



## Extended Producer Responsibility Policy Framework and Implementation Model:

*Residential Recycling of Packaging and Paper Products in Washington State*



**King County**

Department of  
Natural Resources and Parks  
**Solid Waste Division**

Waste  
Prevention

Resource  
Recovery

Waste  
Disposal

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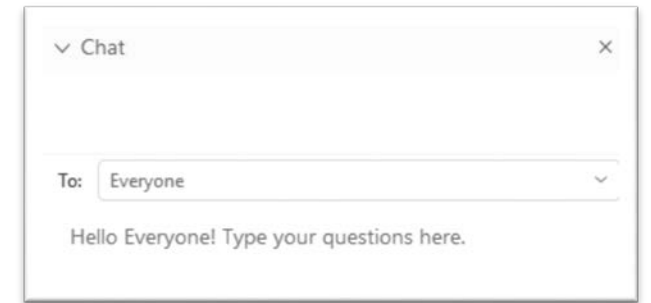
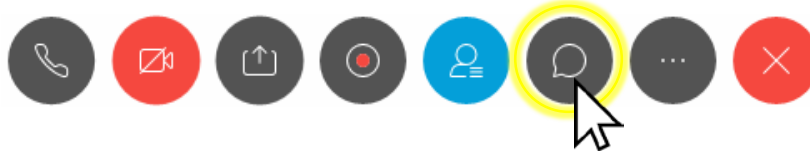
# EPR Policy Framework and Implementation Model

