

Massachusetts Extended Producer Responsibility Commission

April 14, 2025 | 10 a.m. to 12:30 p.m.

100 Cambridge Ave, Boston, MA 2nd-floor conference room | via Zoom

Meeting minutes

Commissioners present

- John Beling, Chair, and Deputy Commissioner, Massachusetts Department of Environmental Protection
- Senator Mike Barrett, Chair, Joint Committee on Telecommunications, Energy, and Utilities (remote)
- Sharon Byrne Kishida, Nominee, Senate Minority Leader
- Max Haworth filling in for Leigh-Anne Cole, Executive Director, Community Action Works
- Representative Michael Day, Massachusetts House of Representatives
- Janet Domenitz, Executive Director, MassPIRG
- Lew Dubuque, Vice President, Northeast Chapter, National Waste and Recycling Association
- Magda Garncarz, Vice President of Government Affairs, Associated Industries of Massachusetts (remote)
- Sarah Kalish, Executive Office of Economic Development
- Dalene LaPointe, Assistant Director, Environmental Toxicology Program at Massachusetts Department of Public Health
- David Melly, Legislative Director, Environmental League of Massachusetts
- Conor O'Shaughnessy, Budget Director and Environmental Policy Analyst, Office of Senator Bruce Tarr
- Andrew Potter, Chair, Select Board, Town of West Stockbridge
- Bill Rennie, Senior Vice President, Retailers Association of Massachusetts
- Neil Rhein, Executive Director, Keep Massachusetts Beautiful
- Waneta Trabert, Vice President, MassRecycle
- Tracy Triplett, Senior Enforcement Counsel, Office of Attorney General Andrea Joy Campbell
- Abbie Webb, Vice President of Sustainability, Casella Waste Management—remote

Commissioner absent

- Catherine Ratte, Director, Land Use and Environment Department, Pioneer Valley Planning Commission

Staff and consultants present

- Greg Cooper, Director, Hazardous and Solid Waste, Massachusetts Department of Environmental Protection
- John Fischer, Deputy Director, Solid Waste, Massachusetts Department of Environmental Protection
- Julie McNeill, Attorney, Bureau of Air and Waste, Massachusetts Department of Environmental Protection

- Courtney Rainey, Deputy Chief of Staff and Director of Government Affairs
- Jennifer Haugh, Vice President of Planning, GreenerU
- Madeline Rawson, Project Manager, Planning, GreenerU (remote)

Agenda and minutes

1. Introductions

Chair John Beling called the meeting to order at 10:01 a.m. He introduced himself, then introduced DEP Commissioner Bonnie Heiple, who kicked off the meeting.

Chair Beling then took roll call. He then indicated that there remain two Commission vacancies from environmental justice organizations. As lithium-ion battery and mattress disposal affects EJ communities disproportionately, he emphasized the importance of this representation.

2. Review of goals and agenda

Consultant Jennifer Haugh shared the meeting goals and agenda on slide 3. The meeting goals are as follows:

- a. Confirm logistics for all EPR Commission meetings
- b. Establish rules of engagement
- c. Adopt bylaws, ground rules, and remote meeting policy
- d. Share EPR basics, challenges, and upcoming meeting topics

3. The Climate Law and the EPR Commission's charge

Chair Beling introduced the charter and role of the EPR Commission (see slide 5 for details). The Commission will tackle paint and mattresses first, as there are already bills in the works and there is legislation in other states. The Commission's primary responsibility is to develop recommendations.

Chair Beling emphasized that the Commission is not going to make something go away by studying it to death. The Commission will be making recommendations along the way toward the deadline of January 2026.

4. Adoption of bylaws, guidelines, and remote participation policy

- a. BYLAWS

Commissioner Andrew Potter moved to approve the EPR Commission bylaws. Commissioner Tracy Triplett seconded. There was no further discussion. The motion passed unanimously.

- b. GUIDELINES

Commissioner Potter moved to approve the EPR Commission guidelines. Commissioner Triplett seconded.

Representative Michael Day: Was this developed specifically for the Commission?

Haugh: Yes.

Commissioner Day: It feels strict. Does the Chair have the discretion to return to a previous topic?

Sen. Mike Barrett: I share Rep. Day's reservation; I took part in the Commission on Energy Infrastructure Siting and Permitting (CEISP) and the Electric Vehicle Infrastructure Coordinating Council (EVICC) working group, as well as the Clean Transmission Working Group, the Special Review of Mass Save, and the Gas System Enhancement Program (GSEP), and I don't recall a three-minute speaking limit for those working groups or commissions being enforced or invoked.

Chair Beling: I suggest the group table the discussion and develop new language to review at the next meeting.

