Extended Producer Responsibility (EPR) Commission
Public Comments Received
Date Updated: 10/10/2025

Note: In some cases, comments have been summarized in this document. Similar comments may be combined.

Material Category: Electronics

Comment 1: One very specific comment on the last slide for e-waste on Covered Entities: Bravo for including schools, but either officially, or it will happen unofficially, your HAVE to allow tiny businesses to use the EPR system for their computers and such. I started the first permanent e-waste collection in CT in January 1999, and then later helped write and pass the e-waste EPR law we got a few years later – which was what it needed to be and has both advantages, disadvantages, and unintended consequences, but it was nearly pre-1st generation, and I don't recommend it as a model now!

At a transfer station or Staples one cannot tell if the computer someone is bringing in came from home or a home office. Or it got too old for work and work allowed employees to take home and use outdated ones that still have some sticker on them. And many fewer people were working from home back then. I tried to resolve it by writing in the legislation that collection sites had to take up to 7 items at a time. That was intended to give a practical solution for real people on the ground/front lines. Then someone on the House/Senate floor asked the sponsor about legislative intent and they agreed "no businesses". So it remained murky. But the reality is that those items, in small quantities, will always come in and be indistinguishable, and be accepted under the program. Why not admit it? Don't know if this needs to invoke universal waste or it will remain "looking the other way", but there is a huge difference between subsidizing an office building full of equipment, and taking care of a 1-person for-profit operation that runs out of the back bedroom.

Response 1: These comments will be shared with Commission members as follow up to the September 17, 2025 Commission meeting.

Comment 2: While I found the presentation given by Jason Linnell of the NCER interesting and informative, to my mind the first and most important responsibility producers have in regards to electronics is to make them less disposable/obsolete/wasteful. I understand that we need a responsible way to dispose of/recycle these materials, the stream of electronic waste is not disappearing anytime soon. That said, we are not going to recycle our way out of the disaster that electronic waste presents -- the U.N. has reported electronics waste is growing five times faster than our growth in recycling capacity. As such, I believe the Commission should, among its recommendations, include right to repair policies. Three considerations, briefly:

1-Such policies have passed in several states, and are pending in most (including Massachusetts); adopting such a policy is overdue in Massachusetts.

2-Massachusetts generates some 159,000 tons of e-waste per year, while e-waste is the fastest growing waste stream in the world. By far the most efficient producer responsibility solution is to repair more of what we already have and make it last longer - every device that gets fixed reduces the strain on our waste system.

3-Per above, considering the right to repair for electronics seems squarely in the mandate for this Commission, which is instructed as follows: "The extended producer responsibility policy recommendations shall include, but not be limited to: (i) recommendations on specific extended producer responsibility approaches and other strategies for product and packaging categories including, but not limited to, paint, mattresses, electronics, lithium-ion batteries, plastics and other packaging;..."

The right to repair electronic devices falls squarely within this scope, does not burden the state with more costs, and aligns with requirements already in place in neighboring states Connecticut and Rhode Island. I truly hope the right to repair can be explored as a potential recommendation from this commission.

Response 2: These comments will be shared with Commission members in advance of the October 29, 2025 Commission meeting.

Comment 3: On behalf of Consumer Technology Association (CTA), we respectfully submit these comments regarding establishing an extended producer responsibility (EPR) program for electronics in Massachusetts. CTA is the trade association representing the U.S. consumer technology industry. Our members are the world's leading innovators – from startups to global brands to retailers – helping support more than 18 million American consumer technology jobs. Our industry has 20 years of experience with EPR for electronics.

CTA participated in the Electronic Advisory Group meetings in June and July as well as the full EPR Commission meeting in September. We want to thank the Maine Department of Environmental Protection (DEP) for organizing and running the EPR Commission as well as the Commission Members for giving their time and expertise to the discussion. We also want to thank the numerous stakeholders that have engaged, and technical experts involved in the various meetings. CTA has appreciated this opportunity to engage, and we look forward to future engagement.

Electronics do not follow a standard EPR model like paint or mattresses. There is no single Producer Responsibility Organization (PRO) that operates for electronics here in the U.S. Since the first last passed 20 years ago, the states that have adopted EPR for electronics have not followed one standard model. Instead, the industry has explored numerous program structures and learned along the way what works best and what has presented challenges. Several states have updated existing laws in recent years and programs require engagement across all stakeholders to respond to the needs of individual state structures.

So much has changed since the last law was passed over 10 years ago back in 2014. A study by researchers at the Rochester Institute of Technology's Institute for Sustainability and the Yale Center for Industrial Ecology estimated that e-waste generation peaked in 2015 nationally and has been declining since. Additionally, the most recent EPA data showcase that electronics are the fastest declining product in the municipal solid waste stream as well as making up less than 1% by weight of all municipal solid waste. E-waste is declining because during the past two decades electronics manufacturers have produced products with fewer and lighter materials enabled by technological innovations. Materials used in consumer technology products have continuously improved and devices now result in much less e-waste. Problem materials have also been designed out of new products. For example, the old cathode ray tube (CRT) technology required leaded glass but has been replaced by two subsequent generations of video display technologies that produce better displays without leaded glass. Innovation is a hallmark of our industry, and continuous improvement in materials used in products has dramatically reduced our industry's environmental footprint. The data demonstrate that through better design and better products our industry is reducing waste at the source – even before they are used and long before they become waste.

While the EPR Commission has not made any specific recommendation, CTA wants to note that industry does not support S.653 or H.1015. These EPR proposals are a stark departure from how electronics EPR systems work in the United States and lack many of the guardrails that help drive market forces into an EPR program, delivering program efficiencies for all stakeholders and keeping costs reasonable for producers. The current Massachusetts proposals create a complex bureaucratic structure largely operated by the state that raises costs and complexity without driving any added benefit for Massachusetts consumers for the collection and recycling of electronics at end of life. No state EPR structure has identified the need for an advisory commission to oversee the program. A system based on return share as found in these proposals is not the current structure of any EPR program that has been recently updated due to the significant costs added to the collection and recycling system. Additionally, CTA heard a suggestion in the EPR Commission meeting to learn from the EPR programs in the states around Massachusetts. CTA would discourage this evaluation as those programs are some of the highest cost programs in the country given their state operated or monopolistic structures with a minimal role for producers and no ability to drive market forces or efficiencies into the programs. The proposals in S.653 and H.1015 follow a similar structure.

