



## Session 2 - States' Perspectives on Implementation

March 2023

For this session we were joined by state agency professionals from California, Colorado and Oregon who are deeply involved in the implementation of packaging EPR in their states. Maine was unable to participate so information for them was delivered by **AMERIPEN** who is deeply engaged in implementation and rulemaking discussions there.

### 5 KEY TAKEAWAYS

#### 1 **There are similarities between the programs being implemented in the four states that have enacted packaging EPR laws. States are collaborating to help further harmonize their programs as they move from legislation into rulemaking.**

The four laws establishing packaging producer responsibility program all share some common characteristics.

- Producers must join a producer responsibility organization (PRO)
- Producer fees are intended to correspond to the amount of covered packaging producers sell into each state
- PROs must channel funds towards system improvements and existing elements of a state's recycling system

Behind the scenes, the four states are meeting regularly to harmonize and simplify reporting for producers by seeking alignment on aspects like eco-modulation fees, program evaluation, and cost-reimbursement formulas.

#### 2 **A key area of difference between each of the states is a difference in roles and responsibilities for materials collection.**

**Oregon** has adopted a 'joint responsibility' approach with commingled processing facilities and PROs responsible for collection of a separate list of materials to be defined through rulemaking. In **Colorado** and **California**, the PRO will be responsible for the collection of all materials. In **Maine**, the PRO, under a 10-year contract with the state, will be responsible for reimbursing municipalities for existing recycling services tied to "readily recyclable" materials.





### 3 How each state tackles the statutory needs assessments also varies significantly. This is important as the needs assessments will inform funding formulas and costs.

All states require PROs to fund eligible costs identified through a needs assessments but the scope of these assessments and who carries them out (the PRO or state agency) varies.

- **Oregon's** needs assessment is a periodic survey of local governments conducted by the state. It will identify costs associated with statewide service expansion as they seek to harmonize collection materials across the State.
- **California's** needs assessment will focus on waste characterization. A key objective is to understand what types and how much packaging and plastic food service ware is disposed of in landfills across the state, as well as goals around source reduction, refill and reuse, remanufacturing and composting, product design and the development of responsible end markets for recycled materials.
- **Colorado's** needs assessment focuses several aspects, including recycling and composting service availability, capacity and gaps, and associated costs to increase recovery. Investment needs to improve collection and efficiency are also key components. The needs assessment will also look at materials collected so the state can develop a minimum recyclable list and identify other materials that could effectively be collected through alternative collection programs (i.e., drop-off)
- **Maine's** need assessment, at a minimum, will evaluate the current funding needs affecting recycling access and availability; the capacity, costs and needs associated with the collection and transportation of recyclable material in the state; the processing capacity, market conditions and opportunities in the state and regionally for recyclable material; and consumer education needs in the state with respect to recycling and reducing contamination in collected recyclable material.

### 4 The states want producers to know they are trying to simplify compliance for companies.

In joining a PRO and paying fees to them, the coordination of the goals, investment, reporting, etc., will be the primary responsibility of the PRO and not individual companies.

### 5 There is still plenty of opportunity to inform and influence these emerging EPR programs across the states. All states welcome stakeholder input as they move from legislation to law to rulemaking to implementation.

Please get involved in the state public input sessions and public comment periods, either directly or through trade associations like **AMERIPEN**.

*Visit these websites to learn more about public comment opportunities:*

**Oregon:** <https://www.oregon.gov/deq/recycling/pages/modernizing-oregons-recycling-system.aspx>

**California:** <https://calrecycle.ca.gov/packaging/packaging-epr/>

**Colorado:** <https://cdphe.colorado.gov/hm/epr-program>

**Maine:** <https://www.maine.gov/dep/waste/recycle/epr.html>