



EPR in the United States:

Key Developments and What They Mean for Canada

Moderator: **Heidi Sanborn**, National Stewardship Action Council

Panelists:

Kate Bailey, Chief Policy Officer with Association of Plastic Recyclers

George Gigounas, Partner, DLA Piper LLP

Carol Patterson, VP Government Relations, Foodservice Packaging Institute

NSAC'S VISION: The United States attains a circular economy.

Who Are We?



NATIONAL
STEWARDSHIP
ACTION COUNCILSM

ADVOCATING FOR A RESPONSIBLE, CIRCULAR ECONOMY

NSAC is a 501(c)4 nonprofit advocating for **producers to fairly share responsibility in a responsible, circular economy.**



STEWARDSHIP
ACTION
FOUNDATIONSM

EDUCATING FOR A RESPONSIBLE, CIRCULAR ECONOMY

Our affiliated 501(c)3 focuses on **public education, outreach, and collaboration.**

Our Unique Role

- We **bridge** policy, industry & environmental advocates at state and national levels
- We ensure **fair policy development** frameworks that reward leadership, not punish innovation
- We're **in the room** when the rules are written
- We build solutions - partnering with policymakers & industry to shape laws that protect communities, support innovation and drive a just, circular economy



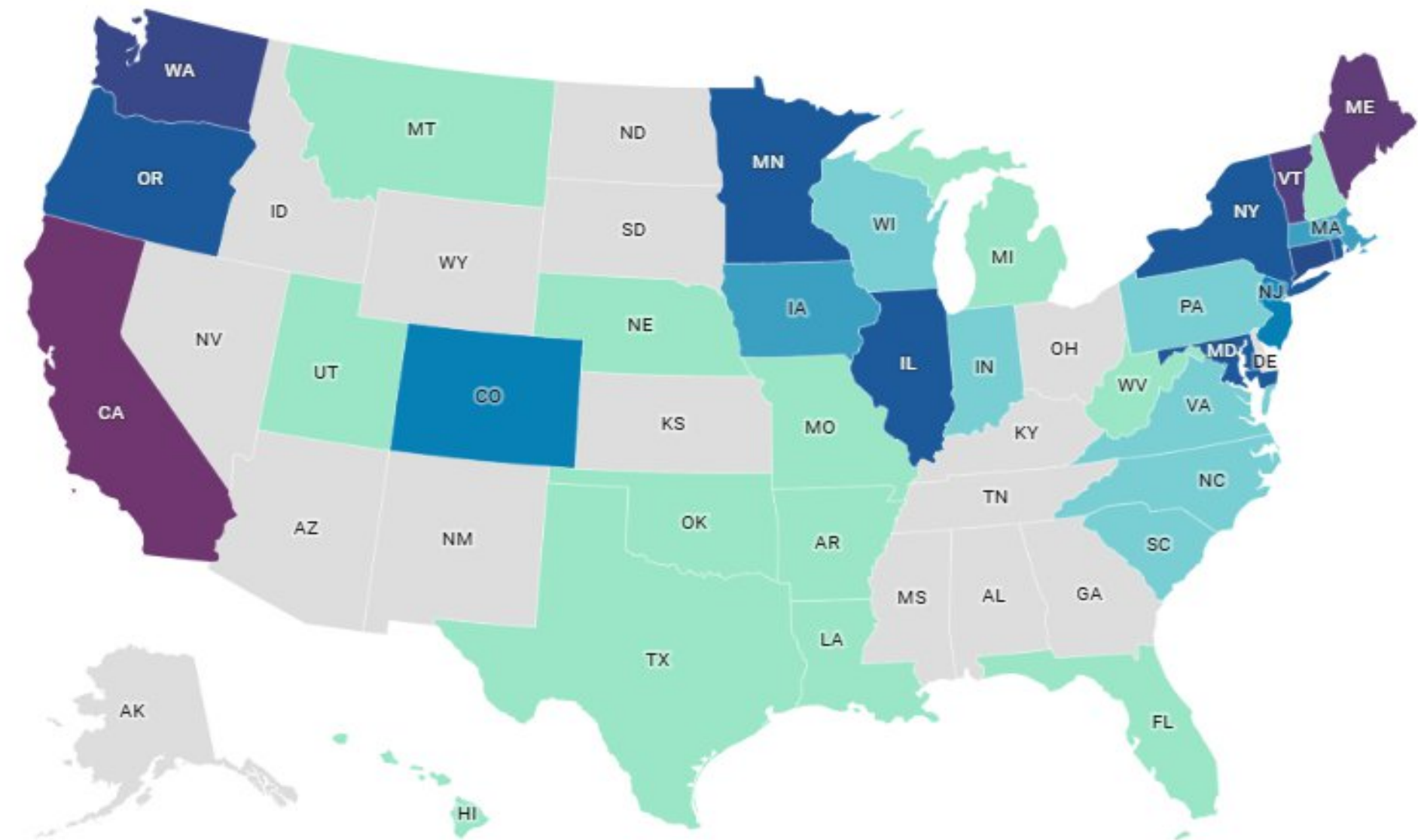
EPR in the United States



