



**EPR FOR PACKAGING**  
**ANOTHER WORLD IS**  
**POSSIBLE WITH STATE**  
**LEADERSHIP**

WHY NOW?

# 75% of people want single-use plastics banned, global survey finds

IPSOS Poll February, 2022



  
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# 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.



Brands invest in infrastructure to improve recycling and reuse.

Consumers return or recycle product packaging.

Brands pay for costs of recycling and disposing of product packaging.

## SOLUTION

Strong and transparent EPR can be used to solve the growing problem of packaging waste and plastic pollution.

# Four State-Level EPR Laws on the Books





# RISK

Adopting weak or ineffective programs will prevent the progress we need.

1. Require 50% Less Packaging. The rest should be recycled.
2. Reduce Toxics.
3. No Burning aka “Chemical Recycling”
4. Strong Oversight and Accountability
5. Eco Fees =Taxpayer Relief and Investments
6. EPR + Bottle Bill: Better Together
7. No Big Loopholes.

# 1

## Reduce Packaging

- Companies are required to reduce their packaging and transition to reuse or refilling. Best route: actual reduction.

Given the scale of the problem: the law should require 50% reduction over a period of ten years. Incremental reductions every 2 years.

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](https://beyondplastics.org)

  
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## REDUCTION TARGETS IN EPR

### ACHIEVES FULL SOLID WASTE HIERARCHY



EPR should fix recycling, yes, but should focus first on REDUCE and REUSE.

### EPR BEST PRACTICE

Requirements for packaging reduction should be written into the legislation. Includes switching to reusable systems.



### MANDATORY TARGETS



Builds in maximum accountability, but allows companies flexibility in how they will meet targets.

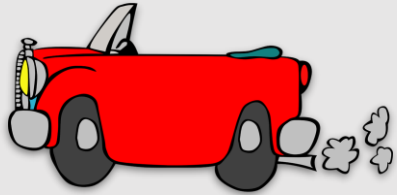
Without targets there will not be progress.

# 2. Redesign Packaging

Companies are required to redesign packaging to remove toxics and make packaging more recyclable and/or contain recycled content.

# PACKAGING STANDARDS IN EPR

## PACKAGING STANDARDS MAKE SENSE



We have fuel efficiency standards for vehicles and energy efficiency standards for appliances.

Why not packaging?

## DRIVE DESIGN CHANGES

Eco-modulated fees and design standards increase reuse, recycling, recyclability, and recycled content.



In a truly circular economy packaging must be made from the safest materials, free of the most harmful toxic substances.

## ELIMINATE TOXICS IN EPR



# 3 No Burning

- Good EPR prohibits all types of plastic burning including chemical recycling, advanced recycling, incineration, waste to energy, gasification, and pyrolysis. See strong definition of recycling in NY Assemblymember Steve Englebright bill, A 10185.

