



Extended Producer Responsibility Policy Framework and Implementation Model:

Residential Recycling of Packaging and Paper Products in Washington State



King County

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Natural Resources and Parks
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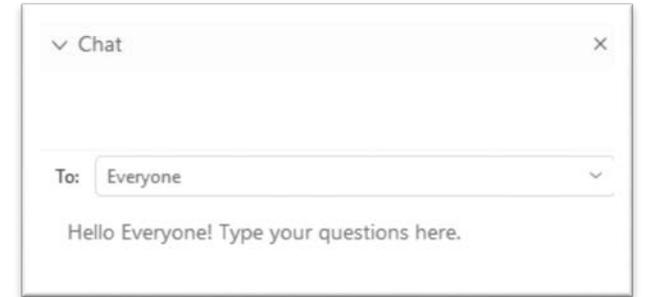
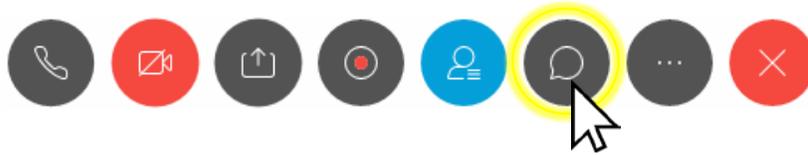
EPR Policy Framework and Implementation Model

Lisa Sepanski, King County Solid Waste Division
McKenna Morrigan, Cascadia Consulting

Participating in this webinar:



Board members and interested parties may ask questions during the presentation with the chat box:



Please **write your questions in the chat box** and we will read them at the end of the presentation.

Board members may unmute themselves after the presentation with questions.



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2018 China National Sword

Responsible Recycling Task Force Recommends:

Action Item 1A – Develop a statewide stewardship policy approach that helps achieve a funded, harmonized curbside recycling system in Washington State



With recycling's dirty truths exposed, Washington works toward a cleaner, more sustainable system

April 26, 2020 at 7:00 am | Updated April 26, 2020 at 11:49 am



“There’s a real interest at the state and local level to get the manufacturers of the material to be responsible for that material ... and I think that’s a good thing to improve the health of recycling.”