CTA supports additional assessment of the current structure of how electronics are collected throughout Massachusetts. It was unclear from the Advisory Group meetings if there was an accurate and complete assessment of what's occurring on the ground in the state. We heard some concerning discussion on electronics possibly being put out on the curb and collected curbside which goes against industry best practices for electronics collection. A thorough assessment is needed of the collection and recycling system including across individual

municipalities. The goal of any program should be to create an effective, efficient, and safe solution for collection and recycling electronics.

We appreciate this opportunity to share our comments and insight as well as participate in the discussion within the EPR Commission. CTA looks forward to working with stakeholders, the Massachusetts DEP, and the Massachusetts Legislature on a path forward in the Commonwealth.

Response 3: These comments will be shared with Commission members in advance of the October 29, 2025 Commission meeting.

Material Category: Lithium Ion Batteries

Comment 1: Please take into account e-cigarettes and vapes. Many of these are now sold as single use, and there is no way for the consumer to safely separate the battery from other components. The majority of battery recyclers will not accept vapes, and there is no current safe and acceptable method of disposal for these items. They are very often littered, or thrown away with regular municipal solid waste, creating additional hazards.

Response 1: Lithium-ion batteries are scheduled to be discussed at Meeting #4 of the Commission on July 16, 2025. The Massachusetts Department of Environmental Protection (MassDEP) will note batteries in e-cigarettes and vapes as a particular issue to consider.

Comment 2: Thank you for your leadership in researching and recommending policies to strengthen end-of-life battery management in Massachusetts. We appreciate the opportunity to participate in the July 16 meeting, where the topic of small and medium format battery management was discussed.

Redwood supports thoughtful, market-driven battery recycling legislation and stands as a partner with the Commonwealth as it advances this important work. It is critical that a program for the end-of-life management of small and medium format batteries be designed in a manner that maximizes collection opportunities, encourages participation by capable market players, and ensures the collected valuable materials are put to their best use at end of life—uses that will help Massachusetts achieve its circular economy and clean energy goals.

About Redwood Materials

Redwood Materials is an advanced battery recycler that recovers and processes lithium-ion batteries in the U.S. to help establish a domestic closed-loop battery supply chain. Our business encompasses the collection, recycling, and re-manufacturing of batteries into high-value components like cathode materials. We are supporting Massachusetts and the nation's transition to sustainable energy by achieving recycling rates above 95% and substantially reducing both the carbon footprint and cost of producing new batteries.

Our company's mission aligns with the objectives of this commission, as we work every day to advance the responsible and sustainable management of end-of-life batteries. Over 70% of lithium-ion batteries collected today are sent to our recycling facility in northern Nevada, making us the largest lithium-ion battery recycler in North America. Today, Redwood receives more than 20 GWh of lithium-ion batteries annually, which equates to more than 250,000 electric vehicles, 1.57 billion cell phones, or 60,000 metric tons/year.

Redwood's Free and Robust Battery Collection Program

Redwood's business model encompasses the collection, repurposing recycling, and re-manufacturing of end-of-life batteries into high-value battery materials. While we currently receive feedstock directly from consumer OEMs such as Amazon, Panasonic, Rad Power

Bikes, Lime and Lyft, as well as automotive OEMs like Volkswagen, Toyota, and BMW, we see significant untapped opportunity in the consumer battery market—particularly through direct battery collection from the public. Each year, Americans spend trillions of dollars on rechargeable electronics and battery powered products, yet less than 5% of lithium-ion batteries sold are recovered through recycling streams. That is why we offer free, convenient, and widely accessible battery collection pathways for consumers, businesses, and municipalities.

Through our robust consumer battery collection program, we've already recovered and recycled over 100,000 pounds of batteries—refining and remanufacturing them into the critical materials needed for new battery production. By offering free and frictionless recycling options, Redwood believes we can meaningfully improve individual recycling rates.

Redwood's consumer battery collection program includes:

- Events – Consumers can recycle their end-of-life batteries by attending one of our community collection events that we host in partnership with Rotary Clubs, schools, local governments, and other civic and service-oriented clubs.

- Permanent Bins – We partner with manufacturers and retailers across the country. Providing our own battery collection solution via a permanent bin. We have more than 100 permanent collection sites nationwide.

- Education – We believe education is essential to battery recovery. That's why we created Redwood's *Advocate Toolkit*—a comprehensive resource covering the basics of battery and device recycling, along with guidance on how individuals and communities can contribute to a cleaner energy future.

Our free battery collection program is just one example of how the market is effectively responding to the need to recover end-of-life batteries—recognizing both their inherent value and the growing importance of the battery recycling industry. Battery recycling policies should encourage the expansion of private-sector efforts like this, rather than restrict competition or limit consumer access to qualified and convenient collection services.

Current State of Small + Medium Format Battery Recycling Legislation & Programs

As of July 2025, seven states and the District of Columbia have enacted extended producer responsibility (EPR) laws for small and medium format batteries: Washington, Illinois, Colorado, Connecticut, Nebraska, New York, Vermont, and D.C. Meanwhile, similar proposals in Florida, Iowa, Maryland, Minnesota, Missouri, Oklahoma, and Oregon did not advance.

Driven by the rapid growth of battery-powered tools and devices—and the resulting increased risk of batteries entering waste streams and causing fires—more states are pursuing battery

EPR policies. However, few programs are fully operational, many have faced significant implementation challenges, and those that are up and running have yet to consistently meet their collection rate goals:

- Vermont — Missed its 25% goal in 2023 (reached 22%); improved to 29% in 2024.
- D.C. — Missed its 35% goal in 2023 (only 23% collected).
- Washington — Still in its second year of rulemaking with ongoing challenges.
- California — Entering year three of rulemaking with similar unresolved issues.
- Illinois — Law passed in 2024, and implementation is not yet underway.
- Ontario — Regulators recently fined producers millions for failing to meet targets under the same EPR framework now being proposed in multiple U.S. states.