The motion was tabled.

c. REMOTE PARTICIPATION POLICY

Chair Beling explained that regarding open meeting law, the Commission now has the flexibility to hold meetings hybrid or completely remote. The question is whether to adopt the remote participation policy.

Rep. Day moved to approve the remote participation policy. Commissioner Triplett seconded.

Commissioner Andrew Potter: I would prefer meetings to be all remote, because there is a disadvantage with hybrid meetings. I live near the New York border. There's an inherent split between being in a room and participating remotely.

Commissioner Lew Dubuque: I am coming from upstate New York, but I prefer in-person meetings.

Sen. Barrett: First, thank you to the DEP and everyone who's taking part in this Commission. The Senate operates in a hybrid fashion; we too have members in the Berkshires and on the borders of various other states. Sometimes legislators can make it in. I take the point that in-person is better in terms of participants' personal experience, but flexibility is also important. A rigid rule that essentially does away with remote participation would move us back a good five or six years in terms of what's appropriate. In my political experience, we get better participation with hybrid formats than in person. You can insist on in-person participation, but you get membership falling off. So the trade-off is the somewhat higher quality in person and higher participation with hybrid meetings, and so I prefer higher participation for all involved.

Commissioner Dubuque: Just to be clear, I prefer hybrid with the option to participate remotely.

Chair Beling: I also share this view.

The motion passed unanimously.

5. Rules of engagement

Haugh presented slide 7.

6. Presentation: problems, goals, and barriers to managing solid waste in Massachusetts

Deputy Director John Fischer presented slides 8–10.

7. Presentation: extended producer responsibility

Scott Cassel is CEO and founder of the Product Stewardship Institute. He presented slides 11–37.

Commissioner David Melly: I don't see arguments for improvements on public health.

Cassel: That is a benefit. Vermont has the first EPR law on managing hazardous waste, and that is helping the public. Thank you for bringing that up.

8. Questions and discussion

Commissioner Janet Domenitz: Just to clarify, we are making recommendations. Is that the exclusive focus, or could we come up with policies to the DEP to issue regulations? Or is that outside the scope?

Chair Beling: I believe pretty much everything we're going to recommend would require legislation, so we don't have specific authority at present to impose EPR regulations—we would need a statute.

Commissioner Domenitz: I understand that not everything that's gotten proposed is legislatively faced. I'm just thinking about the work overall; are we just thinking about legislation or can we, as we discuss these policies, recommend regulations to the Department of Environmental Protection (DEP)?

Director Greg Cooper: The statute reads that we're focused on policy recommendations to the Legislature. There may be other ideas that come up. We are in the middle of a solid waste master plan review for 2025, which will include a whole host of topics, so if it's programmatic regulatory elements, the solid waste master plan update would be the more appropriate place. This group will try to focus on the legislature.

Chair Beling: There would obviously be a process to implement recommendations. You can be very specific in the statute and that can be challenging for us. Scott [Cassel], how specific is the legislation? What's your take on how that typically reads for these kinds of programs?

Cassel: The law is developed through the statute. Regulations here in Massachusetts are developed through the DEP. Putting in regulations is very common. In other states, it may not be. I would say it's always a mix. It depends on if you're thinking of something that's kind of universally known across the country when it comes to solid waste. It could be PCR content where there's more of a consensus on some materials in some places. But let's say if your goals are waste reduction and affecting other elements of recycling rates, you need to have baselines. That's where you'll see differences in what industry, government, and environmental advocates want. We want to get as much into the statute as we can, but those that don't fit will go into regulations. And then that goes into the plan, which goes into discussion for a regulatory way of having discussions in the regulatory arena. The plan itself has more give and take; it's not a formal setting like this with more opportunities for interaction and discussion. The definition of EPR is that it's law.

Commissioner Domenitz: Where I'm coming from is directly related to the situation in Massachusetts; it was presented as we have these millions of tons of solid waste and we are running out of capacity, so what are we going to do? Technically more than half of those millions of tons of waste have been banned from disposal for the past 30 years, so it's just not a given that we have that amount of waste. I'm trying to connect the dots between that presentation and what you are saying about the potential for the work that we have here.

Commissioner Sheila Byrne Kishida: Are we limiting ourselves to these four, five, six meetings and how are we going to accomplish that?

Chair Beling: We have a minimum of four and that isn't going to be enough. We will meet at least monthly. We can distribute information to the group; voting has to be handled within the meeting. We will probably need to set up a monthly cadence, but even if we shoot for that, it's going to go by fast.

Commissioner Kishida: For instance if we're working on a piece of legislation, can we be sending in comments, or?