- Laurie Davies,
Solid Waste Program manager,
Washington Department of Ecology



By [Sandi Doughton](#) 
Pacific NW magazine writer

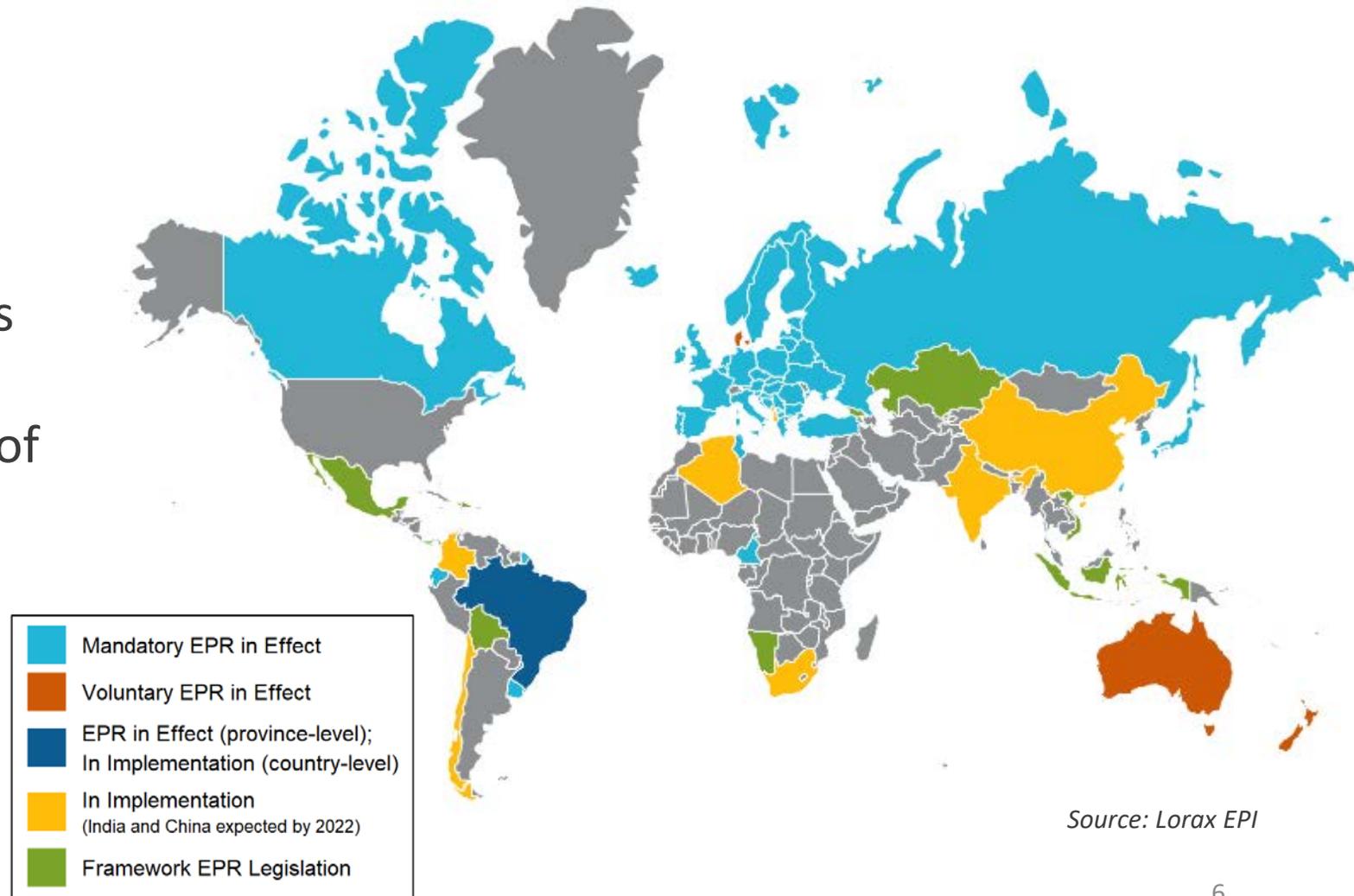
The Seattle Times

Extended Producer Responsibility (EPR) for Packaging

EPR is a **stewardship policy** that:

- **Shifts responsibility** for end-of-life management **to producers**
- Creates incentives for producers to **incorporate environmental considerations into the design** of their products and packaging

EPR for packaging is in place throughout Europe and Canada, and being adopted globally.



Creating A Statewide Stewardship Policy and Model

Study Elements

- **Policy Framework:**
Laws/regulations that provide the framework for an EPR system in Washington
- **Implementation Model:**
Scenario that illustrates how an EPR System might be executed in Washington State



Staff and Consultants: C+C, Cascadia Consulting, Full Circle Environmental, Bell & Associates, Foster Garvey, PC, Maria Kelleher and Geoff Love

Existing Regulations

RCW 70.95 State Authority/Recycling Goals/Service Standards

RCW 81.77 WUTC/County/City Roles related to recycling collection

RCW 36.58.040 County authority related to residential recycling service

Washington Utilities and Transportation Commission (WUTC) was consulted regarding:

- Their authority/regulations
- Pathways for integrating EPR with existing regulations

WUTC staff saw no legal or regulatory issues with scenarios developed for how EPR policies might integrate with WUTC authority.