We believe the battery EPR model now gaining traction in the U.S. has potential and can serve as a strong complement to the market-driven recycling solutions already operating successfully. A well-crafted battery EPR legislation can help increase collection and improve safety. However, the version being replicated across states still falls short as it limits participation by recyclers already doing this work, does not guarantee that collected batteries will be processed responsibly by qualified recyclers, and fails to ensure that recovered materials are used to support domestic battery manufacturing and clean energy goals.

When the primary safety risk—fires—is directly linked to batteries being improperly disposed of in the waste stream, Massachusetts should expand and encourage multiple, qualified collection pathways through the private sector, rather than limit them to a single nonprofit entity for the sake of administrative simplicity. To be truly effective, the Commonwealth's battery EPR policy should be comprehensive, establish strong and clearly defined end markets, and maintain the flexibility needed for private-sector solutions to operate and grow alongside stewardship programs.

End-of-Life Small + Medium Format Battery Management Policy Recommendations

To address the gaps in current model legislation and ensure Massachusetts develops a best-in-class program, Redwood recommends the Commission consider the following improvements:

1. Allow for the Independent Collection of Covered Batteries on Behalf of Advanced Battery Recyclers, Metal Recyclers, and MRFs voluntarily collecting covered batteries

Advanced battery recyclers, metal recyclers and material recovery facilities (MRFs)—must be free to collect, transport, and recycle any covered batteries by any lawful method independent of a BSO, with no obligation to forfeit material to a battery stewardship organization (BSO) and no artificial limits on collection models (e.g., fee-based household pickup, mail-back, drop-off

sites, community events, curbside pilots, or other innovative approaches). So long as appropriate information is reported to help meet statewide collection goals, this approach simply allows recyclers to continue doing what they are already doing, serving as a complement to the battery stewardship program by further expanding pathways and increasing convenience for consumers.

2. Define Advanced Battery Recyclers and Require Coordination with Such Recyclers for the End-of-Life Management of Covered Batteries

To address the unique safety, environmental, and material-recovery considerations of lithium-ion batteries, this commission should recommend that the state define "advanced battery recyclers"—entities with the expertise and technology required to process these batteries responsibly. The state should also define and acknowledge the important roles of other recycling stakeholders, such as electronic recyclers, metal recyclers and MRFs who often encounter lithium-ion batteries and may partner with advanced battery recyclers like Redwood Materials for safe and efficient downstream processing.

Critically, this policy recommendation should require battery stewardship organizations to coordinate with advanced battery recyclers for the end-of-life management of covered batteries—ensuring not just collection, but full recycling by facilities capable of processing batteries and remanufacturing the recovered materials into new, battery ready inputs. With this addition, Massachusetts can ensure that 4

valuable materials are truly reintegrated into a domestic circular supply chain, reducing reliance on foreign sources of critical minerals, strengthening U.S. manufacturing, and lowering the cost of essential clean energy technologies such as electric vehicles and battery energy storage systems.

3. Do Not Restrict Battery Stewardship Organizations to Only Nonprofit Entities

Limiting stewardship organizations exclusively to nonprofits can hinder competition, stifle innovation, and reduce the overall effectiveness of Massachusetts' battery recovery efforts. Allowing both for-profit and nonprofit entities to form stewardship organizations helps draw on a broader range of expertise, funding opportunities, and operational models—ultimately strengthening the recycling ecosystem. By diversifying the types of organizations eligible to oversee end-of-life battery management, the state ensures it does not rely too heavily on a narrow pool of organizations, increasing resilience and improving long-term outcomes for consumers, recyclers, and the environment alike Lastly, as long as appropriate reporting is required, any stewardship program –whether nonprofit, for-profit, or producer-run – will provide the transparency necessary to ensure accountability and a successful program.

4. Equitably Allow for Multiple Battery Stewardship Organizations to Operate and Collectively Work Together to Achieve Statewide Goals

A battery EPR program in Massachusetts should allow multiple stewardship organizations to operate and *collectively* achieve statewide collection and convenience goals. Permitting both for-profit and nonprofit entities to form stewardship organizations draws on a broader range of expertise, funding sources, and operational models—ultimately strengthening the recycling ecosystem. Diversifying the types of organizations eligible to oversee end-of-life battery management reduces reliance on any single entity, increases program resilience, and drives better outcomes for consumers, recyclers, and the environment.

This approach also encourages healthy market dynamics by opening the door to more innovative and competitive recycling solutions. Allowing for-profit entities to participate directly in collection or qualify as stewardship organizations motivates them to find creative ways to increase recycling rates and secure valuable feedstock—rather than relying solely on a single nonprofit operator that may lack incentives to expand or improve the system over time.

Finally, battery stewardship fees paid to the state—such as the fee for submitting a battery stewardship plan—should not be a flat, equal rate across all stewardship organizations. Instead, these fees should be structured equitably based on the number of producers represented within each stewardship organization and their market share of covered batteries.

5. Require Battery Stewardship Financial Reports to Include Revenue Generated from the Sale of Covered Batteries

Most battery EPR proposals require stewardship organizations to submit financial statements detailing program costs and expenditures, but they do not require reporting of revenue generated from selling collected batteries. This is a critical oversight. Unlike products such as paint or 5 mattresses, which have negative value at end of life, many batteries retain significant market value and are often sold into the metals market by the nonprofit entities running these programs.

Without transparency on this revenue, the true financial picture of a battery stewardship program remains incomplete. Including this information in required reporting will ensure accountability, provide a clearer view of program economics, and help the state evaluate whether stewardship fees are being used effectively. Full revenue reporting also supports the core principle of EPR—that producers and stewardship organizations should be responsible for the entire life cycle of their products, including the fair accounting of any revenues earned from recovered materials.

Redwood is committed to keeping batteries out of landfills and building a robust domestic battery recycling ecosystem. We stand ready to partner with Massachusetts to develop the most effective battery recovery program possible. We respectfully urge the Commission to consider these recommendations in its final policy proposals to the legislature. With these improvements, Massachusetts can lead the way in modern, effective battery stewardship that

supports private sector innovation, consumer convenience, high recovery rates, and clean energy goals.

