



NATIONAL
STEWARDSHIP
ACTION COUNCILSM

ADVOCATING FOR AN EQUITABLE, CIRCULAR ECONOMY

EPR for Packaging and Recycling Refunds: Can They Coexist?

April 13, 2023

NSAC'S VISION: The United States attains an equitable, circular economy.

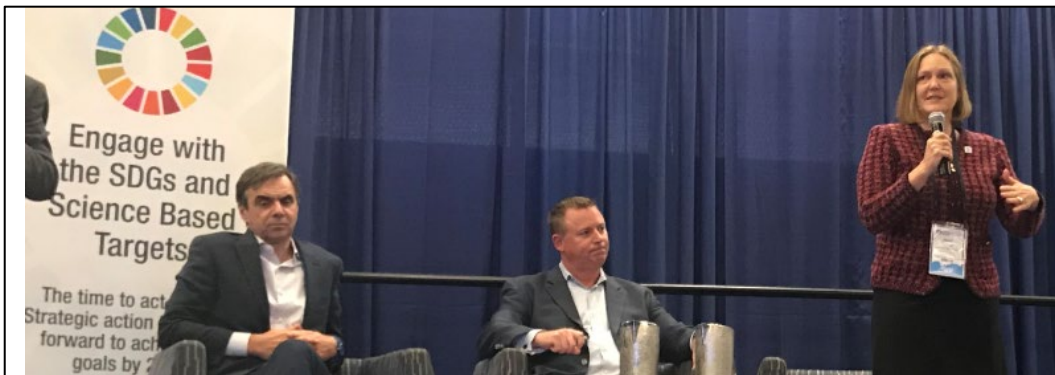
NSAC: Celebrating 8 Years in 2023!



*2019 Global Product Stewardship Council
International Forum
Paris, France*



*2019 Environmental Council of the States
Washington D.C.*



2019 Textile Exchange Conference, Vancouver Canada



*National Association of Clean Water Agencies
Washington D.C., 2020*



Who is NSAC?



ADVOCATING FOR AN EQUITABLE, CIRCULAR ECONOMY

The National Stewardship Action Council (NSAC) is a 501(c)4 non-profit organization. NSAC is a network of committed proponents comprised of governments, non-government organizations, businesses, & consumers who advocate that **producers fairly share responsibility in a circular & equitable economy.**

Vision: The United States attains an equitable, circular economy.

Mission: Collaborate with public, private, & non-profit stakeholders to achieve an equitable, circular economy.

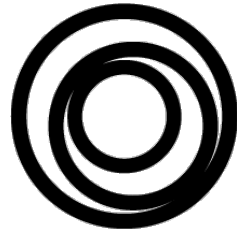


Heidi Sanborn giving the Keynote at the 2023 WasteCon in San Diego, CA

What is a Circular Economy?

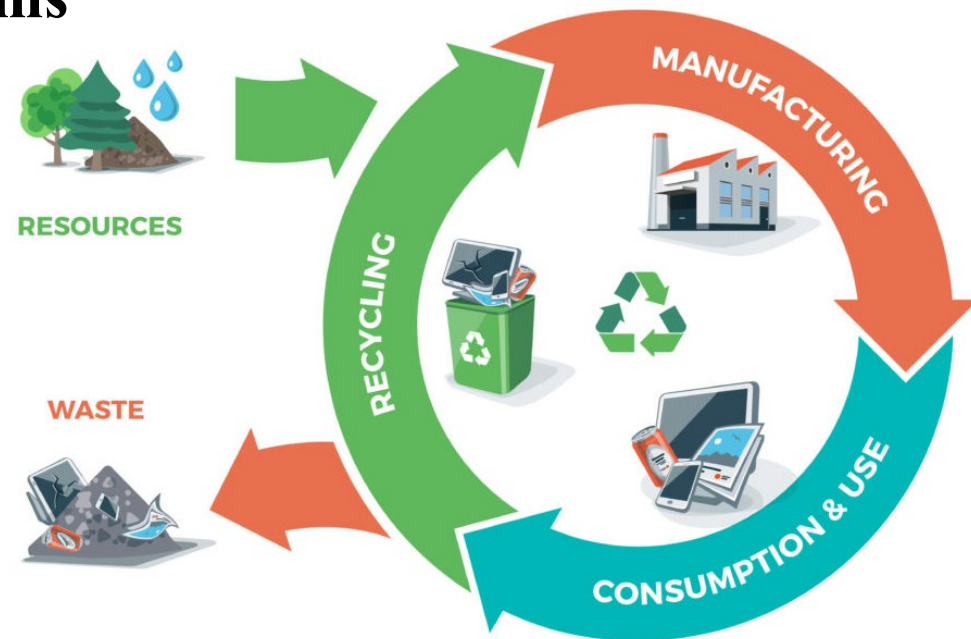
Multi-faceted with a focus on producers embracing sustainable design, using regenerative materials & collecting end of life products & materials for continuous use in the economy. It is based on three principles:

1. Design out waste & pollution
2. Keep products & materials in use
3. Regenerate natural systems



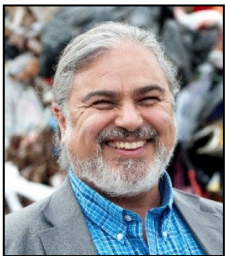
ELLEN
MACARTHUR
FOUNDATION

Decouples economic activity from the consumption of finite resources.



NSAC Board

9 Board Members, 4 Women, 3 BIPOC



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President



Maia Corbitt,
Vice President
Garver, Black,
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Octavio Victal
Green Impact Holdings
and Green Impact
Plastics

The Stewardship Action Foundation (SAF) is the complimentary 501(c)3 non-profit organization to NSAC focusing on education, facilitation, bridge building & outreach capacity to support NSAC's policy efforts.



Eric Zetz, President



Maia Corbitt, Treasurer
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Corporate eWaste Solutions



Michael Simpson, LA Sanitation
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Shirlene Sitton, City of Santa Fe
Director, Environmental Services Department



What is a Bottle Bill aka Recycling Refund?

- The term “bottle bill” or RR, or CDL or DRS all mean the same thing: a way to build out collection infrastructure to collect beverage containers and provide a financial incentive to consumers to increase collection rates in order to ensure high rates of reuse and recycling.
- View the PowerPoint presentation. [Container Deposit Legislation: Past, Present, Future](#) provides a quick look at the most important facts about bottle bills.

<https://www.bottlebill.org/index.php/about-bottle-bills/what-is-a-bottle-bill>

The Problem:

1. Only 10 states have bottle bills
2. Litter is out of control everywhere and 40-60% is beverage containers
3. Plastic is everywhere and breaking down into microplastics getting in our water, food and bodies and wildlife and recycling rates very low
4. Companies cannot obtain enough recycled materials to meet their own recycled content targets even though there is plenty of material disposed
5. National collection infrastructure for containers is very weak over 50% containers collected from 10 BB states

WE CAN
REDUCE
LITTER
ACROSS
AMERICA



Solution: Recycling Refunds!

**BOTTLE BILLS
REDUCE LITTER**

LITTER

\$ SAVINGS FOR
BUSINESSES \$



1. [Keep America Beautiful Study](#), 2020:

50% less litter in RR states

30% less litter in waterways in RR states

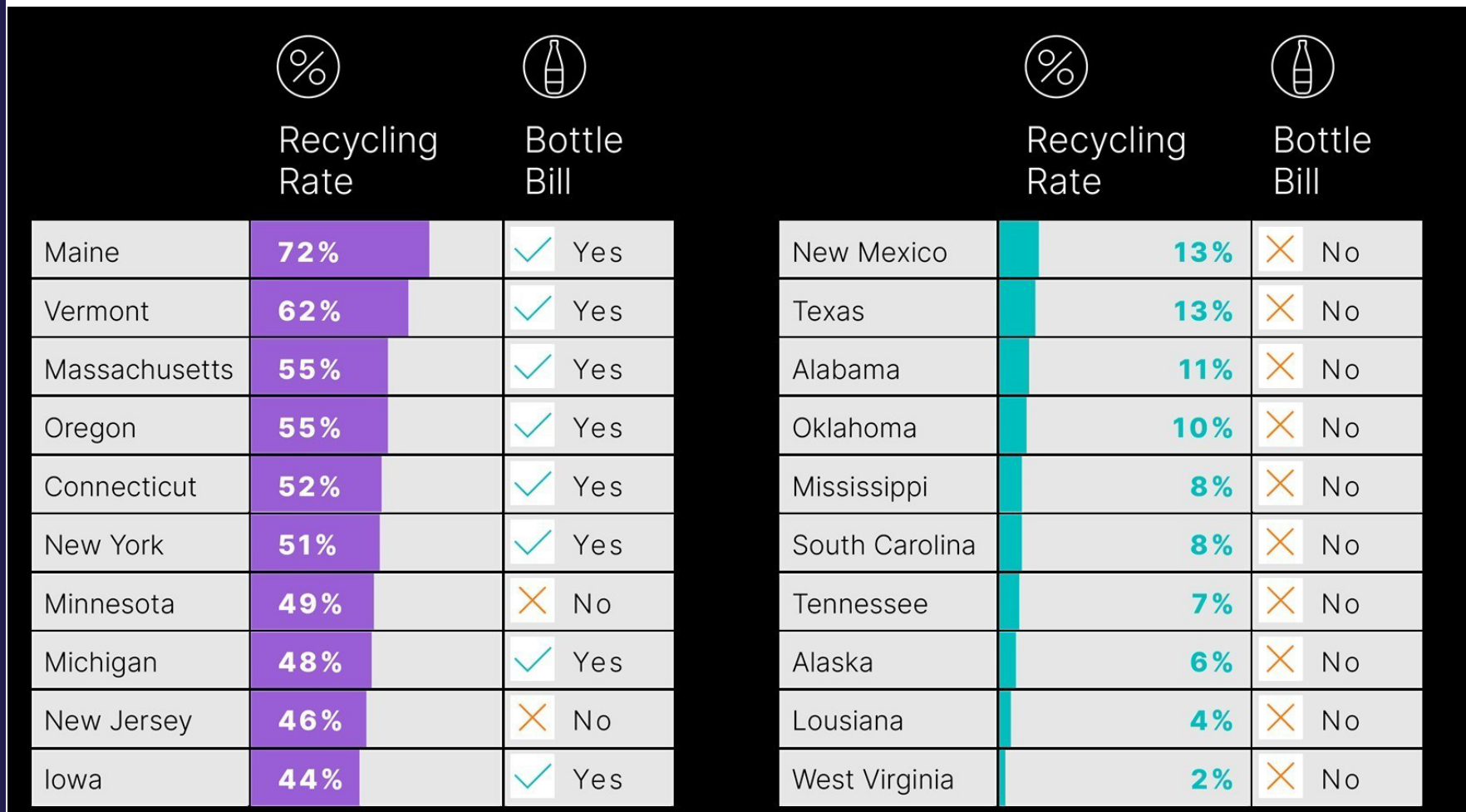
2. RR build collection infrastructure using private money (not socialized in taxpayer/ratepayer money)

3. More convenient drop-off/collection infrastructure = less litter and more recycled content

Susan Collins with CRI says:

10.3 million additional tons recycled annually with a national BB!

Eight of the ten states with the highest recycling rates have bottle bills.



Source: [Eunomia "State of the States" Report \(2021\)](#).



DRS & EPR for Packaging

- EPR = Producer Funded & Operated Program, including Bottle Bill
- OR – distributors play much bigger role
- CA – Only state where the government runs the program & producers pay relatively little. Big problems with convenience for the public!



<https://upstreamolutions.org/blog/drs-epr>

“Upstream’s position has been and continues to be that **EPR and DRS policies should fundamentally be about creating a circular economy for packaging – prioritizing source reduction and reuse above recycling.** Indeed, that’s where these ideas began:

- The original DRS systems for beverages were created by beer, soda and dairy companies to get their bottles back for washing and refilling.

- The EU Packaging Directive, passed in 1994, that resulted in the creation of packaging EPR laws across Europe and began a global movement, states in the first lines of its governing manifesto: “ *...the best means of preventing the creation of packaging waste is to reduce the overall volume of packaging*”

State Bills – Recent Developments



- Advocates are calling for Recycling Refund modernizations in [CA](#), [Mass.](#), [NY](#), [VT](#)
- New bills have been introduced in 2023:
 - Recycling Refunds: [Il.](#), [RI](#)
 - All Packaging: [Maryland](#), [Washington](#)

Time for a National Bottle Bill

- Multi-year effort
- Bill is written for 2023, framework by lobby day
- America's Bottle Bill website
- Short funding to travel to DC? Let us know!
- Lobby Senate first