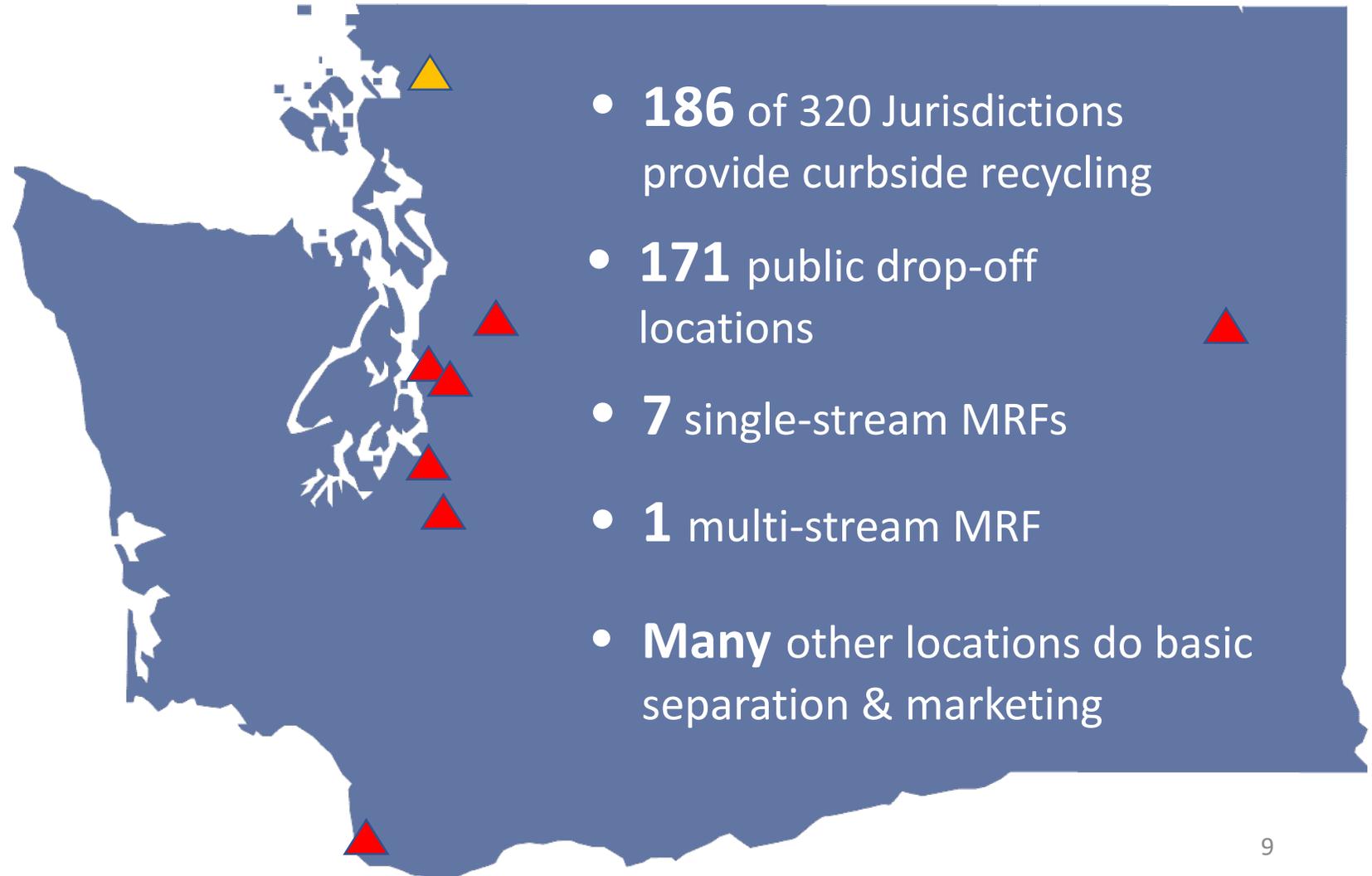
Existing Infrastructure

Collection

Curbside & drop-off locations

Post-collection

MRFs, processing & markets



- **186** of 320 Jurisdictions provide curbside recycling
- **171** public drop-off locations
- **7** single-stream MRFs
- **1** multi-stream MRF
- **Many** other locations do basic separation & marketing