Thank you for your consideration of our recommendations.

Response 2: This comment will be shared with Commission members along with the final proposed Commission recommendation on batteries.

Comment 3: Thank you for your leadership in researching and recommending policies to strengthen end-of-life battery management in Massachusetts.

The New England ReMA Chapter supports thoughtful, market-driven battery recycling legislation and stands as a partner with the Commonwealth as it advances this important work. It is critical that a program for the end-of-life management of small and medium format batteries be designed in a manner that maximizes collection opportunities, encourages participation by capable market players, and ensures the collected valuable materials are put to their best use at end of life – uses that will help Massachusetts achieve its circular economy and clean energy goals.

About the Recycled Materials Association (ReMA) New England Chapter

Our chapter members include for-profit recycling companies that process, broker, and consume all types of recycled materials such as batteries, paper, plastic, aluminum, copper, steel, electronics, rubber, and glass. Members also provide equipment and technology services to the recycled materials industry. The recycling industry is a vital economic force in Massachusetts, generating a total economic impact of $3.4 billion, 12,000 jobs, $1.1 billion

in wages, and $413 million in taxes. This substantial contribution underlines the crucial role our sector plays not only in driving local economies but also in managing supply chains of critical minerals and other valuable recyclable materials.

ReMA recognizes that lithium-ion and other rechargeable batteries have become part of everyday life; they're in our phones, laptops, watches, headphones, small appliances used around the house and other wearable and personal electronics. Given this reality, ReMA supports the safe and responsible end-of-life management of lithium-ion batteries, accomplished through proper recycling with the Commonwealth's existing industry partners. These volatile batteries end up in recycling facilities and in the waste stream, causing fires. All batteries and battery-containing products require specialized electronics, automotive, and/or battery recyclers to properly disconnect, transport, and prepare the batteries for reuse, repurposing, or recycling.

End-of-Life Small + Medium Format Battery Management Policy Recommendations

If the intent of this commission is to identify policies and legislative provisions that will effectively recycle lithium-ion batteries and remove them from the recycling and waste

streams, ReMA New England Chapter respectfully asks this EPR Commission to consider the following policies:

1. Allow for the Independent Collection of Covered Batteries on Behalf of Recyclers voluntarily collecting covered batteries

Battery recyclers, electronics recyclers, metal recyclers and material recovery facilities (MRFs) that voluntarily choose to collect batteries as part of their business—must be free to collect, transport, and recycle any covered batteries by any lawful method independent of a BSO, with no obligation to forfeit material to a battery stewardship organization (BSO) and no artificial limits on collection models (e.g., fee-based household pickup, mail-back, drop-off sites, community events, curbside pilots, or other innovative approaches). So long as appropriate information is reported to help meet statewide collection goals, this approach simply allows recyclers to continue doing what they are already doing, serving as a complement to the battery stewardship program by further expanding pathways and increasing convenience for consumers.

2. Reimburse Recyclers for the Involuntary Collection of Batteries

Metal recyclers, material recovery facilities (MRFs), and other recyclers regularly receive batteries that are improperly placed in non-battery recycling or waste streams, often unknowingly and without compensation. These batteries pose significant safety, fire, and operational risks, and their removal requires time, training, and specialized handling. To ensure equity and program sustainability, Massachusetts should require stewardship organizations to reimburse recyclers for the safe handling, storage, and transfer of covered batteries that enter their facilities involuntarily. Without reimbursement, these critical industry partners bear an unfair financial and safety burden for materials they did not generate or intentionally collect, undermining the shared responsibility principle at the heart of Extended Producer Responsibility.

3. Define Battery Recyclers, Electronics Recyclers, Metal Recyclers, and MRFs and Require Coordination with Battery Recyclers for the End-of-Life Management of Covered Batteries

To address the unique safety, environmental, and material-recovery considerations of lithium-ion batteries, this commission should recommend that the state define “battery recyclers”—entities with the expertise and technology required to process these batteries responsibly. The state should also define and acknowledge the important roles of other recycling stakeholders, such as electronic recyclers, metal recyclers, and MRFs who often encounter lithium-ion batteries and may partner with battery recyclers like Redwood Materials for safe and efficient downstream processing.

Critically, this policy recommendation should require battery stewardship organizations to coordinate with battery recyclers for the end-of-life management of covered batteries—ensuring not just collection, but full recycling by facilities capable of processing batteries and remanufacturing the recovered materials into new, battery ready inputs. With this addition, Massachusetts can ensure that valuable materials are truly reintegrated into a domestic circular supply chain, strengthening U.S. manufacturing and lowering the cost of essential clean energy technologies such as electric vehicles and battery energy storage systems.

4. Do Not Restrict Battery Stewardship Organizations to Only Nonprofit Entities

Limiting stewardship organizations exclusively to nonprofits can hinder competition, stifle innovation, and reduce the overall effectiveness of Massachusetts’ battery recovery efforts. Allowing both for-profit and nonprofit entities to form stewardship organizations helps draw on a broader range of expertise, funding opportunities, and operational models—ultimately strengthening the recycling ecosystem. By diversifying the types of organizations eligible to oversee end-of-life battery management, the state ensures it does not rely too heavily on a narrow pool of organizations, increasing resilience and improving long-term outcomes for consumers, recyclers, and the environment alike

Lastly, as long as appropriate reporting is required, any stewardship program –whether nonprofit, for-profit, or producer-run – will provide the transparency necessary to ensure accountability and a successful program.

5. Equitably Allow for Multiple Battery Stewardship Organizations to Operate and Collectively Work Together to Achieve Statewide Goals

A battery EPR program in Massachusetts should allow multiple stewardship organizations to operate and collectively achieve statewide collection and convenience goals. Permitting both for-profit and nonprofit entities to form stewardship organizations draws on a broader range of expertise, funding sources, and operational models—ultimately strengthening the recycling ecosystem. Diversifying the types of organizations eligible to oversee end-of-life battery management reduces reliance on any single entity, increases program resilience, and drives better outcomes for consumers, recyclers, and the environment.