Chair Beling: My sense is if we can tackle one product by June, we'll vote and send in a recommendation and be ahead of the class and we'll move on. Hoping to take one at a time.

Commissioner Kishida: How about communication between meetings?

Chair Beling: That's one of the challenges. We have to be mindful of communicating without a quorum. We can share information, but we can't all get together ad hoc and not be subject to open meeting law. That's why I'm hoping for a monthly meeting. I'm open to your thoughts.

Commissioner Triplett: Is there a possibility of breakout committees or subcommittees? Within the meeting, sure yes, but outside as long as it's not more than 10 people?

Chair Beling: I served on the Housing Commission that did have subcommittees; something we should explore. Not entirely sure how that works, because housing has a lot of different categories. This is

different; we should probably all talk about paint. I guess I'm a little skeptical about how having subcommittees would be efficient given the nature of our charge.

Commissioner Triplett: Some components might be more complicated than others, because there might be different aspects to it.

Commissioner Potter: My feeling is that subcommittees could provide a structure to the discussion.

Julie McNeill, Attorney, Bureau of Air and Waste, Mass DEP: Subcommittee meetings are still subject to open meeting law; if there are five members, three is a quorum.

Cassel: We're facilitating the advisory board for packaging EPR in Colorado, and their open meeting law is even more stringent than this—they can't have two people on a call, email, etc. So what we're doing as facilitators is actually having conversations with people outside and bringing it to the group, so you have more opportunity with more people. I just wanted to say it's definitely doable and fairly standard practice in some ways so you can get a lot done outside the meeting, so when you come into meetings, thoughts are clarified, issues are clarified, and you can get a lot more done.

Commissioner Potter: I wanted to clarify that the meeting is posted. It would be just a smaller committee of the commission as a whole.

Chair Beling: We can bring this up at the next meeting and come up with some proposals. I'm still struggling with this conception and categories and how we subdivide that, especially early on. As things get harder, we can come up with a better way to problem-solve. It won't be easy, but maybe we can have it get easier and move our way up the chain to the hard stuff.

Director Cooper: Yes, we'd like to say there can be a wide range of policy options, including "we need to look at this more."

Chair Beling: That will be some of our recommendations, probably—that "this needs more study." Some solutions have been around for a long time. We don't need to be different. But for some, there isn't a lot of precedent.

Commissioner Melly: To that point, I'd be interested to know about recommendations coming out of this commission in terms of complexity and impact. There's a logical outcome here where there are easy things to resolve but are limited in impact versus packaging, which is the thorniest to navigate. I would argue that would be the biggest win to get out of this commission. It would be helpful to have something in that end product to say that these are the easiest things to get done that you could do yesterday, but this is something the legislature should do in terms of prioritizing.

Chair Beling: I could turn that around and say we'll work on that and nothing will happen for five years. We would like to get some wins. That's my perception: we want to work our way through our list and there will be much harder stuff to tackle as a state, but I don't want to delay anything, as MassDEP

Commissioner Heiple mentioned—that's how you make things go away, is to study them to death. I appreciate what you're saying.

Commissioner Melly: It's more about framing—we're not punting but saying this is important and that's why we need to study it.

Chair Beling: I agree. We should communicate very clearly where we're going, what we've included, see what happens.

Commissioner Neil Rhein: I agree with the point about getting easy wins and getting something done soon. To me, paint is a no-brainer. But at the same time, if we focus on that first and we know packaging is the most complicated issue here, if we don't start as a group discussing that until September, are we going to have enough time to really solve that? Is there a way to walk and chew gum at the same time? Maybe a subcommittee could focus on this sooner.

Chair Beling: That's a good thought, and maybe what Commissioner Triplett was getting to. Let's take on the really hard topics, set up subcommittees, find out who'd like to dive into that.

Commissioner Trabert: Piggybacking off of what Commissioner Melly said, in the spirit of starting off with the goal in mind, what do these recommendations look like? What type of document are we trying to develop? And then we should include some rating of impact optimistically to grab the attention of those in the legislature, but also following some elements to what Scott Cassel presented, a format for each of these materials. I'm struggling to see the vision for what those recommendations are coming out of this commission. It would be helpful to come up with a format to fill in the blanks.

Chair Beling: I imagine this is more than 10 pages. We need to have products, proposed production responsibilities, information on costs, waste reduction, impacts, incentives, and impacts on waste generation at a minimum. If we just hit all those boxes, it's going to be a pretty robust looking document. On the big ones with major impacts that are more challenging, we need to be very specific about how we see the structure, then it's up to the legislature on how to craft that into a bill, and then we'll have to come up with regulations. It's going to be a pretty complex document.