EPR Policy and Model



Implementation Model: *Producer Responsibility*

State Law Requires Producers to Fund and Manage the Recycling System

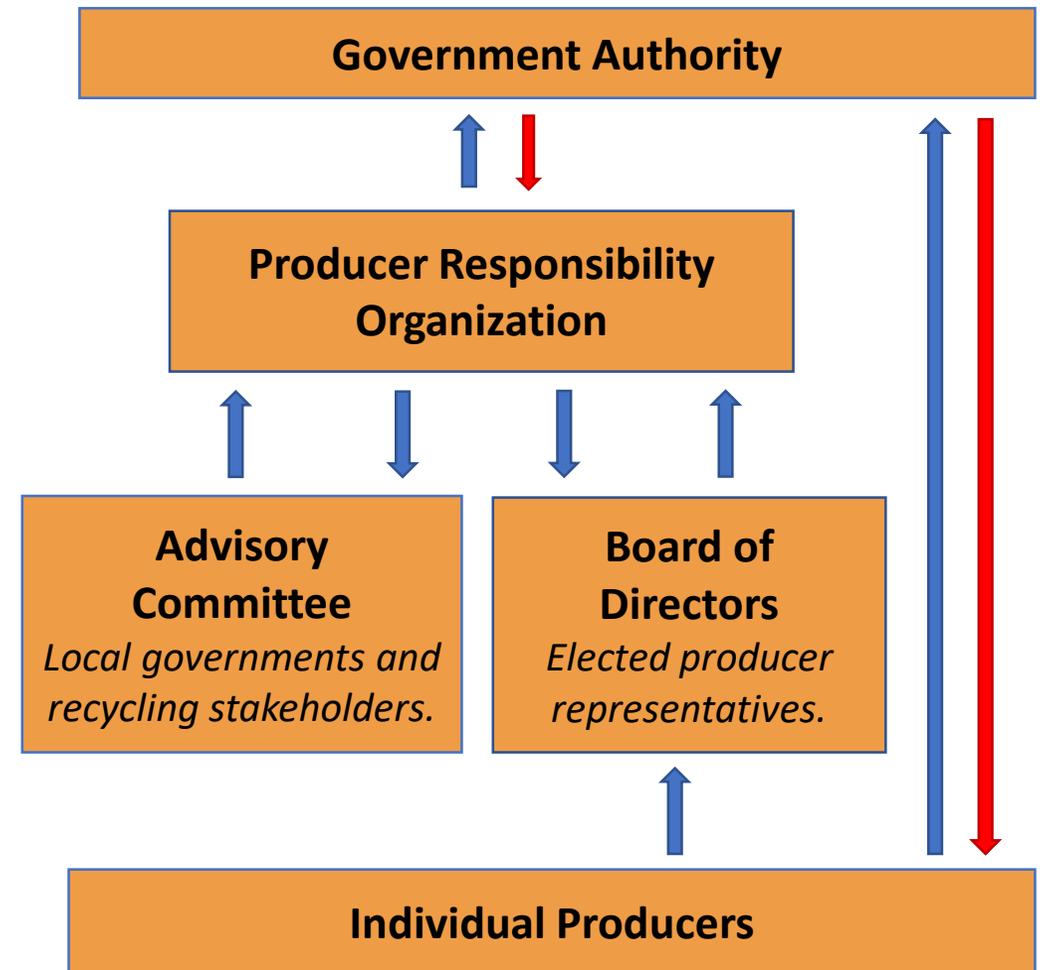


- Producers must cover *all system costs* to meet performance requirements.
- Fees based on state sales volume, type of packaging.
- Producers pay fees on ALL packaging, including non-recyclable packaging.
 - Better design = lower fees
 - Disruptive, non-recyclable = higher fees

Implementation Model: *Producer Responsibility*

State Law Authorizes Producers to Form Producer Responsibility Organization (PRO)

- Non-profit org works on behalf of producers to carry out requirements of state law, coordinate harmonized statewide system services.
- Guided by board, advisory committee, required consultations with stakeholders.
- Ensures producers have skin in the game but does not allow collusion.
- State law has enforcement mechanisms to hold both PRO and individual producers responsible.



Implementation Model: *Statewide System Design*

Collection



Post-Collection



Implementation Model: *Collection*



State Law Establishes a Harmonized List of Recyclable Materials with Mandated Recycling Rates for Each Material

- Expansive list, includes all rigid plastics, film/flexible packaging, cartons, etc.
- Materials not compatible with curbside collection must be collected through alternate systems (e.g. depots, retail stores, e-commerce).

Implementation Model: *Collection*

State Law Sets Consistent Recycling Service Standards for All Residents

- Curbside recycling for all households with curbside garbage
- Required access for all multifamily residents
- Convenient drop-off sites for materials that are non-compatible with curbside and rural areas



Implementation Model: *Collection*

Jurisdictions with contracted/municipal service

State Law Requires All Residents with Curbside Garbage Service to Receive Curbside Recycling

Cities retain authority to act as service providers. Choose how to interface with the PRO:

Option A: Receive PRO funding, provide contracted/municipal collection for EPR system.

Option B: Transfer recycling service responsibility and costs to PRO.

Option C: Opt out of funding, maintain status quo.



Implementation Model: *Collection*

Jurisdictions with WUTC-regulated service



State Law Requires All Residents with Curbside Garbage Service to Receive Curbside Recycling Service

Unincorporated Areas (WUTC-regulated):

