

PACKAGING REDUCTION AND RECYCLING LAWS

Progressive Democrats of Massachusetts

“Talking Trash” Forum

Jan. 20, 2023

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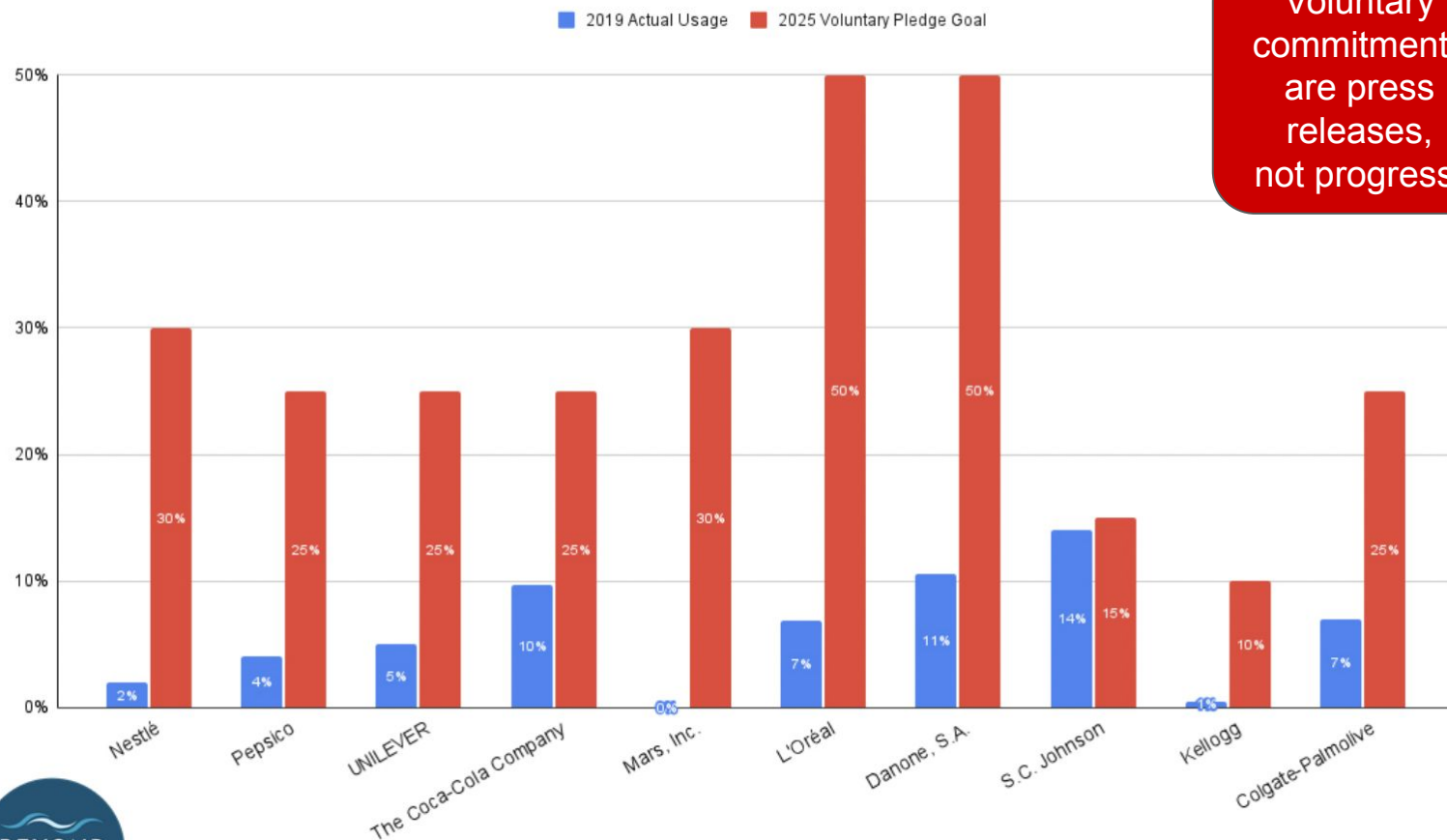
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WHY NOW?

- 75% of people globally want single-use plastics banned
- 81% of voters in the U.S. want government to take action to reduce plastic
- Industry has a PR problem
- Advocating for weak policies
- Coming to a state near you!

Corporate Promises to Use Recycled Materials: Promises vs. Reality



Voluntary commitments are press releases, not progress!



WHAT IS EPR FOR PACKAGING?

EXTENDED PRODUCER RESPONSIBILITY

Brands reduce packaging. Remaining packaging is free of toxics and is recyclable/contains recycled content.

