



Ten Requirements for Effective Extended Producer Responsibility

Your Checklist for a strong and effective EPR for packaging policy that will **REDUCE PLASTIC POLLUTION!**



- 1 Establish Environmental Standards for Packaging**
Similar to fuel efficiency standards for cars and appliances, we need environmental standards for packaging. The policy should require 50% reduction in packaging over ten years, which can be achieved through elimination or by switching to reuse/refill systems. After reducing packaging by 50%, the rest of the packaging should be designed to be either recyclable and/or made from recycled content. 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 Plastic Burning a.k.a. “Chemical Recycling” or “Advanced Recycling”**
Chemical and advanced recycling is mostly waste-to-fuel, and these facilities are almost always placed in low-income communities and communities of color. The last thing we need is more fossil fuel and wasting taxpayer dollars and valuable time on false solutions. These technologies should not be considered recycling and the definitions in the bill should make that clear.
- 4 Include a Modernized Beverage Deposit Law, a.k.a Bottle Bill**
Bottle Bills work – deposit-return laws are the best example of EPR and the most effective way to handle beverage containers. The deposit should be at least 10 cents, promote refillable containers, and make it easy for people to return their containers. Ten States have bottle bills.
- 5 Provide Financial Relief to Taxpayers and Consumers**
Packaging companies should pay fees that are used to: reimburse municipalities and consumers for their costs of recycling packaging material; provide new funding for projects that improve recycling and reduce waste; and reimburse state agencies for managing the program and enforcing the law. Companies pay no fees for reusable packaging.
- 6 Cover Both Residential and Commercial Waste**
Commercial waste makes up between 40% and 60% of the waste stream. The bill should apply to the packaging generated in this sector.
- 7 Avoid Glaring Loopholes**
Make sure the bill language does not allow packaging producers to wiggle out of compliance. For instance, Section 42060 (3) (A) of the California EPR law exempts “single-use material that presents unique challenges in complying.” This provision alone will lead to years of litigation and lots of state agency time.
- 8 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). If one or more PROs are established, they need binding performance targets set in statute, and strong accountability and oversight by state agencies, including the ability to completely disband poor-performing PROs.
- 9 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 implement and enforce the law.
- 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.