## TAXPAYER RELIEF + INVESTMENTS



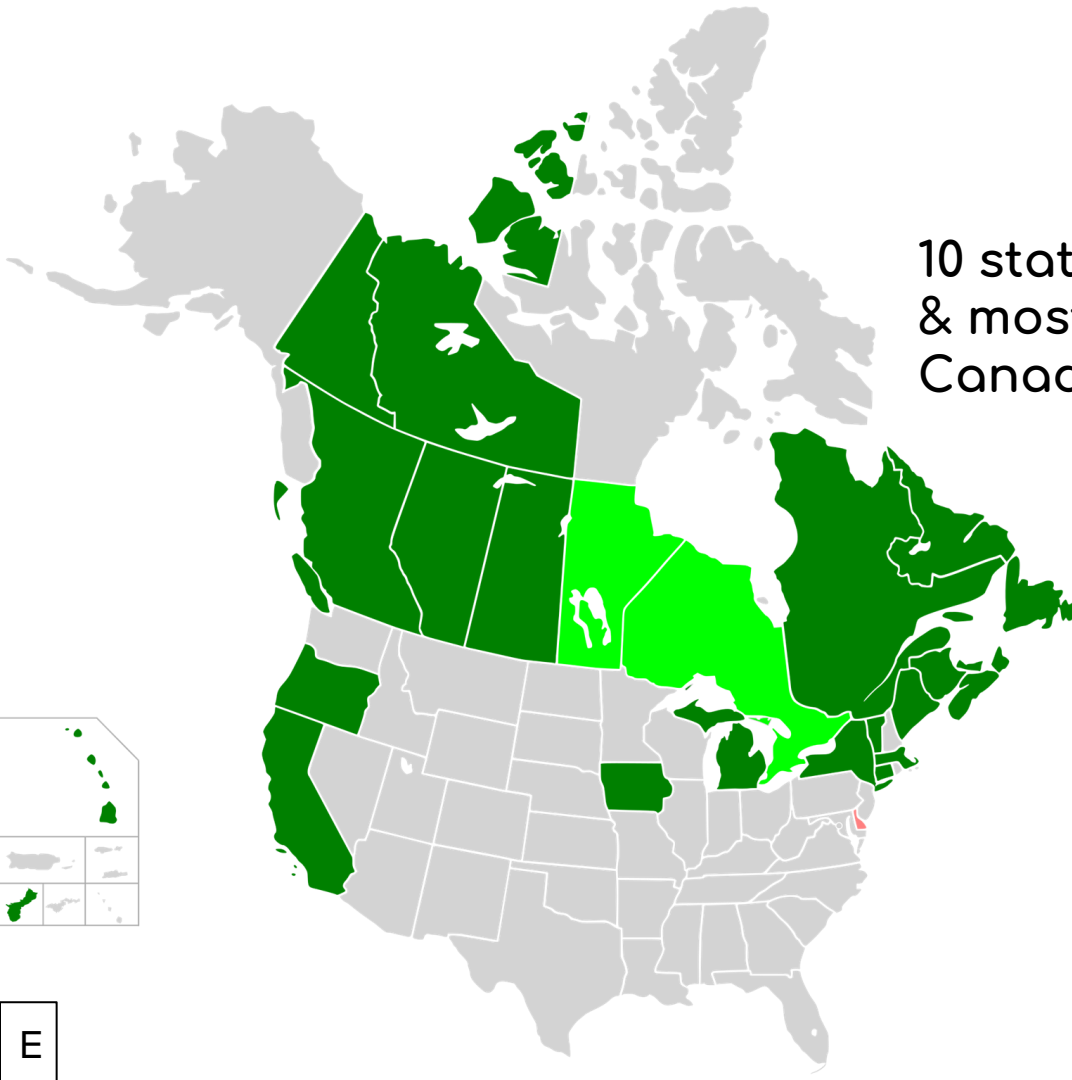
We have very little  
control of what  
comes our way.

# EPR + Bottle Bill: Better Together

The best example of EPR today is deposit laws on beverage containers, known as Bottle Bills. Ten cent deposit on soda, beer, non-carbonated beverages, wine, and liquor. Reduces litter, keeps recyclable materials clean due to good source separation, creates jobs. Ten states have bottle bills. NY law is 40 years of success.