Retailers and brands implement reuse + refill systems.



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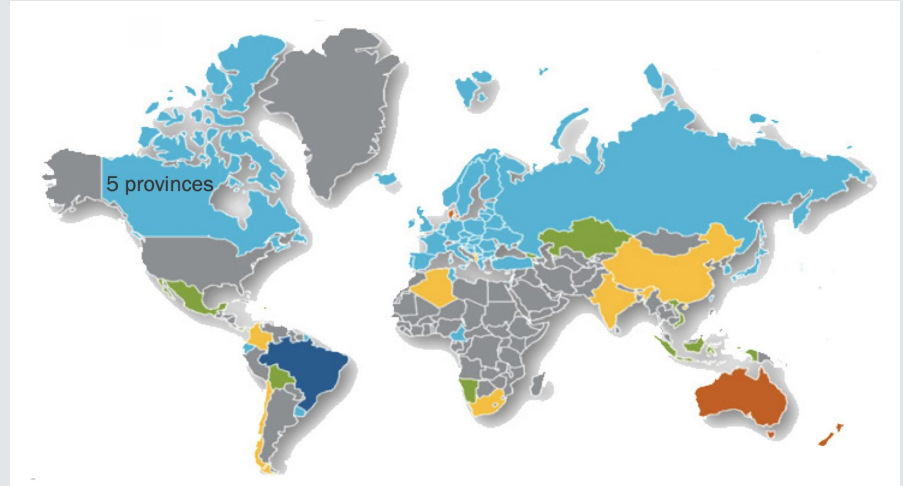


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WHERE DOES EPR FOR PACKAGING EXIST?

- 51 jurisdictions
- All of Europe
- 5 Canadian Provinces



U.S. STATES WITH EPR FOR PACKAGING

- Maine
- Oregon
- California
- Colorado





THE RISK

- Adopting weak or ineffective programs will prevent the progress we need
- We have NO TIME TO DELAY

THE CHALLENGE

- BLOCK weak policies from getting passed - they will set us back 10 years
- Get strong, effective, transparent EPR passed at the state-level
- Follow the “Checklist for Effective EPR for Packaging”





Ten Requirements for Effective Packaging Reduction Policies



Your Checklist for an effective packaging policy that will
REDUCE POLLUTION and **HOLD POLLUTERS ACCOUNTABLE!**



just zero Ten Requirements for Effective Packaging Reduction Policies



Your Checklist for an effective packaging policy that will
REDUCE POLLUTION and **HOLD POLLUTERS ACCOUNTABLE!**



- 1 Establish Environmental Standards for Packaging**
Set or fast-track efficiency standards for cars and appliances. We need environmental standards for packaging: 50% reduction in packaging over ten years—achieved either through elimination or by switching to reused/refill systems—and the rest must achieve a 70% recycling rate. Waste reduction comes before recycling in every waste hierarchy and will only be achieved if it is required. Plastics recycling is a failure and we cannot rely on recycling to solve our plastics problem.
- 2 Reduce Toxics in Packaging**
Packaging that contains toxic chemicals is harmful to human health and the environment and can make it unsafe to use recycled materials in future products. Known toxic chemicals and substances, such as PFAS, formaldehyde, mercury, and lead should be removed from packaging.
- 3 No False Recycling**
Waste-to-energy, "chemical recycling" or "advanced recycling," the technologies all emit hazardous waste, are mostly waste-to-fuel, and are often placed in low-income communities and communities of color. The last thing we need is to create more fossil fuels or to waste taxpayer dollars and valuable time on false solutions. These technologies should not be considered recycling—the definitions in any policy must make that clear.
- 4 Include a Modernized Beverage Deposit Law, AKA Bottle Bill**
Bottle bills work—deposit return laws are the best example of EPR and the most effective way to handle beverage containers. Most beverage containers should be managed by a modernized deposit law that sets the minimum deposit at ten cents, promotes refillable containers, has minimum reuse and recycling targets, and makes it easy for people to return their containers. Ten states already have a bottle bill.
- 5 Provide Financial Relief to Taxpayers and Consumers**
Packaging companies should pay fees that are used to: reimburse municipalities and consumers for the cost of recycling packaging material; provide new funding for projects that reduce packaging waste and improve recycling; and fund state agencies for managing the program and enforcing the law. Companies should pay no fees for packaging used in reuse + refill systems.
- 6 Include Both Residential and Commercial Waste**
Commercial waste makes up between 40% and 50% of the waste stream. The policy should apply to packaging generated in all sectors.
- 7 Don't Put the Packaging Industry in Charge**
We would not expect the tobacco industry to implement effective anti-smoking efforts—do not allow consumer brands to self-regulate through Producer Responsibility Organizations (PROs). There needs to be binding performance targets set in statute, and strong accountability and oversight by state agencies, including the ability to completely disband poor-performing PROs.
- 8 Ensure Strong Oversight and Accountability**
A law is only as strong as its enforcement. Create a new Office of Inspector General specifically to enforce the program and make sure state agencies receive the funding necessary to implement and enforce the law.
- 9 Avoid Glaring Loopholes**
Make sure the bill language does not allow packaging producers to wiggle out of compliance. For instance, Section 42050.33 (A) of the California EPR law exempts "single-use material that presents unique challenges in complying." This provision alone could make the California EPR law ineffective.
- 10 Seek Transparency and Inclusion in the Process**
Do not negotiate this complex and important policy behind closed doors. Hold public hearings and roundtables. Invite ordinary citizens into the process. Hear all sides and then decide what is best for the people and the environment.

