



**Testimony of Scott Cassel, Executive Director/Founder
Product Stewardship Institute, Inc.**

**In Support of LD 1631, “An Act to Provide Leadership
Regarding the Responsible Recycling of Consumer Products”**

Before the Maine Joint Committee on Natural Resources
January 22, 2010

Senator Goodall, Representative Duchesne, and Members of the Committee. I am Scott Cassel, the Executive Director and Founder of the Product Stewardship Institute (PSI). PSI strongly supports LD 1631.

Who is PSI? PSI is a national non-profit organization whose membership includes 45 states, over 100 local governments, and more than 50 business, organizational, and academic partners. Among other activities, PSI facilitates agreements among manufacturers, retailers, and government agencies to reduce the health and environmental impacts from consumer products. Our work has resulted in a national agreement for leftover paint stewardship in 2009 (most recently enacted in Oregon) and model legislation for mercury thermostats in 2006 (enacted in seven states, including the nation’s first thermostat stewardship law in Maine).

PSI initiated national discussions on electronics waste management in 2001 that eventually led to 19 state producer responsibility laws (including the nation’s first EPR law on electronics in Maine). PSI also provided technical support to the Maine Department of Environmental Protection (DEP) and the Natural Resources Council of Maine in the recent passage of the nation’s first producer responsibility law for fluorescent lamps. In addition, PSI initiated national dialogues with industry and government on phone books, pharmaceuticals, medical sharps, pressurized gas cylinders, and industrial radioactive devices.

Maine is a long-time member of PSI, and we have worked closely with the Maine DEP over the past nine years.

Basic Message: The requirements set down in LD 1631 are already familiar to people living and working in Maine. You are already holding manufacturers in five industry sectors responsible for managing the products they make. This framework legislation is just a more efficient way of doing what you are already doing. This framework bill is ho-hum for Maine.

LD 1631 is fully aligned with PSI’s Principles of Product Stewardship, which we developed in 2001. At the heart of the Principles is the concept that responsibility for reducing product impacts

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should be shared among manufacturers, retailers, government, and consumers. But since manufacturers have the greatest ability to reduce product life-cycle impacts, they also have the greatest responsibility to minimize those impacts, including financially. All 45 PSI member states support these Principles, as do leading organizations such as the National League of Cities (representing 19,000 cities), the Environmental Council of the States, the Solid Waste Association of North America, and many others.

LD 1631 is a natural extension of Maine’s highly successful mercury thermostat law and other product stewardship laws. Just like LD 1631, Maine’s mercury thermostat law requires that manufacturers establish and finance a system for product collection and recycling. Just like LD 1631, this law stipulates that manufacturers that do not participate in the collection system cannot sell their products in Maine. Just like LD 1631, this law requires manufacturers to submit a collection plan to the Department and report on progress toward meeting performance goals. The results of Maine’s thermostat laws are worth noting: Maine collects and recycles more mercury thermostats per capita than any state in the country. We know that product stewardship works well in Maine.

Product stewardship legislation is sweeping the country, and “Framework” laws like LD 1631 are the logical next step. The “product stewardship” way of doing business -- internalizing the cost of safely managing products throughout their lifecycle -- is taking hold across the country. There are now 31 states with at least one producer responsibility law, with one state (Maine) passing 5 such laws. This represents a doubling of states with at least one EPR law since 2006. EPR laws have now been passed on seven products: electronics, thermostats, auto switches, batteries, paint, fluorescent lamps, and pesticide containers. In 2009, 19 states introduced at least one EPR bill, and we expect that number to increase in the 2010 legislative session.

States now have substantial experience with product stewardship. States know how best to define the roles for companies, government, and retailers; what to look for in the plans manufacturers submit for agency review; how to measure performance and meet performance goals. LD 1631 capitalizes on this substantial learning by offering a more efficient and consistent approach to product stewardship that will save resources over time.

In addition to Maine, Framework legislation has been introduced in 3 other states – California, Minnesota, and Oregon. All of these bills share common elements, many of which have been previously discussed. Other important elements shared by these bills are that states designate products based on a common set of criteria that emphasize protection of public health and the environment, and bills include opportunities for public comment on the designation of products. I also want to mention that Rhode Island recently passed a Framework study bill and has retained PSI to develop recommendations for a comprehensive product stewardship approach through a stakeholder engagement process.

Framework laws are in place and working well in Canada. Each Canadian province has developed a different policy framework for product stewardship. For example, British Columbia's Recycling Regulation, adopted in 2004, authorizes the Minister of the Environment to designate products to be managed through product stewardship. The province currently has stewardship programs in place for nine product categories: beverage containers, tires, used oil, electronics, paint, solvents and flammable liquids, gasoline, pesticides, and pharmaceuticals. Manufacturers are responsible for achieving stewardship objectives set by the Minister.

Manitoba's Waste Reduction and Prevention Act (WRAP), enacted in 1994, provides the statutory support for product stewardship regulations in Manitoba. The province is moving forward with a consistent set of product stewardship regulations to address household hazardous waste, packaging and printed paper, and waste electronics.

Ontario's Waste Diversion Act, passed by the Parliament in Ontario in 2002, authorizes the Minister of the Environment to designate products or materials for a stewardship program. The act also established Waste Diversion Ontario, a quasi-governmental organization, to develop, implement, and operate waste diversion programs for a wide range of materials. Waste Diversion Ontario is responsible for establishing the industry funding organizations (IFOs) that execute the stewardship plans for particular products or categories of products. The Minister of the Environment designates products through a Program Request Letter that outlines the details required of a program plan.

In Conclusion

You may hear about opposition from some groups that just do not understand how this bill works. They might be fearful about how it will impact their business. Those concerns are legitimate, and need to be addressed, and CAN be addressed. However, you will also hear opposition from industry groups that want to shirk their responsibility for managing their own waste products. Those businesses would rather have government and taxpayers pick up the cost of managing their wastes than be responsible corporate citizens and include those costs as just another cost of doing business.

We know that ultimately the consumer will pay for any added environmental protection. But we will either pay a little more now or a lot more later, adding to our national environmental debt. Producer responsibility systems will lower costs for government by millions of dollars. They also provide manufacturers with a direct financial incentive to reduce the problem at the source, encouraging product redesign so that the product at the end of its life has value for some other industry. Producer responsibility systems create green jobs, create tax revenue, save governments money, and support a healthier environment.

Please consider the opportunity you have to continue Maine's tradition as the leader in the nation on product stewardship by passing the nation's first producer responsibility framework law.