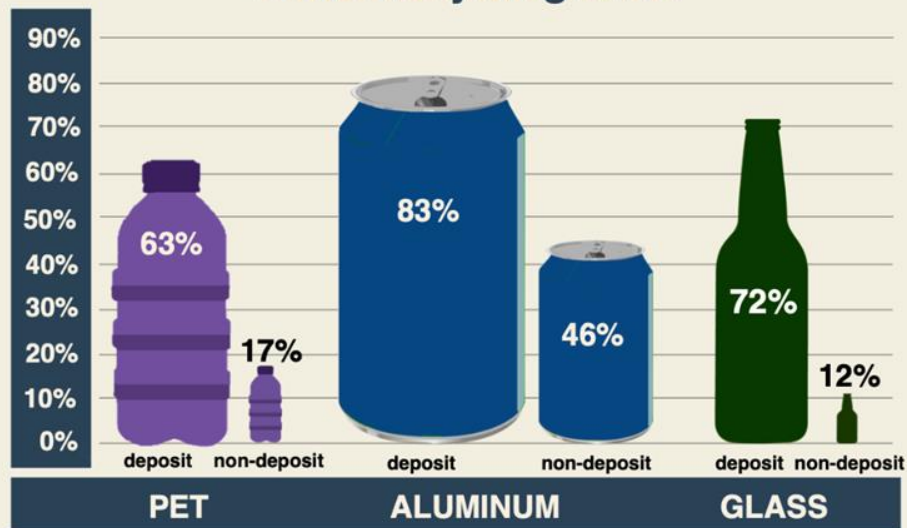
## Bottle Bill

10 states  
& most of  
Canada



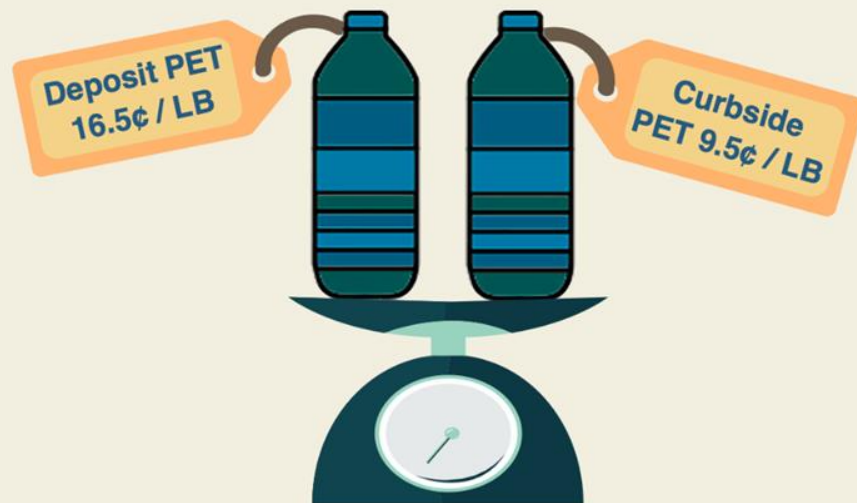
## Container deposits: The rock stars of recycling