January 2023

www.beyondplastic.org/epr



ENVIRONMENTAL STANDARDS FOR PACKAGING

- Similar to fuel efficiency standards for vehicles and energy efficiency standards for appliances
- Prioritize reduction and proper waste hierarchy
- Minimum reuse + refill standards
- Recyclable
- Standards IN LEGISLATION

Think you know
the truth about
plastic recycling?

Think again.

**Less than 6% of
your plastic waste
is recycled.**

Beyond Plastics is building a vibrant
and effective anti-plastics movement.
Their mission? To end plastic
pollution by revealing the truth
about the plastic crisis.

Learn more about their cause below.



BeyondPlastics.org

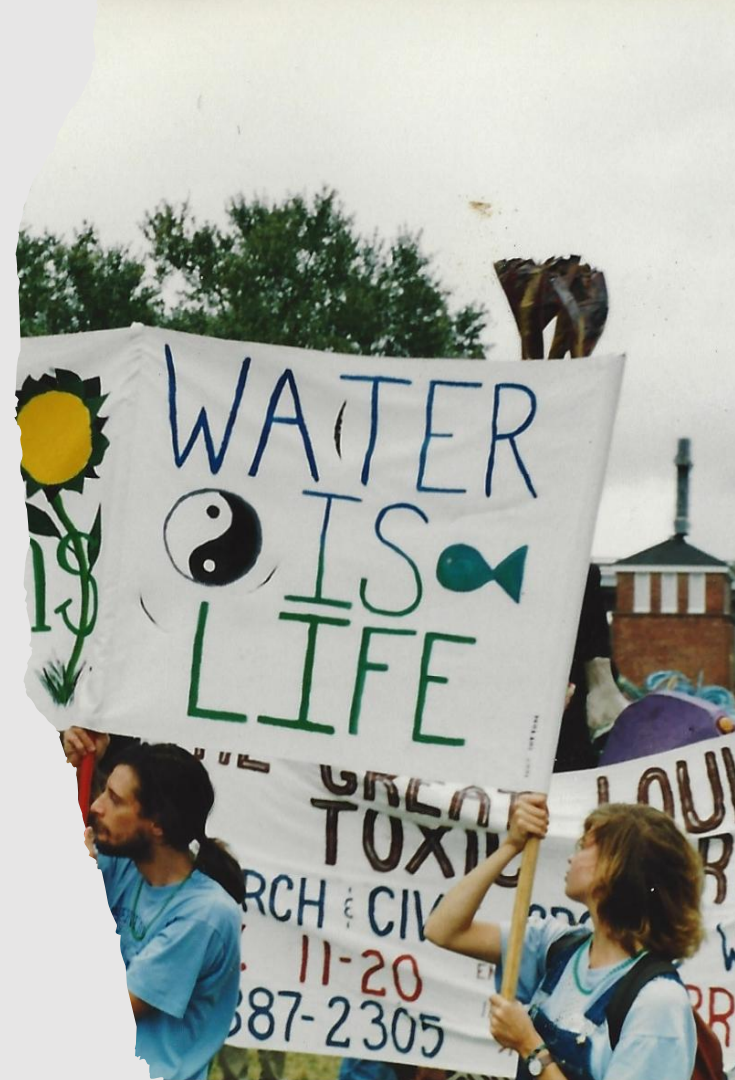

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REDUCE TOXICS

- Known toxic chemicals should be banned from packaging
- Known toxic materials should be banned from use in packaging
- Toxics have no place in a circular economy
- Agencies should review and add every few years





