

With EPR bills frozen due to coronavirus in many states, proponents still see path forward

wastedive.com/news/epr-coronavirus-covid-19-extended-producer-responsibility-maine-new-york-california/576612

By E.A. Crunden



Before the novel coronavirus pandemic took hold, legislation aimed at addressing long-running issues around recycling was gaining more attention than it had in decades. But that momentum has stalled now that state legislatures and Congress have reduced operations to stop the spread of the virus.

For proponents of extended producer responsibility (EPR) efforts, the pause has sparked concern and disappointment. But many are also optimistic the pandemic could ultimately make the case for improved systems between producers, governments and consumers by tackling what they say are deeply-rooted supply chain issues.

"I think disruptions like this always allow us to step back and envision a new reality," said Scott Cassel, CEO and founder of the Product Stewardship Institute (PSI). "It offers the opportunity to put a broken recycling system back together in a better way."

Cassel told Waste Dive the pandemic's financial impacts have hit municipal governments particularly hard, coming after several years of fallout from the collapse of commodity markets and strict new quality standards. Now, some of those areas are facing an even bleaker future, one PSI and other organizations feel could be improved through the implementation of certain EPR or product stewardship systems for packaging.

States see pause in momentum

Several states were considering bills when quarantine efforts largely paused legislative sessions. That includes [bellwether packaging legislation](#) in Maine ([LD 2104](#)) that would introduce a product stewardship system for packaging modeled largely on the one in Québec, Canada.

The bill envisioned Maine's Department of Environmental Protection (DEP) beginning the process of launching a product stewardship organization for packaging in 2021. Ultimately, the legislation would see producers with more than \$1 million in annual gross revenue paying into a managed fund, with participating municipalities then eligible to be reimbursed for recycling and disposal costs.

But with the Maine Legislature currently adjourned, the bill's survival relies on a special session that may or may not be called. If the bill does not pass this year, it would have to be reintroduced in 2021.

Details also still need to be worked out around a proposed DEP amendment that would exempt certain types of packaging from the system. Groups like the Natural Resources Council of Maine (NRCM) say they are working to counter that, but recognize the bill may not be considered a top priority as legislators focus on the pandemic's impact.

"Even if the legislature meets for a special session, they may not take everything back up that was left undone. They may choose to only work on bills that are not controversial or are directly related to the pandemic," said Sarah Nichols, director of NRCM's Sustainable Maine project, in an email to Waste Dive.

Get waste news like this in your inbox daily. [Subscribe to Waste Dive](#):

Terri Goldberg, executive director for the Northeast Waste Management Officials' Association (NEWMOA), struck a similar tone. "I would expect the lively debate underway in Maine on the proposed bill to continue, but I don't think it will pass this year," she said.

Maine's bill, which has drawn attention for its scope and early momentum, highlights shifting views around EPR or stewardship policies for packaging at the state level.

Earlier this month, NEWMOA published [a white paper](#) with the Northeast Recycling Council meant to help state officials consider EPR options for packaging and paper products. PSI also published [a comprehensive report](#) in mid-March taking a close look at the problems facing recycling for those same items and offering EPR as a solution. That report analyzed existing Canadian programs, in addition to offering an overview of the U.S. landscape.

While more than a dozen U.S. states were seeing movement on similar concepts this year, none have comprehensive policies in place for packaging at the present.

Massachusetts, in the midst of its two-year 2019-2020 session, has one bill still being considered in committee. New York also saw two state bills introduced this year, with notable backing from local governments and some companies, but both are now in limbo. [A major pair of California bills](#) that failed to pass last fall after seeing momentum in late summer are also on pause, with one of the bill's sponsors [recently telling the San Francisco Chronicle](#) it is unclear whether they will be a priority again this year.

Others still believe the California legislation could see a comeback, but as with Maine, a major factor will be legislative priorities. Eric Nelson, a consultant with Circonomey Innovations, told Waste Dive that any EPR efforts will have to compete with coronavirus-linked bills. That also goes for EPR bills beyond packaging, such as legislation for carpeting. Nelson has been working on in states such as Illinois and New York.

"Almost all of the state legislatures have just hit the pause button, [and] no one really knows if they're going to come back into session," he said, offering that some bills could be pushed to 2021.

Proponents see a silver lining

Despite the stalled momentum, a number of EPR supporters say they view the current economic disruptions as underscoring the perceived advantages of such a system.

"Our entire industry is deemed essential and people now are looking differently at different industries [because of that]," Heidi Sanborn, executive director for the National Stewardship Action Council, pointing to waste and recycling.

Sanborn said the pandemic has compounded issues facing recycling in particular, but in doing so the crisis has also heightened awareness around the necessity of functioning waste services. She also pointed to the at-times conflicting messaging coming from many governments and companies that have momentarily [shifted to single-use plastics and disposables](#). "It's undermining recycling," Sanborn said.

Instead of doing away with recycling options, Sanborn proposed innovation within pre-existing systems, giving California's container redemption system as an example. Many buy-back centers are currently closed due to health concerns and some grocery stores are also temporarily rejecting those items, making it a challenge for residents to redeem containers. Sanborn suggested placing reverse vending machines in front of grocery locations, eliminating contact while ensuring containers can still be returned.

Others also noted that the pandemic's devastating blow to municipal budgets could shape how governments see EPR systems in the future.

"Under this budget crisis, municipalities in particular will be looking for ways to make cuts, and EPR for packaging and printed paper is one way to shift some of their expenses for

municipal recycling services while maintaining a high level of service," said NEWMOA's Goldberg.

That interest from local governments could in turn push state legislatures to look more closely at EPR.

"The issues and the choices and the pressure on local governments is that much more stark [now]," said Kristin Aldred Cheek, PSI's director of policy and programs. In an EPR system, she noted "costs are more fairly distributed" and municipalities may find that appealing.

While state and local policy action on the topic is currently quiet, there has been some recent activity at the federal level, where major EPR legislation was introduced earlier this year. Some recycling proponents are actively seeking funding for infrastructure in the next coronavirus-linked funding package from Congress. Cassel of PSI believes funding could incorporate EPR as an option, prioritizing relief for municipalities.

"We want Congress and state legislators to seriously consider EPR bills that would incorporate those costs onto producers," he said.

But even in light of that potential for regained momentum, EPR supporters underscored the uncertainty surrounding long-term fallout from the pandemic.

"The challenge will be whether the political will that has been building continues to build," said Cassel, "or whether it will be diverted because of the financial issues created by the virus."