### Better recycling rates



Source: 2015 Beverage Market Data Analysis, Container Recycling Institute, 2017

### Better bale prices



Source: NAPCOR/APR 2016 Annual Report

# Bottle Bill Benefits



Litter Prevention

Recycled content for food grade material





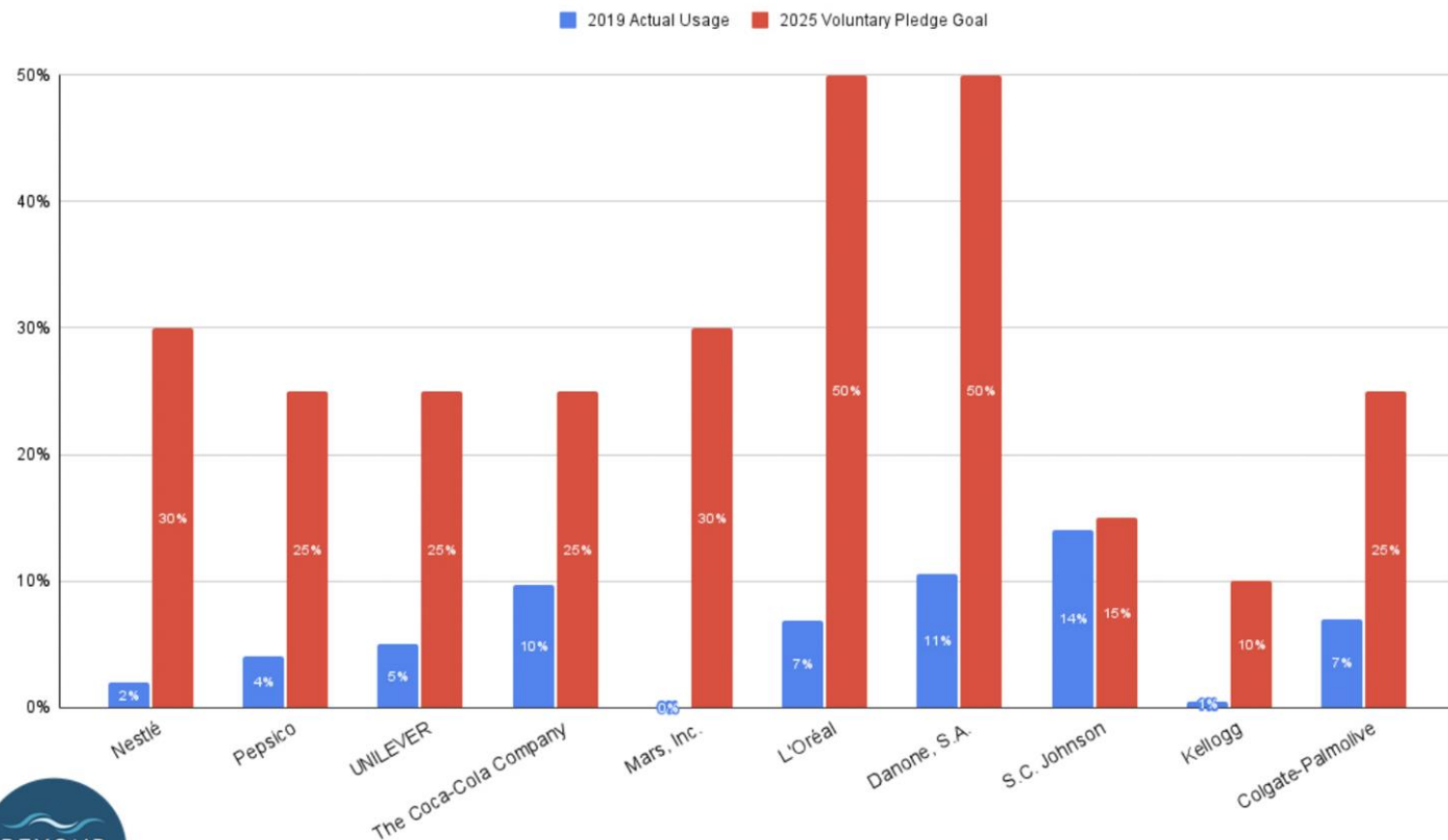
# EPR + Bottle Bill

Better Together

## MODERN BOTTLE BILL

Add reuse and refill requirements and make sure ALL beverage containers are covered under the Bottle Bill.

## Corporate Promises to Use Recycled Materials: Promises vs. Reality



Prepared by Beyond Plastics Oct. 2021. Source: Ellen MacArthur Foundation's The Global Commitment 2020 Progress Report, pp 15-16

## WE NEED STRONG EPR

Voluntary efforts  
are not enough.  
Another packaging  
world is possible.  
Strong EPR  
legislation can help  
us get there.



# Avoid Big Loopholes

## Include Commercial Not Just Residential

California EPR Law. Section 42060 (3) (A) exempts “Single Use Material That Presents Unique Challenges In Complying.” Recipe for litigation and delay.

The background image shows three large, full plastic bags of trash sitting on a paved sidewalk. The bags are filled with various items, including cardboard boxes, plastic containers, and other household waste. The scene is set against a weathered wall with some graffiti and a metal grate. The overall tone is gritty and highlights the issue of waste management.

# OVERVIEW OF THE PACKAGING REDUCTION AND RECYCLING ACT

## THE BASICS: WHAT IS COVERED?

### **What is covered?**

- Primary, secondary, and tertiary packaging.

### **What isn't covered?**

- Reusable and refillable packaging.
- Beverage containers.
- Certain packaging covered by federal law/regulation.



## THE BASICS: WHO IS COVERED?

### **Who is a producer?**

- Anyone who sells, offers for sale, or distributes products using packaging material in the state.

### **Who is not a producer?**

- Those making less than \$1 million in gross revenue during the prior calendar year.
- Those using less than 1 tons of packaging during the prior calendar year.



# NEEDS ASSESSMENT

## The needs assessment will evaluate:

- Amount and types of packaging sold.
- Recycling conditions.
- Net cost associated with managing packaging waste.
- Opportunities to reduce packaging, increase recycling of packaging, and develop reuse/refill infrastructure.





## DEVELOPING RULES

- The State Environmental Agency has one year after the needs assessment is finalized to develop rules.
- The rules will identify the specifics of how the Agency will implement, administer and enforce the law.
- The rules will also set the fees that producers pay.

# PACKAGING REDUCTION ORGANIZATION (PRO) ROLE

- Collecting & compiling data from producers.
- Collecting fees from producers.
- Distributing funds.
- Offering technical support to producers.
- Education and outreach to the public.