34 states and D.C. in the United States have enacted 150 EPR laws across 22 product categories. Packaging in 7 states.



- [Batteries](#)
- [Carpet](#)
- [Electronics](#)
- [Gas cylinders](#)
- [Household hazardous waste \(HHW\)](#)
- [Junk mail](#)
- [Lighting](#)
- [Mattresses](#)
- [Medical sharps](#)
- [Mercury auto switches](#)
- [Mercury thermostats](#)
- [Motor oil](#)
- [Paint](#)
- [Packaging](#)
- [Pesticides](#)
- [Pharmaceuticals](#)
- [Phone books](#)
- [Radioactive devices](#)
- [Refrigerant-containing appliances](#)
- [Solar panels](#)
- [Textiles](#)
- [Tires](#)
- [Vapes](#)



Number of State EPR Laws

1 2 3 4 5 6 7 8 9 10 11 12

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NSAC Sponsored Bills in California

2026: SB 936 (Blakespear) NOX Cylinder Ban **Governors desk**
SB 501 (Allen) Adding Medium Format Batteries to battery EPR program **Gov's desk**

2024: AB 863 (Aguiar-Curry): Carpet PCR content mandate & update) #3 - **1st in the US**
SB 1066 (Blakespear): Pyrotechnic Distress Flare EPR - **1st in the world – Veto**
SB 1143 (Allen): PaintCare Expansion Act- **1st in the US**

2022: SB 54 (Allen): Plastic Pollution Prevention & Packaging Producer Responsibility Act
AB 2208 (Kalra) : Mercury Lamp Pollution Prevention Act
AB 1894 (L. Rivas): Truth in Marketing & Advertising for Cannabis Vapes - **1st in the US**
AB 1793 (Quirk): Aquatic Toxicity Testing