Commissioner Trabert: Who does the work of developing that document?

Chair Beling: As chair, I will direct someone to write it and everyone reviews it.

Commissioner Max Haworth on behalf of Leigh-Anne Cole: I'm not sure if it was said, but one thing we should also include in that document is a clear plan on enforcement, accountability, and using community input. We have waste bans in Massachusetts, but we have to work on our enforcement, so having clear guidelines and enforcement mechanisms definitely needs to be considered.

Commissioner Kishida: One hurdle is getting a bill passed through the state legislature.

Chair Beling: Cost is always a hurdle. That's something we need to address straight up. These are tough times; who knows where we'll be in seven months? To me the best way to articulate this is to explain the costs of inaction—that's often absent in the dialogue. Both economic and environmental. I think John (Fischer)'s charts are pretty compelling; if we keep going this way, maybe there will be less growth and less waste, but that's not the way to manage.

Director Cooper: Once we hear from Commission members, we should ask the public.

The public was invited to weigh in.

Kirstie Pecci: Is there consideration of adding an existing bill to the report? I've seen this around the country; everybody says they want to do this, but is there consideration of adding Rep. Day's bill?

Chair Beling: We could certainly add the bill as an addendum; that's what I'm anticipating—we don't need to reinvent the wheel. If we've got a good bill, that's certainly within our purview if we can advance something.

Peg Hall: Please post members and who appointed them and also who they represent, as well as everything the Commission is voting on today. The Commission members' packet wasn't posted and that would be helpful to see before each meeting so we can follow along a little more efficiently.

Director Cooper: We'll post that after the meeting.

Jen Dolan, Lutron Electronics: What, other than us standing up here, is an opportunity for more public participation and discussion? I noticed on the Commission there's only one manufacturer representative, from Associated Industries of Massachusetts. We're talking about various programs and categories of products, but for this to be successful, we need all different perspectives. I would love the opportunity to weigh in.

Chair Beling: These meetings are the opportunity. Also when bills come to pass, that's another opportunity.

Director Cooper: There's also a public portal on the website where you can post comments. I think as we talk in a few minutes about the roadmap and possible approach, conceptually we were looking to try to structure this in a way where manufacturers of certain categories could be present and involved at the time when their topics are being discussed.

Commissioner Trabert: I'm interested in gaining insight and perspectives from different stakeholder groups. In Massachusetts in the past, it's all been whisper and hearsay and not enough dialogue between different stakeholder groups. I'm excited that it's out in the open. There will be advocacy and effort to get bills passed, and insights gleaned from this process will be helpful in those eventual efforts.

Commissioner Melly: Product categories identified in statute also map to what's in the solid waste master plan. What would be helpful to tie together would be an overlay of this commission's goals and

how they serve the solid waste master plan, obviously with limitations. But it will be helpful to say these EPR Commission recommendations serve the broader goals and other waste production goals.

9. Topics for consideration

Commissioner Trabert: I think the workload is already quite ambitious between now and January, but since the question was posed, I would like to raise the category of household hazardous waste, because that is a very expensive category and also addresses the goal of the state to reduce toxics going into our waste stream. It's not a category that has had much conversation in Massachusetts.

Chair Beling: Where would you place that in terms of priority?

Commissioner Trabert: I would say it's about as complicated as packaging, but the fact that there is a neighboring state as the first to pass that gives some insight into what's possible.

Commissioner Rhein: Is plastics and packaging one category, or is this separate?

Chair Beling: We can look at the bill language.

10. Review of proposed meeting roadmap

Chair Beling went through slide 40.

Director Cooper covered some additional details on slide 40.

Commissioner Trabert: On the order of operations and material categories: it was said that this was how it was laid out in the legislation. Is that where this is at?

Director Cooper: This is a combination of the legislation and approaching some of the more concrete examples and what's been done successfully in other states would probably be easier than coming up with a decision on packaging in a month and a half.

Commissioner Trabert: I would say that I agree with the approach, but I would order things differently. Paint is well defined; that doesn't very much. Mattresses are a little more complicated, particularly in Massachusetts due to the disposal ban. Something that probably wasn't at the attention of the Legislature when this was passed is there is much more of a unified consensus on lithium ion and portable batteries and more conversation and momentum on this material category. I would like that to be moved to sooner because there could be more consensus than is given credit here. My order would be paint, mattresses, batteries, electronics, plastics and packaging.

Commissioner Dubuque: Agreed.

Rep. Day: Is this meant to be "drip drip drip" or one report?

Chair Beling: We would like to get a few recommendations out before January. Do we need a vote on this?