## SYSTEM BEGINS OPERATING

Producers register with PRO and start making payments. **Fees – must cover:**

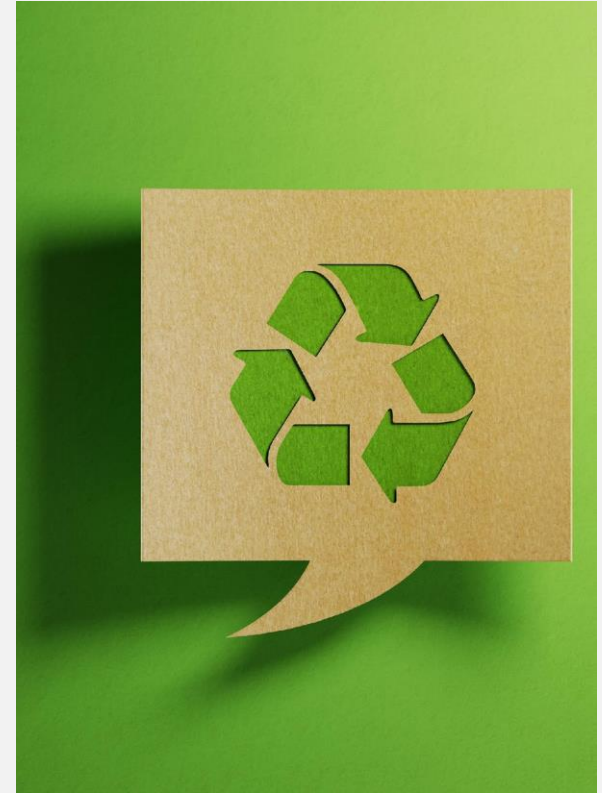
- (1) Collection transportation, & management of packaging materials.
- (1) Department's administration, enforcement, oversight of program.
- (1) PRO's administration of program.
- (1) Costs associated with promulgating rules and paying for needs assessment.

## INDIVIDUAL PRODUCER PAYMENTS

**Base Fee** – Based amount and type of packaging material used to contain, protect, transport, and market products sold/distributed in state.

**Eco-Modulation** – Base fee adjusts to incentivize companies to:

- Reduce packaging.
- Increase reusability.
- Increase recyclability.
- Reduce the presence of toxic materials.





## DISTRIBUTION OF MONEY

What will the money be used for:

- 1) Cover PRO's costs for administering program.
- 2) Reimburse State Environmental Agency.
- 3) Payments to local governments/recyclers.
- 4) Packaging reduction and recycling grants.

## PACKAGING REDUCTION AND RECYCLING GRANTS.

The PRO accepts and reviews grant applications and makes recommendations to the State Environmental Agency about which proposals to fund.

Grants – Must be designed to:

- Eliminate single-use packaging.
- Increase transition of single-use packaging to reusable / refillable packaging.
- Increase reusable and refillable packaging infrastructure and programs.
- Provide education and outreach on reuse and refill.



# ENVIRONMENTAL STANDARDS FOR PACKAGING

Each producer must meet the following requirements, which are set by statute:

- 1) Packaging Reduction Requirements.
- 1) Packaging Recycling Requirements.
- 1) Toxic Elimination Requirements.



# ENFORCEMENT

**Enforcement** - The law authorizes the following entities to enforce the law:

- State Environmental Agency.
- Office of Attorney General.
- Office of Inspector General.
- Citizens (through a citizen suit provision).



# OVERSIGHT

**Audit** – Annually, both the State Comptroller & the PRO will conduct an audit of the program to evaluate:

- Money received.
- Money sent to local governments & recyclers.
- Money used as part of the reuse and recycling grant program.





## REDUCE

These Good Soap Bars skip the packaging altogether!



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## REDUCE

This soap container is made from compressed soap. After you finish the contents you can use the bottle. It completely dissolves.

No waste!



## REUSE + REFILL

Dove launched a new refillable deodorant line.

You buy the durable container once and then purchase the cardboard refills thereafter.

There are other options for refillable deodorant on the market.



REUSE + REFILL

Bottle washing facility for reusable glass bottles.



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## REUSE + REFILL

Plaine Products sells their body care in reusable + refillable aluminum containers.

Customers pay a deposit on every container. Once they are empty the customer mails back the containers and they are washed and refilled.

The containers are also recyclable.



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## REUSE + REFILL

Unilever launched a reuse and refill system in England.

Customers return containers back to the store. They are washed and restocked by the company.



## REUSE + REFILL

Blueland sells their home care products as refills in concentrated tablet form.

Customers purchase the refillable, durable container once and keep it at home.



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*Smarties* becomes the first global confectionery brand to switch to recyclable paper packaging



TRULY RECYCLABLE

  
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mentos gum paperboard package



TRULY RECYCLABLE

Mentos is launching a 90% paperboard container to replace their plastic one.



TRULY RECYCLABLE

Paperboard packaging for bar soap, shampoo, and conditioner.



TRULY RECYCLABLE

Paperboard packaging is available for lip balms, lipsticks, and chapsticks.



## TRULY RECYCLABLE

Berries replacing the dreaded plastic clamshell with a truly recyclable alternative made from cardboard.

The details matter.

Loopholes and  
exemptions will render  
the program ineffective

Don't allow toxics to be  
taken out of the bill.

Have an open and  
transparent process:  
sunshine is the best  
disinfectant

# QUESTIONS?