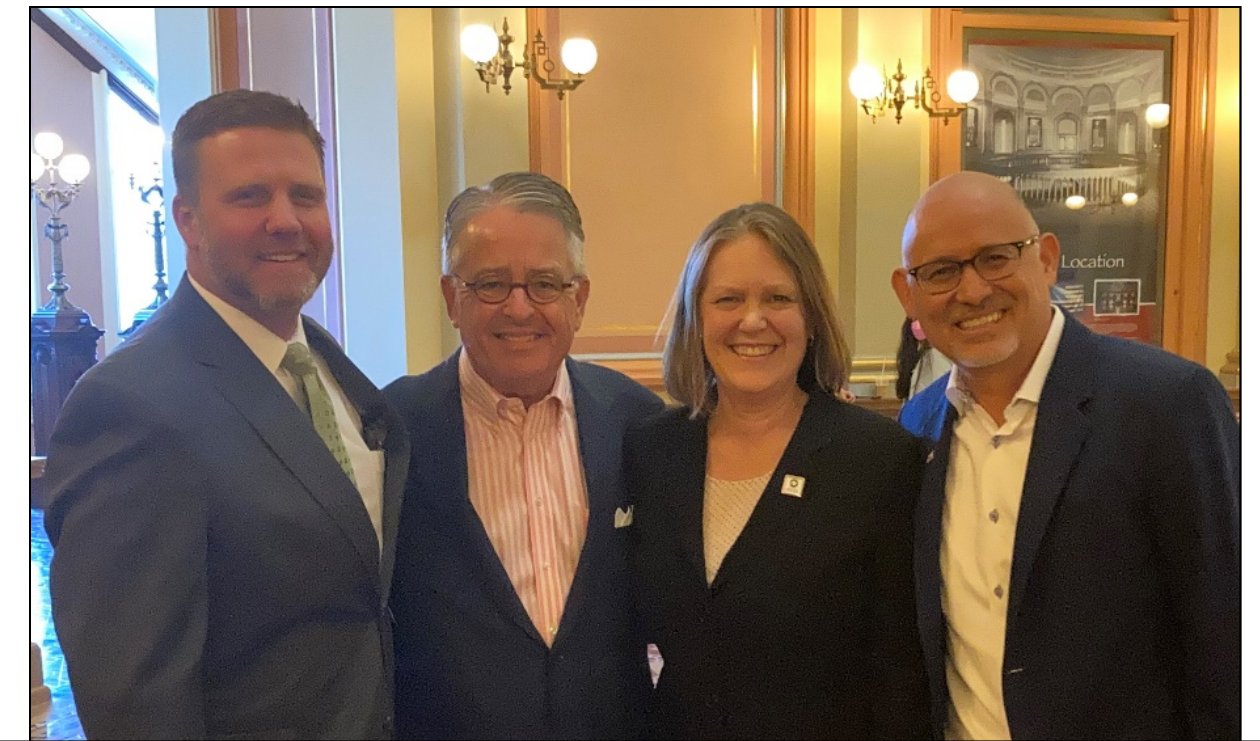
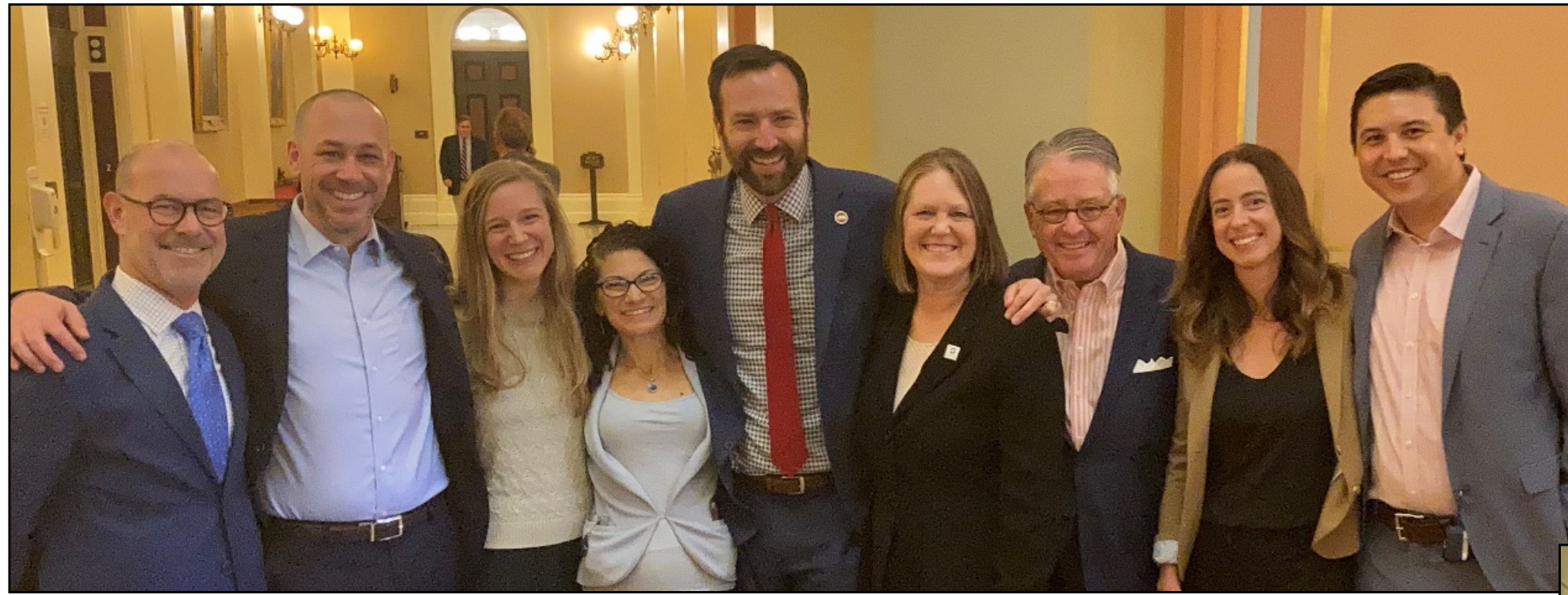
2021: SB 343 (Allen): Truth in Recycling Labeling - **1st in the US**
AB 818 (Bloom): Truth in "Flushable" Wipes Labeling
AB 707 (Quirk): Mercury Thermostat EPR Program Update