Commissioner Melly: With best laid plans aside, assuming there's a realistic possibility that putting packaging last and bumping up against the January final report deadline, my concern is we are running out of time to talk about the most complex issues. To the point on subcommittees, I would want to suggest that in the background maybe the commission has dedicated focus but there is a subcommittee focusing on packaging. We can't start talking about it in October and expect a recommendation by January.

Chair Beling: Agree: we should set up subcommittees on plastics/packaging and electronics. If batteries aren't a heavy lift, we can focus on these in subcommittees.

Sen. Barrett: Echoing Rep. Day, is the suggestion that we will have a series of discrete sets of recommendations contained in a multiplicity of bills? The typical legislative model is to try to be comprehensive. I don't have a problem dealing with these in discrete buckets, but would like to hear why there might be multiple bills generated.

Commissioner Melly: To your point, Senator, I think it's splitting hairs to conceptualize it one way or the other—the Legislature likes omnibus bills. Certainly there could be an EPR omnibus, but my understanding of how we're approaching this is there would need to be specific language on whether that's a bill or a section of a larger bill and the recommendations could be all wrapped together in a package procedurally and would move through the Legislature. But there are unique and specific concerns that would necessitate a different statutory approach for each one.

Chair Beling: I will defer to the Legislature on how they want to write any bills, but three of those would make sense just to get moving on them pretty soon. Other ones are going to take some time. In terms of us recommending language on the harder categories, I'm just skeptical we'll land the plan on time. That's my perspective. As long as it gets into legislation, fine. But I worry that if we get hung up on tougher categories, we'll get delayed, and some of these are long overdue. Others are just more complicated; not a lot of states so far that have taken that dive.

Commissioner Domenitz: There's no way to answer this until we dive in, but I'm confused already about how we are defining "low-hanging fruit." There are policies and there are politics. The policies may be low-hanging fruit in that there are plastic bag bans across the state; that's a political matter. Some of these things have been literally pending for 20 years.

Chair Beling: I would distinguish between a ban and EPR. Some have established structures. From a regulatory perspective, these are ones that we could just do really easily, from our perspective—putting politics aside.

Commissioner Rhein: I would agree. I'm not an expert on how the Legislature works, but if this is all lumped together, it makes it less likely that something would actually pass. There's more reason to vote against plastics and packaging EPR from a cost perspective than for paint or for "low-hanging fruit." So I

agree with your approach of just recommending each category and wrapping up with one comprehensive report in the end. Does Scott (Cassel) have any information on how other states approached this?

Cassel: Most states do separate bills. I hesitated to bring up the concept of framework legislation, which is what Maine has; this establishes principles that you don't have to debate every time a piece of EPR comes through. It's not a full framework, but it's quite often done in Canada where it is easier: once you get the framework down, you introduce paint, mattresses, and other bills.

Sen. Barrett: One thing the Legislature often does is choose different effective dates. This discussion is good for me to hear, but you could have a framework of the sort that Maine has codified, but have different effective dates for different products and of course other specific provisions as well. I'm not making a case for a comprehensive bill, but wanted to point out that those kinds of variants are often found.

Commissioner Trabert: A distinction that hasn't been pointed out is the reason that some of these product categories are seeming to some of us in the weeds that there is industry support for certain product types and other categories there is not systematic industry support. For paint, mattresses, and batteries, there is producer support for EPR for these materials. There are examples of how stakeholders have come together around a systematic bill approach. The industry producers want, from what I know, to see as much similarity in a bill as possible so they can avoid a patchwork quilt of different regulations in different states, which from an efficiency standpoint makes perfect sense. That may be helpful context.

Dubuque moved to change the order of the roadmap to paint, mattresses, batteries, electronics, plastics/packaging. Potter seconded. The motion carried unanimously.

Commissioner Potter moved to set up subcommittees on plastics/packaging and electronics. Trabert seconded. The motion carried unanimously.

Commissioner Rennie: With enabling statute referencing initial recommendations by January 2026, do you envision going beyond that date?

Chair Beling: That's a good question: I don't know how long we'll perpetuate this. We could keep the commission open. That's what we're charged with at a minimum. That's something we could figure out as we go along. It does not say the Commission sunsets at X date.

From the audience: Will public comment be open during subcommittee meetings?

Director Cooper: Yes, and details will be posted to the website, but not until after the next meeting.

11. Next steps and adjourn

Chair Beling thanked the group. Commissioner Potter moved to adjourn. Commissioner Dubuque seconded. The motion passed unanimously.

The meeting adjourned at 12:07 p.m.

Respectfully submitted,
Jennifer A. Haugh
GreenerU