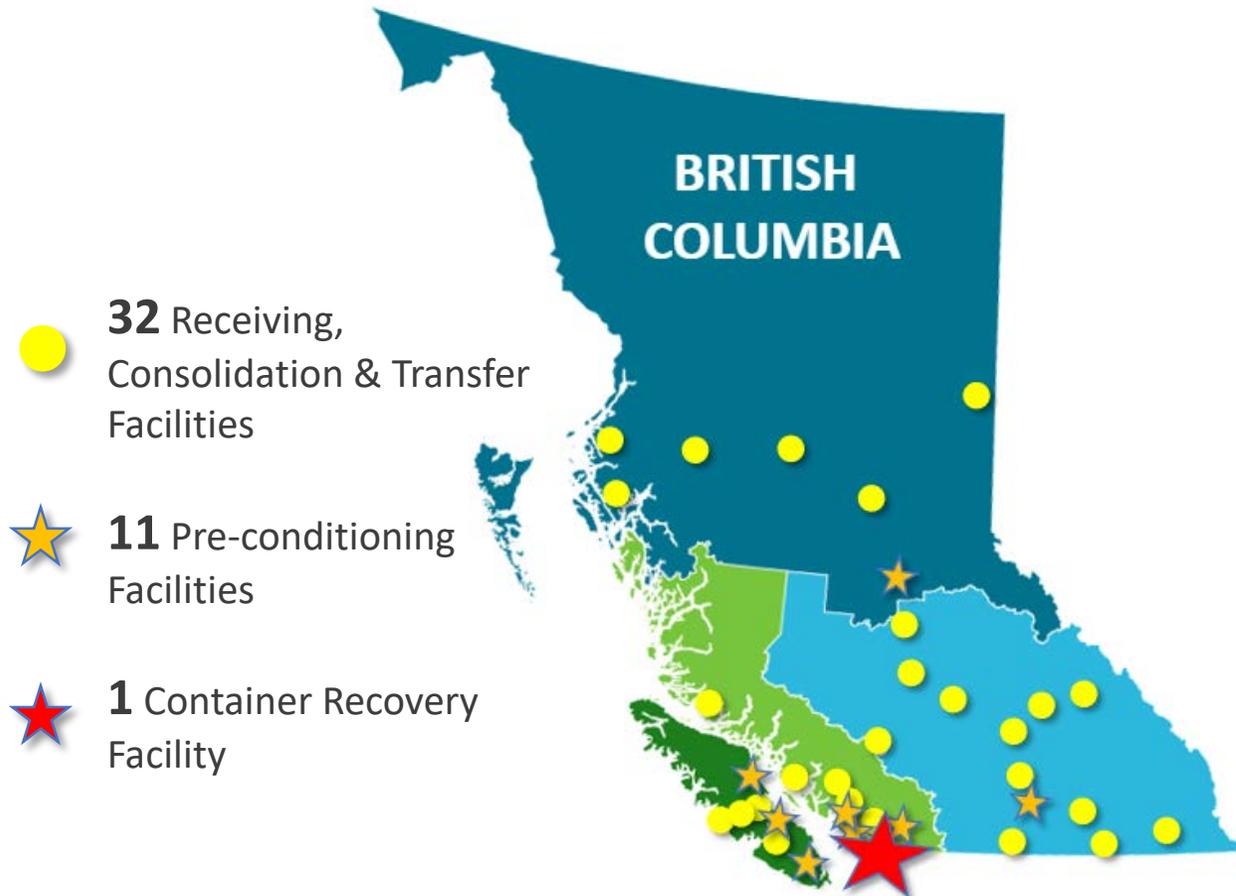
PRO responsible for providing residential recycling in WUTC-regulated areas.

Residents have universal service access, no longer pay separately for recycling.

Implementation Model: *Post-Collection*

Coordinated statewide processing network

State Law Requires PRO to Secure and Finance a Statewide Processing Network



- Processors get paid on fee-for-service model – not dependent on commodity values.
- Revenue from materials goes back into the system to cover service costs.
- Economies of scale make it possible to separate more materials for recycling, enable rapid response to evolving ton.
- PRO pays for needed investments – could fund millions in upgrades, new/expanded facilities.

Implementation Model: *Post-Collection*

Coordinated statewide processing network

State Law Requires PRO to Secure and Finance a Statewide Processing Network

- Consider criteria from OECD competition checklist to ensure regulation facilitates pro-competitive operations by PRO(s), service providers.
- Procurement of services must be performed in transparent, non-discriminatory, and competitive manner.
- Contract duration and scale must be sufficient to provide incentives to invest.