JOIN THE MOVEMENT MARCH 31, 2023

AMERICA'S BOTTLE BILL  **WALK THE HALLS**

Meetings with Senate offices





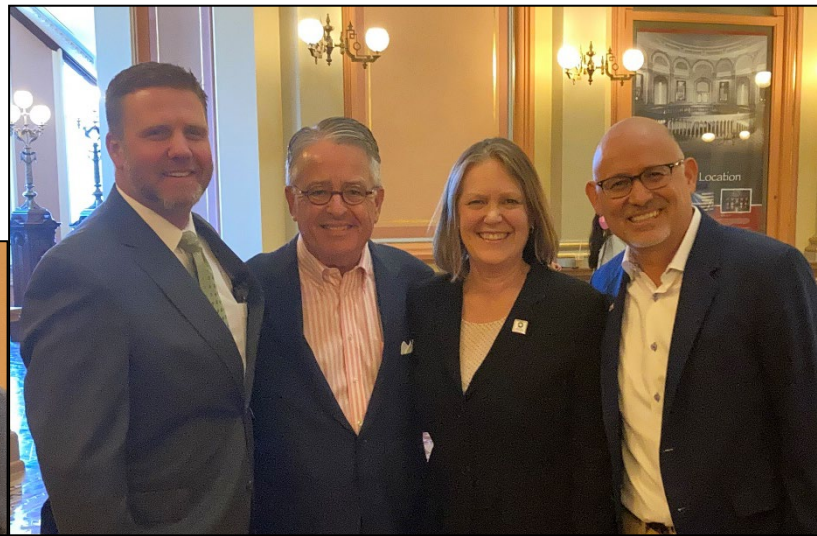
CA State Bottle Bill

<https://calrecycle.ca.gov/bevcontainer/>

- Implemented in 1987 (35 years old)
- Only government run bill in the USA
- 62% Return Rate in 2020
- Just added wine and spirits by law 2022
- Biggest complaint: Lack of Convenience – the public cannot recycle and get deposits back. 100's of collection centers closed in last 3 years.



We Make Big Things Happen!



CA's SB 54 EPR for Packaging



Exemptions from SB 54

- Medical product packaging
- Infant formula
- “Bottle bill” beverage containers
- Covered materials that have a recycling rate of 65% for 3 consecutive years prior to 1/1/2027, and on and after that date demonstrates a recycling rate at or over 70% annually, as demonstrated to the department every 2 years. (Ex: Commercial cardboard)



Key Features of SB 54: EPR 3.0+

- Source Reduction & Mandates
- Infrastructure Protection and Investment
- New Enforcement Tools – Revoking the PRO
- Robust Transparency Requirements

+ Polluters Pay for Remediation –

\$5 billion over 10 years

- 60% must go to low –income, disadvantaged and rural communities

[More info: https://www.nsaction.us/legislation](https://www.nsaction.us/legislation)



Signed into Law, 6/30/2022

FOR IMMEDIATE RELEASE:

Thursday, June 30, 2022

Governor's Press Office: (916) 445-4571

Governor Newsom Signs Legislation Cutting Harmful Plastic Pollution to Protect Communities, Oceans and Animals

New California law requires all packaging to be recyclable or compostable, significantly cutting plastics use

Legislation strengthens state's recycling system and shifts burden of plastic waste from Californians to the plastics and packaging industry

SACRAMENTO – On the same day that the U.S. Supreme Court kneecapped the federal government's ability to reduce pollution and tackle climate change, California took nation-leading steps to cut plastic pollution and hold the plastics industry accountable for their waste.

Governor Gavin Newsom signed SB 54.



L to R: Senator Ben Allen; Tina Andolina, Office of Senator Ben Allen; Governor Newsom; Assemblymember Luz Rivas; Senator Robert Hertzberg; Christine Aurre, Office of Sen. Hertzberg; Melissa Immel, Office of Governor Newsom

EPR v. 3.0+: Enforcement



- **\$50,000/day/violation** civil penalties
- **New tool – revoking the PRO – “Heidi clause”**
- Authorizes CalRecycle to pursue enforcement against a PRO or individual producers who are in violation of the Act with, or without, revoking the plan.
 - Includes an additional regulatory “backstop” if the PRO or a producer fails to meet the recycling & source reduction targets established that would allow CalRecycle to adopt regulations to require producers or the PRO to take the actions necessary to achieve the recycling rates or source reduction requirements.
- CalRecycle must submit reports every two years regarding implementation

Join the SB 54 (Allen) Implementation Working Group

CA'S PLASTIC POLLUTION PREVENTION &
PACKAGING PRODUCER RESPONSIBILITY ACT

Passing SB54
was the first
step – we must
make sure it
works!



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WHAT IS INCLUDED?

- 1.5 hour monthly calls to discuss proposed regulations
- NSAC staff attendance at regulatory hearings and report outs
- Template regulatory comment letters
- Technical assistance as needed

COST: Annual membership of \$500 per year or more (collaborating EJ groups & NGOs can qualify for free)

JOIN TODAY!

Contact Heidi@nsaction.us for more information

Can DRS and EPR for Packaging Coexist?



- Our answer is YES!
 - Proof is in the fact it already exists
- Prefer:
 - DRS first, then EPR for packaging as separate programs and NGO's
 - Time is right to push for National DRS
 - In absence of national DRS, advance state by state first, then EPR for packaging



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JOIN US!

Heidi Sanborn

Executive Director

Cell: (916) 217-1109

Heidi@nsaction.us

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