This approach also encourages healthy market dynamics by opening the door to more innovative and competitive recycling solutions. Allowing for-profit entities to participate directly in collection or qualify as stewardship organizations motivates them to find creative ways to increase recycling rates and secure valuable feedstock—rather than relying solely on a single nonprofit operator that may lack incentives to expand or improve the system over time.

Finally, battery stewardship fees paid to the state—such as the fee for submitting a battery stewardship plan—should not be a flat, equal rate across all stewardship organizations. Instead, these fees should be structured equitably based on the number of producers represented within each stewardship organization and their market share of covered batteries.

6. Require Battery Stewardship Financial Reports to Include Revenue Generated from the Sale of Covered Batteries

Most battery EPR proposals require stewardship organizations to submit financial statements detailing program costs and expenditures, but they do not require reporting of revenue generated from selling collected batteries. This is a critical oversight. Unlike products such as paint or mattresses, which have negative value at end of life, many

batteries retain significant market value and are often sold into the metals market by the nonprofit entities running these programs.

Without transparency on this revenue, the true financial picture of a battery stewardship program remains incomplete. Including this information in required reporting will ensure accountability, provide a clearer view of program economics, and help the state evaluate whether stewardship fees are being used effectively. Full revenue reporting also supports the core principle of EPR—that producers and stewardship organizations should be responsible for the entire life cycle of their products, including the fair accounting of any revenues earned from recovered materials.

In light of global competition, particularly from overseas, our suggestions outlined above encourages partnerships between stewardship organizations and recyclers. An inclusive stewardship model that incorporates recycling initiatives by actual recyclers can serve as a benchmark for innovative environmental governance and work in tandem with the proposed EPR approach. By integrating our suggestions into the policy recommendations of this commission, Massachusetts can lead in creating a progressive, effective, and consumer friendly battery recycling model that other states might emulate.

We urge the commission to include these recommendations in your report, thereby aligning the state's education on this issue more closely with the realities of modern end-of-life battery management, evolving recycling technologies, and collection approaches. We appreciate your attention to this matter and thank you for your continued support of our industry and offer our services and expertise as this bill continues through the legislative process.

Response 3: This comment will be shared with Commission members along with the final proposed Commission recommendation on batteries.

Comment 4: Cirba Solutions is a leading battery recycler with the most experience, the largest operational footprint, and the only team that handles all battery chemistries and formats in the United States. With over 30 years of experience, we have the expertise and technology necessary to process batteries responsibly today. Our innovative recycling processes are focused on the recovery of critical materials supporting expanding domestic critical minerals supply chains and reducing reliance on foreign sources.

When looking at model bills from PRBA, we urge the Commission to look at the most recent version. The PRBA model bill in the draft recommendations dated August 18, 2025, is an outdated version based on the Illinois and Colorado bills. Battery extended producer

responsible model bills have evolved since then. Our specific concerns are around two points in the model bill:

- We support the idea that a Battery Stewardship Organization does not need to be a non-profit organization. There is no public money involved in this system and the requirements set forth in the model bill for plan submittal/approval and reporting on a quarterly and annual basis should be enough to allow for necessary transparency.
    - Setting this require puts flow control concerns for the industry and limits the possibilities of collection innovations to the public and businesses.
- We do not support Section 18 (2). It is impractical to require that such independent collectors physically be required to turn over batteries to a battery stewardship organization. Rather such independent collectors should be required to report batteries collected and processed/recycled to either the battery stewardship organization or another 3rd party organization so the batteries can be included in battery recycling statistics and all environmental protections are adhered to. Independent collectors should be required to operate under the same standards/requirements as those of a battery stewardship organization. This would also require adjustments to the definitions of collection rate and recycling efficiency rate to incorporate batteries collected from independent avenues.
    - Forfeiture of material also penalizes existing battery recycling organizations that have invested in collection networks already active in the state.

Response 4: This comment will be shared with Commission members along with the final proposed Commission recommendation on batteries.

Material Category: Mattresses

Comment 1: I want to ask the following questions in the EPR Commission Meeting #3, scheduled for June 18th:

Product Stewardship Institute ("PSI") June 2025 Document:

1. Page 10. The report states: "Municipalities with curbside collection also incur costs for their own collection of mattresses. There is no data available on the cost of curbside collection services that can be allocated to mattress collection. **However, this cost would not be covered by MRC under mattress EPR**." Given that the report states 50% of the population of Massachusetts relies on curbside pickup, is it not a punitive tax for those residents to have to pay the "MRC Recycling Fee" when they will not have the opportunity to have their mattress taken for free? Understanding that many urban residents don't have access to a vehicle to transport a mattress or box spring to a centralized site, is there not a concern that this is a tax on those least able to afford it, and will not have the ability to use this service they have paid for? The current system does charge these residents to have curbside pickup, to meet them where they are, but does not also impose an additional tax on these residents because they don't happen to own a vehicle.

2. Opportunities for Massachusetts- PSI notes that 66% of MA mattresses were recycled in 2024, which was the 2nd full year after the MassDEP Waste Ban. They suggest that with the EPR program this would rise to 95-98%. How do they justify this material increase when all of the other EPR programs, which have been in existence over 10 years do not exceed 68%? Does this not suggest the MA approach, spearheaded by MasDEP, is exponentially more effective as recycling rates are almost the same after only 2 years in place?

3. "Mattress EPR would save Massachusetts municipalities $12 million per year" - PSI notes, in the following section, that "...more than 50% of residents are already paying municipalities to recycle their mattresses..." so would they not need to show the revenue municipalities get for charging residents to recycle not just the costs to calculate "savings"? Our analysis, from over 80+ municipalities throughout the State of MA, shows that almost all of them are charging residents, which we believe in almost every instance more than covers the cost of handling, storage, transportation, and recycling.

4. "In Massachusetts, the MassDEP's investments in mattress recycling and the eventual disposal ban have similarly sparked business growth for 20 mattress recyclers, including UTEC, Green Mattress, HandUp Mattress Recycling and Upcycling, Ace Mattress Recycling, Aires Mattress Recycling, and others." This suggests that the

current MassDEP approach has created a healthy and vibrant competitive market for municipalities and consumers to choose from. Can PSI quantify the number of mattress recyclers in each state where the MRC currently operates?