2019: SB 726 (Caballero): HHW Reuse & Exchange
AB 729 (Chu): Carpet Program Reform #2

2018: SB 212 (Jackson, Ting, Gray): Medication & Needle EPR - **1st in the US**

2017: AB 1158 (Chu): Carpet Program Reform #1



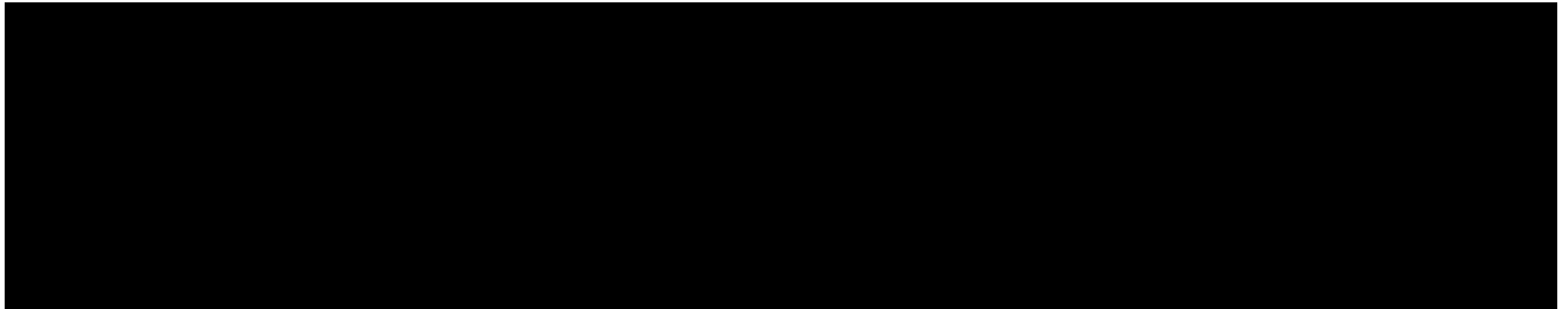


CA's SB 54
EPR for Packaging
ONLY Circular Economy Bill in
the World!

EPR for Packaging

7 States Passed, OR & CO Implemented!

What are Responsible End Markets?



Responsible Markets (REM) Standard Public comment

On May 5, Circular Action Alliance (CAA) launched a public comment period for the draft Certification Standard for Responsible Markets for Recycling of Paper, Packaging and Food Serviceware (REM Standard). For more information, to access the draft standard or submit comments, visit: <https://circularactionalliance.org/rem-standard-public-comment>.

HHW Packaging Conflict in CA and CO

LPMA Oil Container Recycling in Colorado

Colorado's **Lubricants Packaging Management Association (LPMA)**, in partnership with **Interchange 360**, has been approved to run the state's first **industry-led Extended Producer Responsibility (EPR) program** for automotive and petroleum packaging

Program Overview

Approved by: CO. Dept. of Public Health and Environment (CDPHE)

