

# #breakfreefromplastic<sup>U.S.</sup>

## Break Free From Plastic US Core Principles for Developing Extended Producer Responsibility Policy

*The following set of principles were developed by Break Free From Plastic US member organizations as a resource for organizations and allies working on developing EPR policies.*

### What is Extended Producer Responsibility (EPR)?

Extended producer responsibility (EPR) is a policy principle to improve the environmental and social performance of products by extending the responsibility of producers over the entire life cycle of items (To learn more about EPR, please see GAI's [Zero Waste Master Plan](#)).

### Key principles

#### 1. Prioritize reduce, redesign, and reuse

EPR policies should include strong, prioritized, and measurable requirements for producers to redesign, reduce, and reuse, instead of continuing unsustainable waste disposal. EPR policies should set clear goals in percentages for the availability of reusable options in the market and provide financial and educational support for public alternative delivery systems and equitable accessibility. Eco-modulated fees consisting of incentives and penalties for product and packaging design, such as reduced or low fees for reusables, can be an effective policy tool. These differentiated fees should fall under each individual producer according to their product or packaging's design, to incentivize redesign when necessary and reward those who do better.

#### 2. Set high standards for recycling

EPR targets for recycling must go beyond technical recyclability and set minimum recycling rates, as well as mandates or incentives for minimum post-consumer recycled content (PCR) in order to drive end-markets and value in the recycling system. Systems should require transparency and authentication (such as third-party certification) for PCR, recycling rates and end markets to ensure that products are truly being recycled in an environmental sound manner.

#### 3. Hold producers accountable for end-of-life of products

Producers and brand owners (importers and distributors in certain cases) who make critical design and marketing decisions should take the responsibility for the end-of-life of products, such as single-use food packaging. Producers should cover all costs associated with material recovery, including collection, transport and processing costs for separately collected and non-separately collected products and packaging covered by EPR; public communication and education; littering prevention and management; independent third-party auditing and oversight; administrative costs; full cost of labor for environmental clean-ups; costs for oversight agency.

#### 4. Partner with/build from public programs and ensure community input

When EPR programs target packaging and printed materials, these programs should build on existing municipal waste management systems and allow current recycling systems to continue with necessary

added financial support and potentially also for infrastructure investments to improve existing systems. Giving jurisdictions the option to be reimbursed for continuing public programs is a step in the right direction, but still risks those jurisdictions and residents losing governance over systems and outcomes. However, requiring producers to operate programs has a high risk of replacing public systems and public jobs, orienting those systems to meet corporate benchmarks rather than public interests, removing or limiting community and municipal engagement on issues important to the community, like starting new programs, raising labor standards, and securing local jobs. Communities and workers at the forefront of waste disposal operations and sites should be involved in decisions regarding the development of these programs.

#### **5. Guide EPR programs with (preferably independent) public oversight**

EPR programs may be government-run, public, or private, but must ensure accountability and public oversight to ensure targets are met and funds generated through EPR programs are used appropriately. In order to ensure accountability, policies need transparency, public oversight, enforcement, and triggers for additional policies if a system doesn't achieve targets. They need to be guided by a system of government standards, incentives, enforcement, and transparent management of costs, revenues, material flow, as well as governance structure developed through a public and transparent decision-making process. Genuine and meaningful public input should be incorporated at key points in the program development and ongoing during implementation. All meeting records and reports should be free and accessible to the public. Funds generated through EPR programs should not be used for litigation.

#### **6. Ban incineration of covered products and packaging**

EPR policies should not incentivize incineration of any kind where the end product or processing waste is used for energy and fuel production. In order to guarantee highest and longest use of materials, EPR policies should require materials to be safely re-inserted in the economy through reuse and recycling, avoiding false solutions such as incineration and chemical recycling. State and federal policymakers should level the playing field for zero waste systems through policies including incinerator and landfill disposal bans and tonnage fees, waste reduction and reuse targets, recycled content mandates, and taxes on raw materials.

#### **7. Minimize toxic substances**

Producers should be required to eliminate or at least minimize priority toxic substances in their products. Otherwise, we will be reusing, recycling, and composting harmful chemicals – creating a toxic circular economy that will impact humans and the environment. Even low levels of toxic chemicals can cause health effects and many substances have not yet been properly regulated or adequately tested for safety. Eliminating harmful chemicals at the source is critical to address the toxic exposures that impact consumers, workers, and other members of the community throughout the product lifecycle. At a minimum, the definitions of what materials are considered “reusable,” “recyclable,” and “compostable” should be modified to not allow toxic substances.

#### **8. Incorporate equity and worker health and safety**

Ensure social justice (such as wage and medical benefits) and worker health and safety standards in the waste management collection and processing programs (including downstream standards). Wherever possible, small businesses and organizations, especially those with a mission for inclusive waste management, should be given a priority for contracting. EPR planning bodies should facilitate democratic participation of waste pickers and micro-haulers organizations in decision-making processes, under a general principle of waste as belonging to the public commons and the human right to work (see [recommendations for Inclusive Waste Management and Inclusive EPR](#)).