Response 1: These comments will be shared as additional background information for the June 18th Commission Meeting.

Comment 2: While, the mattress recycling rate is high and DEP often points to that statistic as proof that the waste ban works, it's not the complete picture. It is very costly to manage mattresses and it is very time-consuming for large municipalities. So I would urge the State to not look at recycling rate as the only metric to consider with EPR. First, the rate can be a reflection of the grants that DEP offered to start programs. It also can be a reflection of the extra fee that trash disposal sites charge for mattresses. Transfer stations and trash disposal sites often charge a fee for mattresses going into the trash. From our experience that cost can be as high as $140 per mattress.

The amount of work for municipalities to manage mattresses is overlooked under the current system. In Cambridge (and in other urban muni's) we spend an incredible amount of time fielding calls for abandoned mattresses and fielding issues with property managers not able to dispose of mattresses because they have private trash collection. And without any universal system, we end up getting called regularly to pickup a mattress from various locations on a regular basis.

Under EPR, there would be more resources available to municipalities to divert the mattress and the municipality wouldn't have to be the managing entity. The imbalance of time spent managing mattresses and tonnage diverted from the trash is wide. For the amount of time we spend managing mattresses we could make significant progress on reducing commercial and residential trash, improving other sanitation issues, and making our programs more equitable and accessible to our diverse population.

Response 2: Issues related to municipal mattress management and cost are addressed in the Draft Commission background document and policy recommendation for mattresses, which is posted here - https://www.mass.gov/doc/draft-eprcmattress-backgroundrecommendationdocjuly2025/download.

Comment 3: At IKEA, our vision is to create a better everyday life for the many people. We work towards this vision by offering well-designed, functional, durable, affordable and sustainable home furnishing solutions for our customers. To care for people and planet, we also have an ambition to transition towards a circular business and support policies to increase recycling. We commend the Massachusetts Commission on Extended Producer Responsibility (EPR) for exploring policies to increase recycling and circularity through EPR.

As Massachusetts considers establishing a mattress stewardship program, we encourage the Commonwealth to adopt a tiered fee structure—where lower-priced mattresses are assessed lower recycling fees than higher-priced ones. This approach supports equity for lower-income consumers, who are more likely to purchase affordable mattresses that are also generally less complex and less costly to recycle. Conversely, higher-priced mattresses typically involve more materials, are more difficult to recycle, and should contribute proportionately to the cost of the program.

In states with a flat mattress recycling fee—such as Oregon, where all mattresses incur a $22.75 fee regardless of price—lower-income consumers effectively subsidize the recycling of more expensive products. A tiered fee model would better align recycling costs with product characteristics and consumer ability to pay, while still achieving strong environmental outcomes. We believe this balance is critical to the long-term success and fairness of any mattress stewardship program.

Response 3: The Commission has raised this point as a question for further consideration in the draft policy recommendation for mattresses, which is posted here - https://www.mass.gov/doc/draft-eprcmattress-backgroundrecommendationdocjuly2025/download.

Comment 4: As the Extended Producer Responsibility (EPR) Commission considers its final recommendations to the legislature regarding mattress EPR, several questions were raised in its mattresses report that the International Sleep Products Association (ISPA) would like to address. As you know, the Mattress Recycling Council (MRC) has operated statewide mattress recycling programs since 2015 and is looking to expand into Massachusetts, should harmonized legislation be enacted.

Based on our operational experience, MRC believes we are well positioned to answer the questions that the Commission has posed ahead of its anticipated September vote on its recommendations. We want to emphasize that we appreciate the Commission's time on this matter and their interest in considering mattress EPR. Below, please find the questions and answers to those included in the Commission's initial report.

1. Should the mattress fee be a flat fee or a variable fee based on size of mattress or cost? Current EPR programs have a flat fee regardless of the size (twin, full, queen, king) or cost of the mattress.

As mentioned in the EPR Commission's report:

i. It is simple and easy for consumers and retailers to understand and apply

ii. It is easy to verify whether the retailer has applied and collected the fee correctly

iii. Covers the full cost to dismantle and recycle the mattress being discarded

iv. Allows MRC to budget revenues in a predictable manner

However, there are additional reasons this single fee makes the most sense. Low-cost units are typically less durable than higher priced units and are replaced more often. With a shorter life cycle, they are more likely to enter the program for recycling sooner and therefore place an outsized financial burden on MRC compared to more durable units. Thus, a lower fee based on price results in an imbalance in the program that could seriously impact the underlying finances of the program that would be difficult to project. Further, it may inadvertently encourage consumers to buy less sustainable products with shorter lifespans. In addition, varying sizes of mattresses do not result in a significant differential in the amount of time, effort, or expense it takes to disassemble a unit, so a fee based on size could have the same negative financial impact as a fee based on cost. Finally, a tiered fee structure based on purchase cost or mattress size is not harmonized with other mattress recycling laws currently in operation. Implementing a one-off program in Massachusetts would therefore add costs for mattress retailers who would have to update their software systems to account for a variable fee in one state and a single fee in others. In addition to costs, this would lead to producer, retailer and ultimately consumer confusion as everyone has to navigate multiple fee systems in varying states. While well-intentioned, MRC believes that a tiered structure for durable mattress products is prohibitively cost-intensive to budget, implement, and audit for compliance. This is exactly why the program was founded and continues 10 years later to finance our programs based on a per unit fee. Nevertheless, in our model mattress recycling bill, ISPA has left that provision open to changes in the future should operational circumstances change.

2. Should the disposal cost of mattresses that cannot be collected and recycled through the program be included?

Massachusetts currently has a disposal ban for mattresses. Should Massachusetts pass a harmonized mattress recycling bill, between the ban and the MRC program, the state should have the highest diversion rates in the country. Mandating that MRC pay for any and all disposal of mattresses and mattress components that escape the system, would raise program costs while the existing solid waste infrastructure is already best situated to handle unrecyclable units that are crushed, contaminated, and disposed of with other solid waste and are already paid for by existing tipping fees. Removing them from the solid waste stream would require modification of existing solid waste contracts, and solid waste facilities would have to track, document and invoice for the discarded units in order to be reimbursed. MRC cannot pay an invoice without supporting documentation per generally accepted accounting principles.