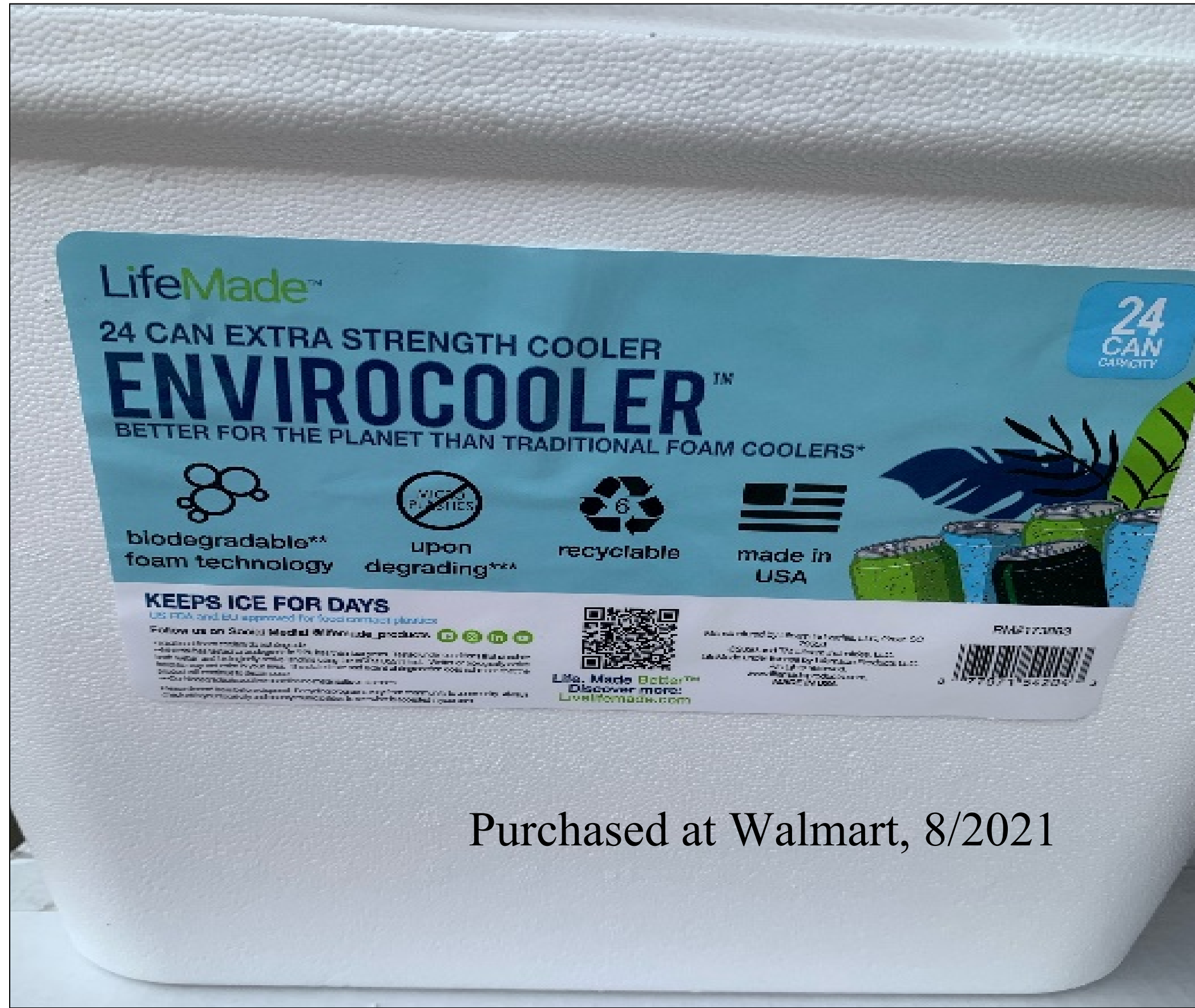
First in the U.S. to allow producers to comply through an **independent, sector-specific program** rather than a single, one-size-fits-all Producer Responsibility Organization (PRO)

Managed by: Interchange 360 (U.S. affiliate of Canada-based Interchange Recycling)

Launch date: March 13, 2026



Labeling: The Wild West, With No Sheriff in Town



Purchased at Walmart, 8/2021



Future Challenges & Impacts on Canadian EPR



- **Litigation** is challenging EPR on multiple levels (ex: PRO selected)
- PROs and others are **testing limits of enforcement**
 - Using Federal Preemption (ex: CA sales ban single-use propane tanks)
- **Harmonizing** - definitions (compostability/recyclability), source reduction, labeling, PCR, market development, metrics and REMs are **important for affordability**
- EPR for **HHW and Packaging** Need to Be Worked Out