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

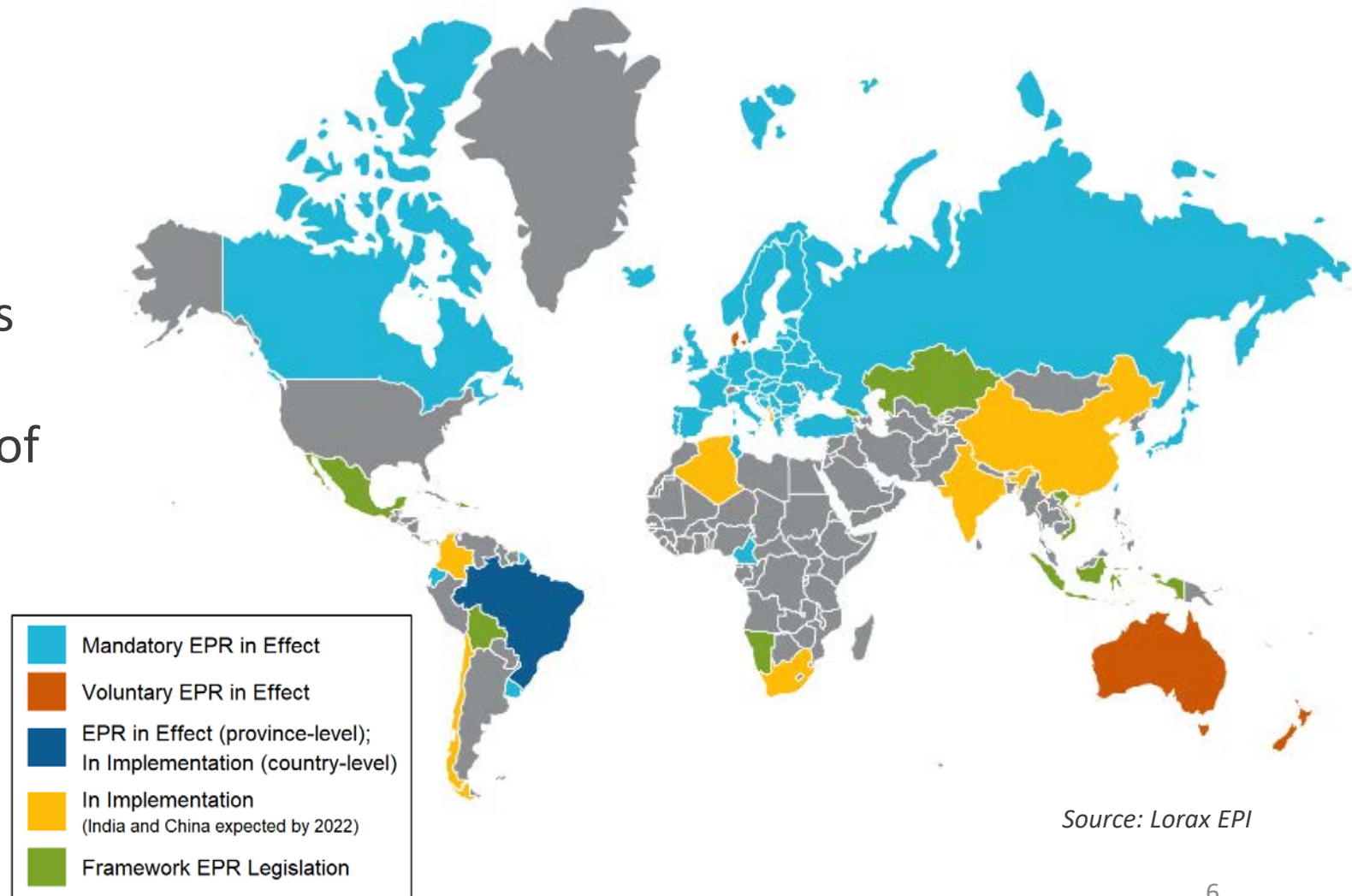
**The Seattle Times**

# 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.**





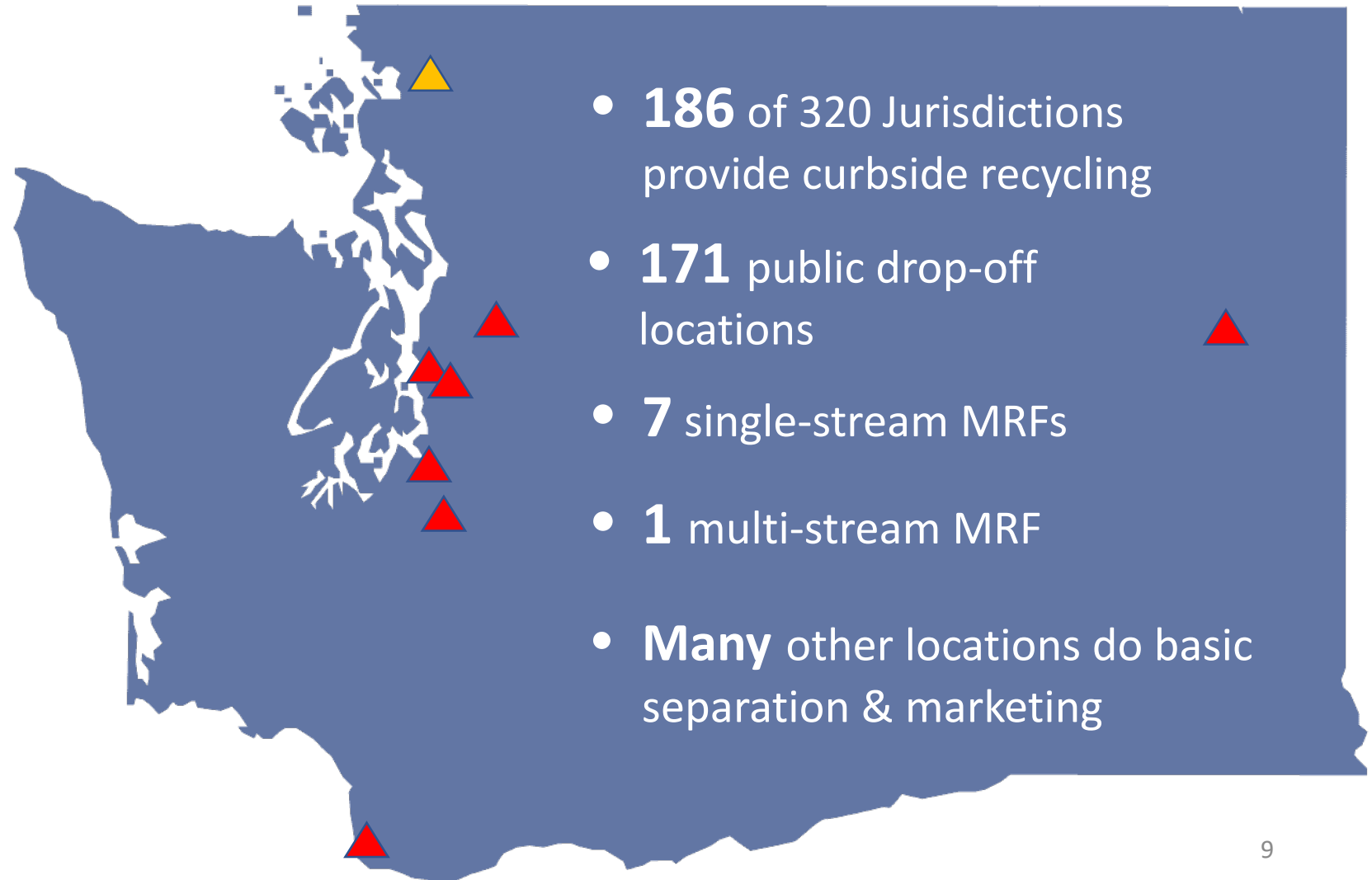
# Existing Infrastructure

## 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



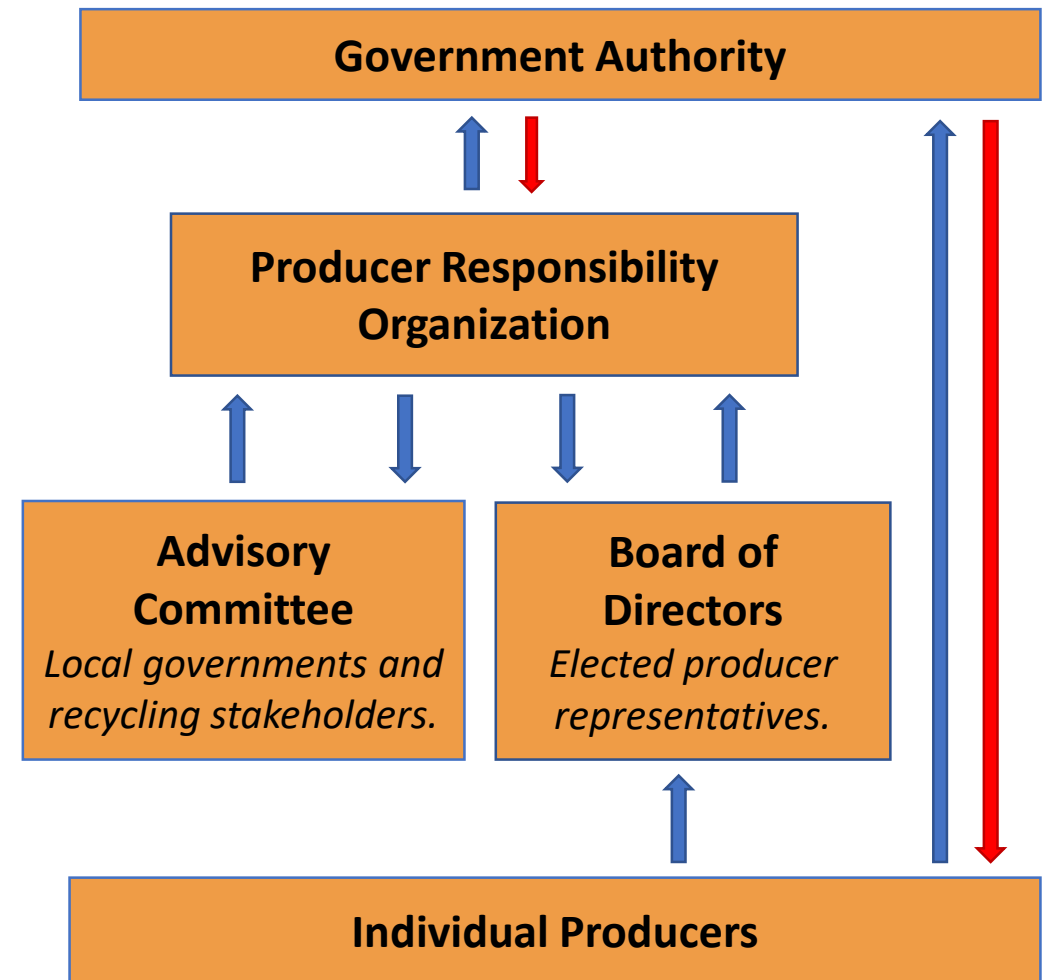
- Producers must cover ***all system costs*** to meet performance requirements.
- Fees based on state sales volume, type of packaging.
- Producers pay fees on ALL packaging, including non-recyclable packaging.
  - Better design = lower fees
  - Disruptive, non-recyclable = higher fees



