
- **Material Recovery Facilities (MRF, Facility):** A facility that receives, processes and sells/distributes post-consumer materials for recycling (sec. 330)

FINANCIAL TERMS

- **Producer Payments** (sec. 336): Fee initially based on sales. After the 1st report, based on tonnage and type of covered material sufficient to cover all Program costs
- **Packaging Reduction Fund (PRF, Fund**, sec. 338): Privately held account managed by PRO to cover all Program costs, including SPT
- **Sustainable Packaging Trust: (SPT, Trust**, Sec. 35TTT): Expendable trust for DEP administration and enforcement costs, and to collect and distribute fines related to the Program
- **Collector reimbursements** (sec. 341, 342): Collectors submit invoices with evidence of net costs incurred for reimbursable items monthly to the PRO. PRO pays qualifying costs within 30 days.
- **DEP reimbursements** (sec. 343): DEP submits invoices for administration and enforcement of the law quarterly, beginning 3 months after the formation of the PRO. The PRO will begin depositing payments into the SPT 6 months from its formation to cover these costs.

TOXICS LIST

Toxics List (sec. 343 (i)): MassDEP develops a list of toxics every 3 years to determine compliance and inform annual fee adjustments includes:

- Carcinogens, mutagens, reproducticants, neurotoxicants, neurotoxicants, endocrine disruptors
- Persistent or bioaccumulative chemicals
- Human or wildlife developmental toxins
- Organ and system toxins
- Chemicals that may have adverse air quality, ecological, soil or water quality impacts

REGULATIONS

(sec. 343):

- Covered material categories
- fee structure (actual costs, eco-modulation)
- convenience and performance standards
- Plan requirements
- collector reimbursement parameters
- reporting requirements
- private hauler requirements
- enforcement

GOVERNANCE

Producer Responsibility Plan (Plan, sec. 334):

- Utilize and improve existing infrastructure
- PRO administration, assistance to producers and collectors, relationship with AC
- Fee setting and assessment, collection and disbursement
- PRF management, staffing, budget (startup and operation), outreach, infrastructure enhancement, free and convenient recycling access
- path to meeting reduction, recycling and recycled content goals
- MRF, waste composition and litter audit methods

Producer Responsibility Program (Program): Implementation of the Plan

COLLECTOR REIMBURSEMENT

(sec. 341)

- **Participating government collectors:** quarterly payments for processing and recycling of covered materials from covered entities
- **Participating private haulers:** quarterly payments for processing and recycling of covered materials from covered entities
- **All private haulers**, whether participating or not, must provide convenient recycling at an all-inclusive cost (trash and recycling).

REPORTING

- **Producers** report tons of covered products by material type to PRO for previous calendar year. (sec. 337)
- **PRO** reports annually to DEP (sec. 340):
  - Producer and Brand lists
  - Amounts of each type of covered material by each producer
  - Payments paid to and by the PRO (independent audit)
  - Method of calculating payments
  - Non-participating/noncompliant producers
  - Education, infrastructure investments and their impacts on access and reuse
  - MRF material audits, waste composition studies at disposal facilities, litter audits
  - Progress toward plan goals

REPORTING (cont'd)

- **Collectors**: report monthly to PRO all info needed for reimbursement
- **DEP**: report annually to HW&M and SW&M committees on SPT income and expenses.

ENFORCEMENT

- Noncompliant producers and haulers “shall be fined” up to $200,000 per day for each violation
- DEP may sue to stop the sale of noncompliant products, and to collect penalties
- Penalties collected are deposited in SPT for grants and loans to businesses, nonprofits and collectors to reduce waste and litter.

ALTERNATIVE COLLECTION PROGRAM (ACP)

- A type of covered material may be managed outside the Plan, as approved by DEP if:
  - Convenient, free, statewide access to collection for the material type
  - Meets high reduction, reuse and recycling goals
  - Consumer awareness is significantly increased through outreach
  - Measurement method is approved and applied
  - Impact on EJ communities is minimized
  - Producer pays directly into the SPT for DEP administration and enforcement

The bar is very high for an ACP to be approved.