The 7 Stages of Grief

- Shock
- Denial
- Anger
- Bargaining
- Depression
- Testing
- Acceptance



Anger Phase: Pharma EPR: 9 years to pass and implement with litigation

**2013: SB 727
(Jackson) –
Failed to pass**

**2014: SB 1014
(Jackson) –
Failed to pass**



CAPITOL OFFICE STATE CAPITOL, ROOM 2032 SACRAMENTO, CA 95814 TEL 916 651-4019 FAX 916 651-4919	California State Legislature	CHAIR SENATE JUDICIARY JOINT LEGISLATIVE COMMITTEE ON EMERGENCY MANAGEMENT
SANTA BARBARA COUNTY OFFICE 222 E. CARRILLO STREET SUITE 309 SANTA BARBARA, CA 93101 TEL 805-965-0862 FAX 805-965-0701	SENATOR HANNAH-BETH JACKSON	VICE CHAIR CALIFORNIA LEGISLATIVE WOMEN'S CAUCUS
VENTURA COUNTY OFFICE 300 E. ESPLANADE DRIVE SUITE 430 OXNARD, CA 93036 TEL 805-988-1940 FAX 805-988-1945	NINETEENTH SENATE DISTRICT	COMMITTEES BUDGET & FISCAL REVIEW ENVIRONMENTAL QUALITY ELECTIONS & CONSTITUTIONAL AMENDMENTS NATURAL RESOURCES & WATER
		JOINT COMMITTEES FAIRS, ALLOCATION & CLASSIFICATION LEGISLATIVE AUDIT
October 30, 2014		BD. SUP. 14NOV 5AM11:27
Santa Clara County Board of Supervisors 70 W Hedding St San Jose CA 95110-1705		B/S Chair _____ BD of Supv. <u>X</u> Clerk _____
Dear Board Members:		
Over the last two years, I have worked with numerous stakeholders to develop legislation that would create a convenient and environmentally responsible home-generated prescription drug disposal program. These efforts included my hosting several large stakeholder meetings, working with legislative consultants, and meeting with hundreds of individuals with an interest in the safe handling and disposal of unused medications. During that time, I introduced two bills, SB 727 (2013) and SB 1014 (2014) in response to the feedback I received to help decrease the supply of unused prescription drugs in homes across California. Due to the current legislative climate, moving forward with these programs was unsuccessful.		
I am now respectfully requesting your participation and help to move this critical issue forward in our state. Adopting a county ordinance similar to Alameda County's Safe Drug Disposal ordinance will help California residents prevent prescription drug abuse, address their disposal needs now, and increase support for a statewide solution.		
The Alameda County Board of Supervisors unanimously adopted the first Safe Medication Disposal Ordinance in the country in July 2012. Pharmaceutical manufacturers with medications being sold or distributed in Alameda County must participate in and fund a program to collect and dispose of unwanted drugs. The ordinance was challenged by Pharmaceutical Research and Manufacturers of America, Generic Pharmaceutical Association, and Biotechnology Industry Organization on the basis that the ordinance violates the dormant Commerce Clause for interstate commerce and discriminates against out-of-county producers. In August 2013, the U.S. District Court upheld the ordinance, as did the <u>Ninth U.S. Circuit Court of Appeals in September 2014.</u>		
Alameda County's ordinance may be found here: http://www.acgov.org/aceh/safedisposal/documents/SDD_Ordinance.pdf		
cc: ea Supervisor, Coltec, CoCounsel, R. Santiago		

Testing Phase:

US Supreme Court Challenge

- **7/24/2012:** Adopts first EPR ordinance for medication in U.S.
- **12/29/14:** PhRMA and other plaintiff organizations file a Petition For Writ of Certiorari asking the U.S. Supreme Court to consider the case – [Petition text](#)
- **5/26/15:** Denied! **National Impact!**
- EPR in U.S. allowed so long as the product has a public health and safety nexus

“We will win legally and will win in the court of public opinion as well,” Mr. Miley said.



Future Opportunities & Hope



EU and Canadian support to collaborate on achieving a Circular Economy

Join & Follow Us!



“Ten years from now, our goal is that nothing goes onto the market that has no end-of-life program in place.”

– Heidi Sanborn



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