# 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.

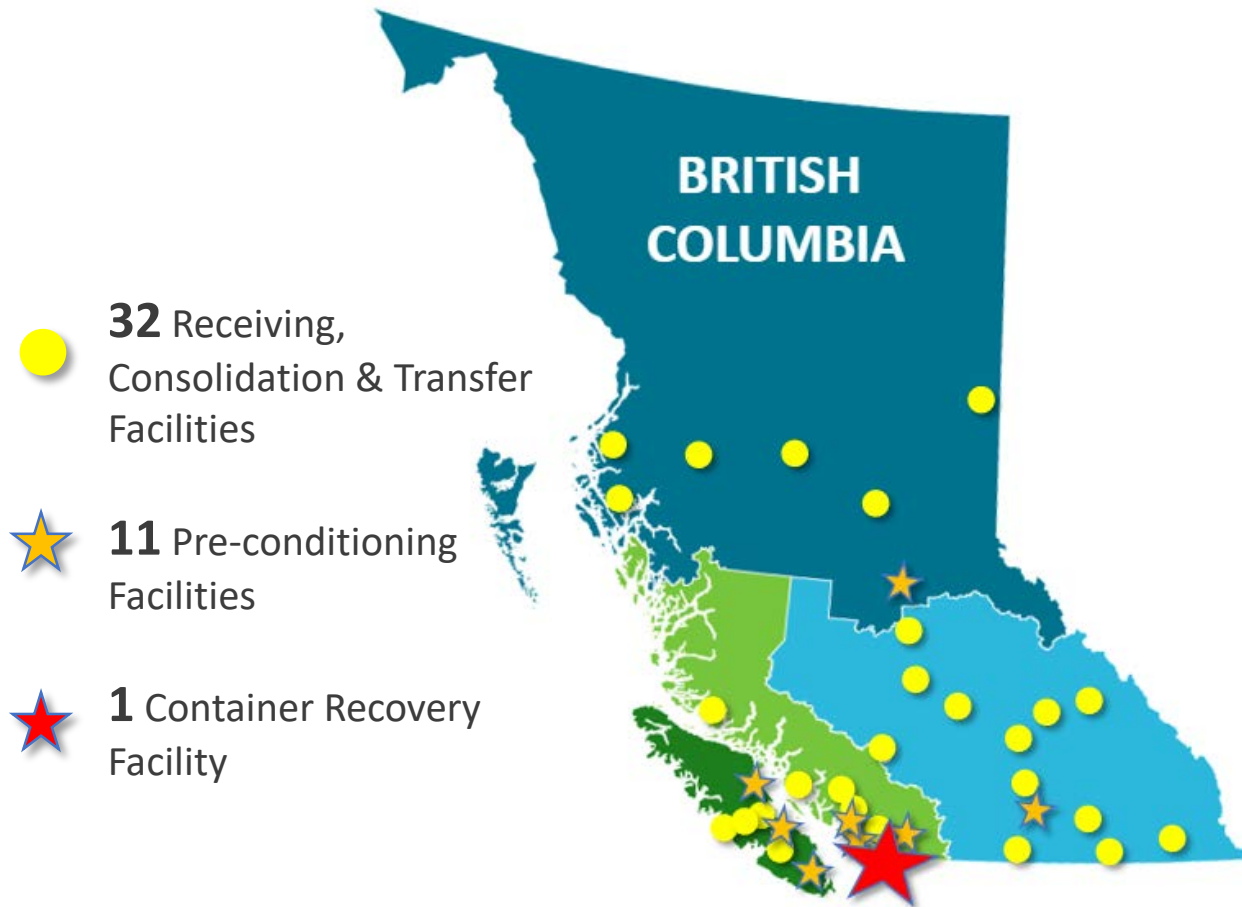
**Residents** have universal service access, no longer pay separately for recycling.



