

Elements of Effective EPR Legislation

- 1. Covered Materials/Products.** *Materials/products that are subject to the EPR program.*
- 2. Covered Entities.** *Stakeholders that may use the EPR program free of charge.*
- 3. Collection & Convenience.** *The minimum level of collection convenience that a stewardship plan must provide to Covered Entities. Includes locations where materials are collected, and convenience standards.*
- 4. Responsible Party (“Producer”).** *Defines who is responsible for funding and managing the EPR program.*
- 5. Governance.** *Defines roles for program operations, administration, multi-stakeholder input, oversight, and enforcement. Includes PRO structure, multiple PROs, advisory council, and government oversight.*
- 6. Funding Inputs.** *How funding enters the EPR system. Includes cost-internalization vs. eco-fees and material fees (including eco-modulated fees).*
- 7. Funding Allocation.** *How EPR program funds are spent.*
- 8. Design for Environment.** *Provisions beyond eco-modulated fees that minimize environmental and health impacts of Covered Materials.*
- 9. Performance Standards.** *Requirements and metrics to gauge the success and progress of the EPR program.*
- 10. Outreach & Education Requirements.** *Provisions to ensure that consumers, retailers, and other key stakeholders are informed about the EPR program.*
- 11. Equity & Environmental Justice.** *Components that encourage equitable and just practices.*
- 12. Enforcement & Penalties for Violation.** *Measures to ensure compliance with the EPR law. Includes disposal bans and retail/sales prohibitions for non-compliant covered materials.*
- 13. Stewardship Plan Contents.** *Minimum components of a stewardship plan describing how Responsible Parties will implement the EPR program.*
- 14. Annual Report Contents.** *Minimum components of an annual report that Responsible Parties will submit to the state.*
- 15. Implementation Timeline.** *Schedule for the submission, review, and approval of stewardship plans.*
- 16. Additional Components & Definitions.** *Legislative provisions to ensure the EPR law is compatible with existing laws. Includes anti-trust & competition, preemption & related laws, authority to promulgate regulations, financial data/proprietary information protection, and procurement. Also includes essential terms to define in the EPR law.*