



Minnesota Product Stewardship Council

Assessment of Extended Producer Responsibility Legislation, Plans and Programs

2/9/15

Extended Producer Responsibility Definition

Extended Producer Responsibility (EPR) is an essential element of Product Stewardship in which producers design and implement environmentally protective systems to recover and manage the components of their products and packaging, consistent with the Minnesota Waste Management Hierarchy.

Product: Paint - Legislation enacted 2013; implemented 11/1/14; program plan approved 11/17/14 version

MN PSC Priorities for EPR	Meets Priority	Does Not Meet Priority	Current (2/11/15) Status
<p>1. Environmental Protection:</p> <p><i>Product recovery systems adhere to MN Waste Management Hierarchy</i></p>	<p>New collection sites allowed</p> <p>Product reduction, reuse & recycling encouraged</p>	<p>Lacks commitment to reduce, reuse & recycle</p> <p>Allows non-reuse & non-recycling paint management</p>	<ul style="list-style-type: none"> • 180 new year-round sites for public & small business use • County HHW systems not included • PaintCare (PC) has contracted with primary state contractor • MN law (1992) requires MN counties to educate, collect, & manage HHW problem materials (ie, paint) • MN law (2013) requires paint producers to collect & manage paint, but not educate or provide educational materials
<p>2. Financial:</p> <p><i>All product costs - including recovery systems - are incorporated into cost of product</i></p>		<p>Significant recovery system costs still borne by tax payers.</p> <p>No funding for retailer program costs</p>	<ul style="list-style-type: none"> • PC organization established & funded by consumer fee • Agreement for recovery of government disposal costs not yet in place • Tax dollars still fund county paint overhead costs • Paint collected at non-HHW facilities (retail sites) reduce taxpayer cost

<p><i>Producer of product responsible for recovery system program costs</i></p>			
<p>3. Measurable:</p> <p><i>Effective, measurable goals set by government to achieve Priorities #1 and #2.</i></p> <p><i>Dates to reach goals and implement program</i></p>	<p>7/1/14 program start date</p>	<p>Absence of measurable expectations or goals for source reduction, increased recovery, recycling, reuse, cost internalization or 100% producer financial responsibility</p> <p>2015 goal set by producer, to collect and manage paint equals volumes collected and managed by MN county programs in 2013</p>	<ul style="list-style-type: none"> • To date, PC has established 180 (fluid number) retail collection sites • PC set 2015 goal to collect 52 % of 710,242 gallons (473,000 gallons for 8 months of fiscal year: Nov 2014-June 2015) • Without county HHW collection infrastructure, questionable whether PC will reach 2015 goal.
<p>4. Accountable:</p> <p><i>Enforcement – for noncompliance</i></p> <p><i>Individual producers identified</i></p> <p><i>Independent third party audit of financial, organizational & environmental program elements</i></p> <p><i>All wastes in product category included</i></p>	<p>Producers responsible for management of paint in MN</p> <p>Individual producers listed in plan</p> <p>Calls for independent audit of program’s financial aspects</p>	<p>No enforcement</p> <p>Audit requirements exclude evaluation of environmental performance. Annual report required.</p> <p>Excludes architectural paints in aerosols containers</p>	<ul style="list-style-type: none"> • Fee and program implementation delayed from 7/1/14 to 11/1/14 by MPCA at request of PC