# 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:

<b>A</b> <b>Limits the number or range of suppliers</b> <p>This is likely to be the case if the provision:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> <b>A1</b> Grants exclusive rights for a supplier to provide goods or services</li><li><input type="checkbox"/> <b>A2</b> Establishes a license, permit or authorisation process as a requirement of operation</li><li><input type="checkbox"/> <b>A3</b> Limits the ability of some suppliers to provide a good or service</li><li><input type="checkbox"/> <b>A4</b> Significantly raises cost of entry or exit by a supplier</li><li><input type="checkbox"/> <b>A5</b> Creates a geographical barrier for companies to supply goods, services or labour, or invest capital</li></ul>	<b>B</b> <b>Limits the ability of suppliers to compete</b> <p>This is likely to be the case if the provision:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> <b>B1</b> Limits sellers' ability to set prices for goods or services</li><li><input type="checkbox"/> <b>B2</b> Limits freedom of suppliers to advertise or market their goods or services</li><li><input type="checkbox"/> <b>B3</b> 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</li><li><input type="checkbox"/> <b>B4</b> Significantly raises costs of production for some suppliers relative to others (especially by treating incumbents differently from new entrants)</li></ul>
<b>C</b> <b>Reduces the incentive of suppliers to compete</b> <p>This may be the case if the provision:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> <b>C1</b> Creates a self-regulatory or co-regulatory regime</li><li><input type="checkbox"/> <b>C2</b> Requires or encourages information on supplier outputs, prices, sales or costs to be published</li><li><input type="checkbox"/> <b>C3</b> Exempts the activity of a particular industry, or group of suppliers, from the operation of general competition law</li></ul>	<b>D</b> <b>Limits the choices and information available to customers</b> <p>This may be the case if the provision:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> <b>D1</b> Limits the ability of consumers to decide from whom they purchase</li><li><input type="checkbox"/> <b>D2</b> Reduces mobility of customers between suppliers of goods or services by increasing the explicit or implicit costs of changing suppliers</li><li><input type="checkbox"/> <b>D3</b> Fundamentally changes information required by buyers to shop effectively</li></ul>

# 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

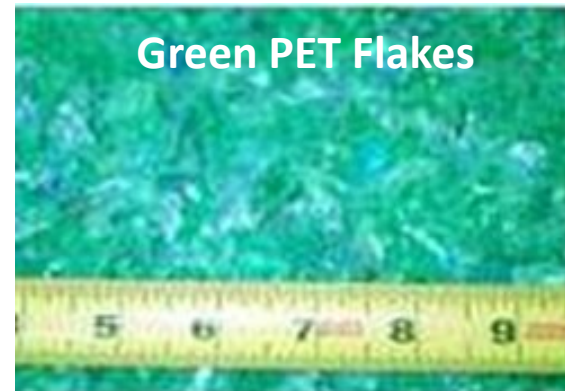


# Implementation Model: *Recycled Content*

*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?**

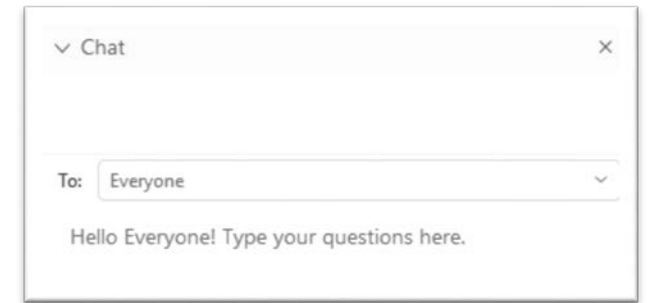
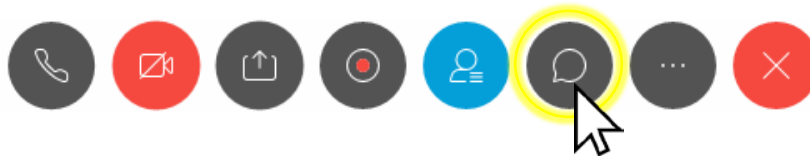
Contact Lisa Sepanski

[Lisa.Sepanski@kingcounty.gov](mailto:Lisa.Sepanski@kingcounty.gov)

# Questions?



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Board members may also unmute themselves to ask questions.