Processing techniques and technology at mattress recyclers has improved during the past decade, and very few units arriving at a recycling facility are unrecyclable. In MRC's Connecticut program, less than 0.5% of units coming into the program are unrecyclable.

Moreover, MA H 1023 requires, as part of the annual report, that MRC include an evaluation of why mattress materials sent for disposal were not recycled and describe efforts to increase recycling rates.

Separately, MRC must meet standards set in the law and regulations that govern each program. Paying for the costs of municipalities or solid waste facilities that have not taken reasonable steps to mitigate contamination as so many others have done with success would only encourage poor handling techniques. Those that are experiencing abnormally high rejection rates because their collection methods for contaminated or damaged units should be motivation to consider alternatives. MRC is prepared to work with solid waste handlers to help protect the quality of the units they collect, but municipalities and facilities must do their part to help solve contamination problems.

3. **Should the fee be collected at the wholesale or retail level? In current mattress EPR programs the fee is collected at the point of retail sale**.

As covered in the Commission's recommendation, a retail-based fee is largely explained by the Commission's own explanation of its first question:

i. It is simple and easy for consumers and retailers to understand and apply

ii. It is easy to verify whether the retailer has applied and collected the fee correctly

iii. Covers the full cost to dismantle and recycle the mattress being discarded

iv. Allows MRC to budget revenues in a predictable manner

In addition to those points, we estimate that 40-50% of units sold today are compressed box beds sold to an identifiable delivery address - commonly referred to as boxed bedding. Collecting the fee at retail point of sale provides the most accurate method to properly determine when the unit is actually sold in or into the state, rather than relying on wholesales estimates into regional distribution warehouses that service multiple states. Fee enforcement based on wholesale data becomes very challenging when based on estimates and not an audit trail that can be easily verified with online search methods.

Over and above the operational uncertainty and costs of wholesale fees– this method also lessens consumer awareness and necessitates additional spending on marketing to inform consumers of the program and collection services.

Moreover, this is not a universally applicable option in the current mattress supply chain. Mattress manufacturers often have distribution centers that serve multiple states and do not know what state each unit will be sold into. New England states are in close proximity to each other which would further complicate audits and compliance. Thus, it also makes enforcement more costly and difficult.

Further, many boxed beds are sold directly from 3rd party manufacturers to consumers making it impossible to administer a fee at the wholesale level for online sales of mattresses. A point-of-sale retail fee ensures that if a mattress is bought at an online retailer and shipped to a Massachusetts address, that purchase triggers the remittance of the fee and reporting to MRC.

4. Should the EPR fee cover some form or partial cost of municipal curbside collection?

Collecting mattresses curbside would be a significant financial and operational burden for a mattress EPR program in Massachusetts and interfere with existing solid waste infrastructure and contracts. By virtue of just having the program, the EPR fee will cover partial costs of premium curbside service, however, covering all of the cost would result in significant cost increases for the entire State. The higher cost of including premium curbside collection in the MRC fee will incentivize consumers to shop in neighboring states with lower fees. Limiting such collection to only programs that are paid for by a premium service fee is a compromise that still enables the municipal government to provide the service while also realizing the cost savings of having the recycling (and in some cases transportation costs) paid for through the MRC program. In addition, covering the cost of premium curbside service through the statewide MRC program would subsidize areas with curbside and penalize areas without. This would generally place more of the burden on rural communities or those without strong existing solid waste systems. Per a PSI report, currently 50% of residents (only 19% of towns) have access to curbside. Therefore, it would not be equitable to have the other half of residents pay for curbside, the bulk of whom are urban and suburban residents at the detriment of rural residents.

If a municipality chooses to collect mattresses curbside and consolidates those mattresses at their transfer station or MRC collection site, MRC provides a trailer at the solid waste facility, transport to the recycler and recycling of those units. This is a significant portion of the costs to recycle a mattress to responsible end markets.

Conclusion

MRC has been in operation for over 10 years and is operational in 4 states, including two neighboring states to Massachusetts: Rhode Island and Connecticut. ISPA and Rep. Phillips have proposed legislation, under HB 1023, that efficiently addresses the concerns above and harmonizes any MA program with those already in existence. We urge the Commission to endorse a mattress recycling system that mirrors other successful mattress recycling programs, similar to the endorsement of the PaintCare program adopted earlier in the Commission's process. We welcome the opportunity to continue this dialogue and are ready to answer any further questions and provide more information upon request.

Response 4: This comment will be shared with Commission members along with the final proposed Commission recommendation on mattresses.

Material Category: Paint

Comment 1: Please share the following testimony with Commissioners: https://greeninggreenfieldma.org/wp-content/uploads/2025/05/Testimony-ENR-Hall-05-06-25-written-paint-only.pdf.

Response 1: MassDEP is sharing this link with Commission members and the public through this response to comments document.

Comment 2: I am strongly in support of a Paint Stewardship law and have worked with Sharon Kishida and Peg Hall over the last 3 years to promote Paint Stewardship with municipalities across the Commonwealth and support this effort through resolutions and letters of endorsement To date 106 municipalities across the state have passed resolutions asking the General Court to act favorably on or written letters of endorsement for a Paint Stewardship law. More municipalities will be joining. The following link provides access to the current list of municipalities supporting Paint Stewardship:

https://massrecycle.org/wp-content/uploads/2025/05/Paint-EPR-Fact-Sheet.pdf.

Response 2: Based on the Commission meeting held on May 21, 2025, MassDEP is drafting a resolution relative to paint EPR for the Commission to vote on at the next meeting scheduled for June 18, 2025.