NO FALSE RECYCLING

- Sometimes called "chemical recycling" or "advanced recycling", mostly pyrolysis, gasification, and solvolysis
- Emit hazardous waste
- Most are waste-to-fuel
- Often placed in low-income communities and communities of color.
- We don't need to create more fossil fuels
- Shouldn't waste taxpayer dollars and valuable time on false solutions.
- EPR policies must make it clear that these technologies are not recycling

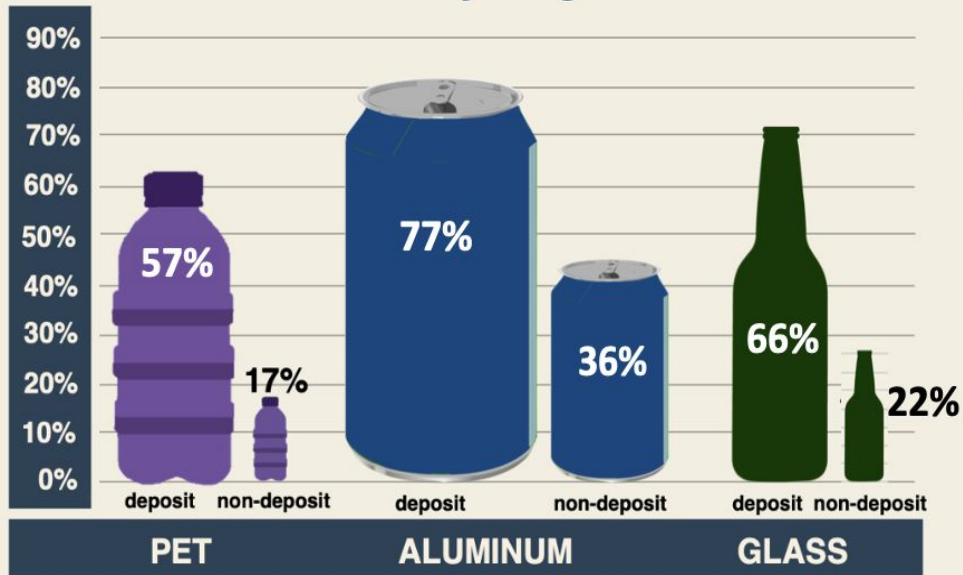
MODERNIZED BOTTLE BILL

- Best example of EPR today
- Produces clean, food-grade recycled content
- Reduces litter, keeps recyclable materials clean
- Creates jobs



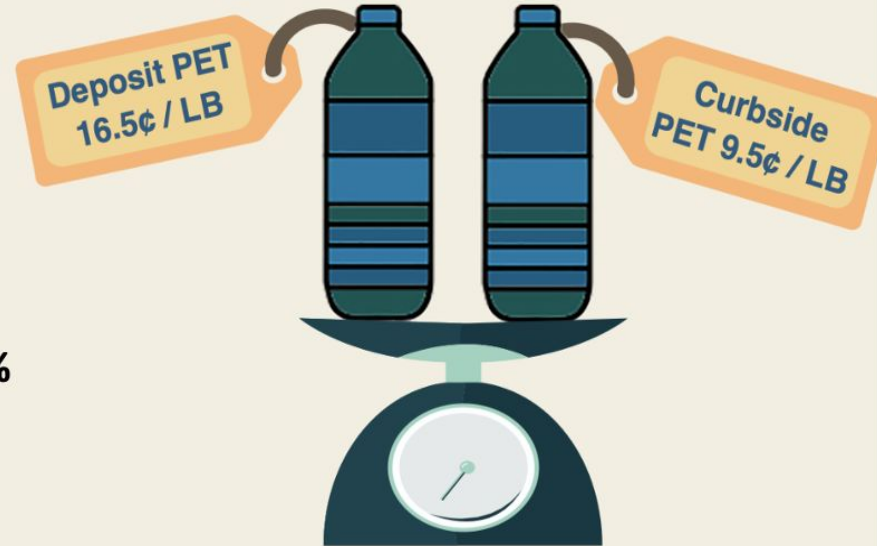
Container deposits: The rock stars of recycling