COMPETITION ASSESSMENT CHECKLIST



Competition assessment should be conducted if a legal provision has any of the following effects:

A Limits the number or range of suppliers

This is likely to be the case if the provision:

- A1** Grants exclusive rights for a supplier to provide goods or services
- A2** Establishes a license, permit or authorisation process as a requirement of operation
- A3** Limits the ability of some suppliers to provide a good or service
- A4** Significantly raises cost of entry or exit by a supplier
- A5** Creates a geographical barrier for companies to supply goods, services or labour, or invest capital

B Limits the ability of suppliers to compete

This is likely to be the case if the provision:

- B1** Limits sellers' ability to set prices for goods or services
- B2** Limits freedom of suppliers to advertise or market their goods or services
- B3** Sets standards for product quality that provide an advantage to some suppliers over others, or are above the level that some well-informed customers would choose
- B4** Significantly raises costs of production for some suppliers relative to others (especially by treating incumbents differently from new entrants)

C Reduces the incentive of suppliers to compete

This may be the case if the provision:

- C1** Creates a self-regulatory or co-regulatory regime
- C2** Requires or encourages information on supplier outputs, prices, sales or costs to be published
- C3** Exempts the activity of a particular industry, or group of suppliers, from the operation of general competition law

D Limits the choices and information available to customers

This may be the case if the provision:

- D1** Limits the ability of consumers to decide from whom they purchase
- D2** Reduces mobility of customers between suppliers of goods or services by increasing the explicit or implicit costs of changing suppliers
- D3** Fundamentally changes information required by buyers to shop effectively

Implementation Model: *Post-Collection*

Material marketing and recycling



State Law Requires that Materials be Responsibly Recycled, with Documented End Markets

- Chain of custody documentation required to ensure protection of human health and environment.
- Ensuring responsible recycling will lead to more domestic processing and market development.

Implementation Model: *Recycling Rates*

Producer Performance Requirements

State Law Requires Producers to Achieve Material-Specific Recycling Rates

- Stringent, enforceable targets drive producer action and investment.
- PRO cannot stop recycling a material because of low commodity value, cannot hide poor recycling of one material type behind another.
- Recycling rate measured by material based on net tons delivered to legitimate commodity buyers/end markets.



Implementation Model: *Recycling Rates*

BC PPP EPR System Example

Material-specific net recovery rates now in effect in BC.
Reporting on GHG performance will begin in 2020.

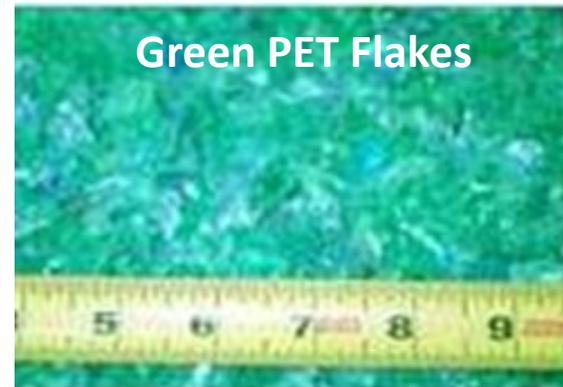
Material Category	Target Recovery Rate	Year to Achieve Target
Paper	90%	2020
Rigid Plastic	55%	2022
Film/Flexible Plastic	22%	2022
Metal	67%	2020
Glass	75%	2020

Implementation Model: *Recycled Content*

Closing the loop through use of recycled materials

State Law Requires Producers to Use Recycled Content in their Products and Packaging

- **New element** of an EPR policy package that will create demand for recycled materials.
- Already being used to drive circular economy in packaging in CA and OR; will be implemented soon in Europe.
- Third-party certification of PCR will be required to meet requirements.



Implementation Model: *Enforcement*

Independent Regulatory Agency

State Law Requires a Mechanism for Effective Oversight and Enforcement

- Establish an independent regulatory agency to enforce the law
- Funded by producer registration fees
- No impact on state budget



Additional Resources

For additional resources:

Visit King County's [Responsible Recycling Task Force Website](#)

Questions?

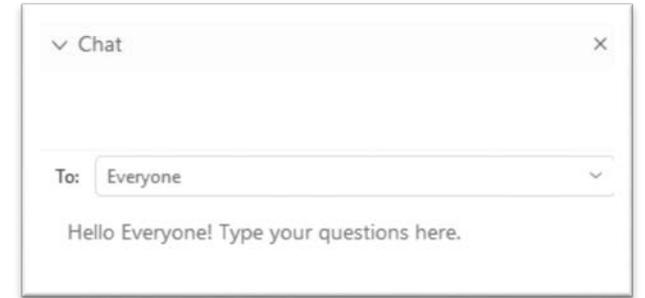
Contact Lisa Sepanski

Lisa.Sepanski@kingcounty.gov

Questions?



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