Better recycling rates

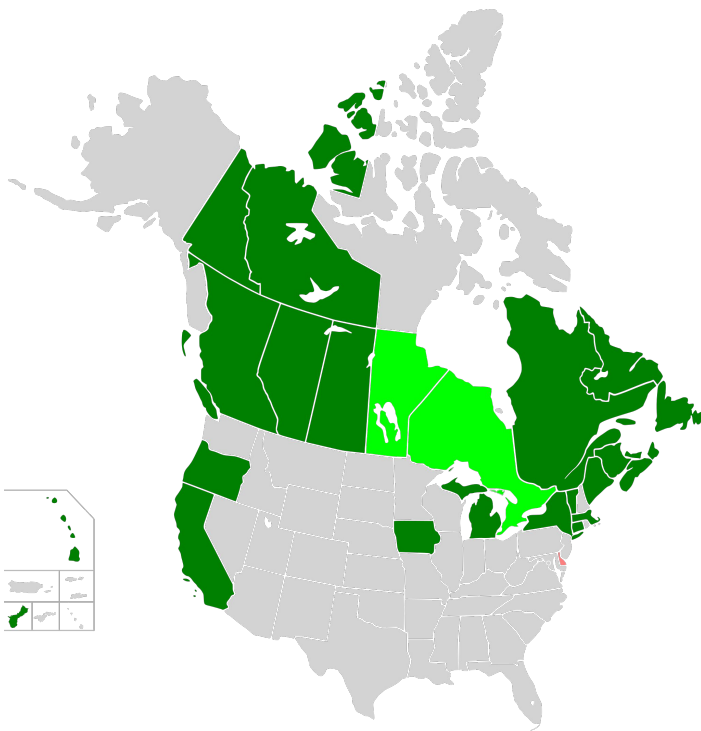


Source: "2019 Beverage Market Data Analysis." Container Recycling Institute, 2022.

Better bale prices



Source: NAPCOR/APR 2016 Annual Report



MODERNIZED BOTTLE BILL

- 10 U.S. States and most of Canada
- Studies show that Bottle Bill + EPR are better together

Worldwide population with DRS	million people	# of jurisdictions
Existing programs	302	52
Upcoming programs	179	7
Proposed programs	56	14
Total	538	73
Sources:		
Number of programs: "Global Deposit Book 2022." Reloop Platform, 2022.		
Population: publicly available data.		
© Beyond Plastics, 2023		

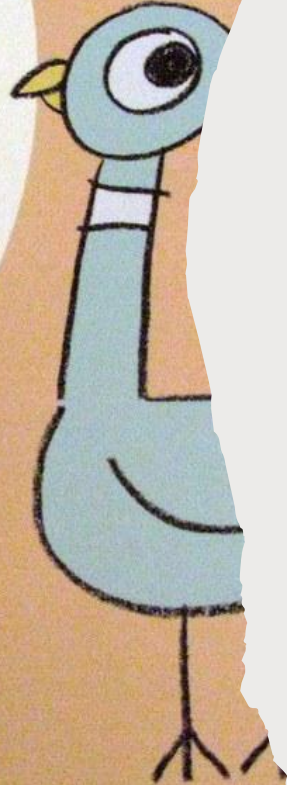
MODERNIZED BOTTLE BILL

Features:

- 10¢ deposit (minimum)
- All beverage types; minimal exclusions
- Reuse + refill targets
- Recycling rate targets
- Trigger and/or penalties



Don't
Let the
Pigeon
Drive
the
Bus!



words and pictures by mo willems

DON'T LET THE INDUSTRY DRIVE THE BUS!

Set binding
performance targets in
statute, and strong
accountability and
oversight by state
agencies, including the
ability to disband
poor-performing PROs.



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WHAT SHOULD EPR COVER?

- All packaging types
- Residential AND commercial
- Commercial waste makes up between 40% and 60% of the waste stream





Setting fees

- All producers pay in
- Eco-modulated



USING THE MONEY

- Defray total cost of recycling to municipalities
- Financial relief for taxpayers
- Investment in reuse, refill, and recycling infrastructure
- Public education

OVERSIGHT AND ACCOUNTABILITY

- A law is only as strong as its enforcement
- Ensure lots of enforcement mechanisms
- Fully fund state agencies to implement and enforce the law





MIND THE DETAILS

- Scour proposals for loopholes
- California EPR Law Section 42060 (3) (A) exempts "Single Use Material That Presents Unique Challenges In Complying."
- Recipe for litigation and delay



TRANSPARENT AND INCLUSIVE PROCESS

- Challenge closed-door negotiations
- Request public hearings and roundtables
- Build your coalition
- Include diverse voices:

WE CAN CHANGE OUR PACKAGING WASTE PROBLEM!

With good public policy we can reduce waste and plastic pollution, improve recycling, and give taxpayers some relief.

Better packaging solution exist.

It's time for environmental standards for packaging.





REDUCE

Certain products can skip the packaging altogether or significantly reduce.

REUSE + REFILL

There are a growing number of options.



RECYCLE



Truly recyclable packaging options exist.

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Thank you!

www.BeyondPlastics.org

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QUESTIONS?



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