Comment 3: TOWN OF WESTBOROUGH MASSACHUSETTS: Resolution in Support of Paint Stewardship Legislation

WHEREAS:

- Landfill capacity in Massachusetts has rapidly dec1ined and no new capacity is expected; and
- The costs of hauling and disposal of waste materials have increased by over 30% in the last five years and are expected to continue increasing at similar rates; and
- A paint stewardship law would create a convenient collection network to properly manage all architectural paint from business and residential sectors and substantially decrease inappropriate discarding of paint, which is a toxic substance that can cause harmful environmental pollution; and
- A paint stewardship law will divert paint from waste disposal to its best and highest use, whereby there wi11 be a small but real decrease in the total waste going to landfills; and
- Paint stewardship laws have been demonstrated as an effective means of diverting paint from landfills in our neighboring states of Connecticut, Rhode Island, Maine, Vermont, and New York; and

- A law supporting discarding of latex and oil-based paints at participating retail stores and transfer stations has strong support from constituents; and

- Municipal waste management systems were established a century ago to manage wastes like ashes, food scraps and horse manure, rather than the wide array of manufactured goods, including paint, which dominate today's municipal waste, and

- The Massachusetts Municipal Association passed a resolution which supports statewide producer responsibility legislation in January 2019,

NOW, THEREFORE BE IT RESOLVED that the **Select Board of Westborough** urges the Massachusetts General Court and the leadership of both chambers to view the pending Paint Stewardship legislation favorably and take whatever actions are necessary to pass the Paint Stewardship bills into law, including voting favorably out of any and all committees. A Paint Stewardship law will begin relieving municipalities and consumers of ever-rising solid waste management costs, significantly reduce a toxic waste going to landfills and decrease greenhouse gases generated by the paint industry by 4%.

Pending Paint Stewardship legislation in the 2023-2024 legislative session includes Bills H.823 *"An Act Relative to Paint Recycling"*

S.542 *"An Act to Establish Safe Paint Stewardship"* and

S.551 *"An Act Relative to Paint Recycling"*

Response 3: This comment will be added to the final Commission materials relative to paint.

Material Category: Plastics and Other Packaging

Comment 1: Compostable packaging is a growing sector with a strong correlation to properly collecting food waste. Will it be covered as a separate category from non-compostable plastic packaging?

Response 1: Plastics and other packaging are scheduled to be discussed at Meeting #6 of the Commission on October 29, 2025. MassDEP does not know at this time whether compostable packaging will be specifically addressed, but we will note this as a particular issue to consider.

Comment 2: If the state were to implement Eco-Modulation on the producers for their products and force their investment into a new industry, would that help alleviate the cost pushed to the consumer? By that, I mean if we make the producers responsible for incorporating recycled content into their products and prove that end-of-life bottle/paper recyclers can accept the producer's products as their feedstock, would that help manage any added costs that would inevitably be placed on packaging?

Response 2: Plastics and other packaging are scheduled to be discussed at Meeting #6 of the Commission on October 29, 2025. The issues that the Commission is specifically charged with addressing include:

- a proposed structure for each product and packaging category including collection, processing and financial responsibility;
- information on cost impacts of residential curbside collection or transfer station operations, on-site processing costs for each readily recyclable material type, management costs of non-readily recyclable materials and other cost factors;
- methods for incentivizing product and packaging production, including material reduction, reuse and lifecycle extensions; and
- impacts on waste generation and waste stream contamination reduction.

Comment 3: Why does the consumer have to sort, clean, store and carry packaging to a collection place -- assuming there even is such a thing?

Response 3: These comments will be shared with Commission members and these concerns can be discussed further in the Advisory Group and Commission meetings on packaging.

Comment 4: The costs of managing plastics are spiraling up—collection, recycling, disposal and clean up. These are the ostensible concerns for this Advisory Group. What is much less visible is the cost of plastics pollution on our health and the health of all living things. PFAS, forever chemicals, are just a part of it. We know plastics can be endocrine disruptors and there are so many unknown risks from the chemicals in the mix to manufacture and dispose of plastics. We are the unknowing and unsolicited Guinea pigs in one of the biggest experiments on our health ever known.

You may know that the INC Plastics Treaty negotiations did not result in any agreement to protect future generations. Over 120 nations could not overcome a handful of oil and plastics producing countries, notably Saudi Arabia, Russia and the USA. They obstructed the process for a binding treaty. We know that plastics pollutes throughout its life cycle.

In this fraught US political climate, in which the Federal government is tearing apart environmental protections in the name of unfettered business—not as usual, but threatening to take us back to the dark days of the 60's—I think that states have the power and the obligation to step up in the void. Massachusetts has always been a leader in climate solutions. We need to double down.

I hope we can use EPR to curb plastic pollution, to encourage a circular economy that will save resources, save companies money, and keep that money circulating in our local communities. If you really want to decrease waste, there is no better solution than ReUse in so many applications. I see cursory references to Circularity and the word "reuse" used almost as an afterthought. Recycling of plastics has not worked due to expense and toxicity. Yes, companies will be paying for what used to be an externalized cost—but paying for something that doesn't work is really foolish. "Compostable" plastics can have a large carbon and toxic footprint print as well, and industrial composters limit the amounts in their composts. That's a good reason not to push current bioplastics.

Ecomodulated fees are great, as long as they are well formulated and get results. There are some very weak rules in some EPAs that have not resulted in much change. I am looking at an analysis of ecomodulated fees in EPRs from 5 states: California, Maine, Oregon, Minnesota and Colorado.

Response 4: These comments will be shared with Commission members and these concerns can be discussed further in the Commission meeting on packaging.

Comment 5: I suggest that Harmonization with other state laws on packaging stewardship laws be considered as a component of the final EPR Commission's packaging recommendation.

Response 5: These comments will be shared with Commission members in advance of the October 29, 2025 Commission meeting on packaging.

Comment 6: The Massachusetts Beverage Association represents the Commonwealth's manufacturers and distributors of nonalcoholic beverages, from national brands to regional, family-owned labels. Our industry employs more than 6,500 residents in the Commonwealth with a direct economic impact of $2.8 billion and pays $474 million in wages annually. In addition, more than 31,000 workers in restaurants, grocery stores, convenience stores, movie theaters and more depend, in part, on beverage sales for their livelihoods.

Our members' products span hundreds of brands including regular, low and no-calorie soft drinks, bottled water, and seltzers, 100% juice and juice drinks, sports drinks, energy drinks and ready-to-drink teas and coffees delivered through a vast network of local customers and partners that reach across the Commonwealth through a vast network of local customers and partners touching virtually every community from the Berkshires to Provincetown. We are grateful for these partnerships, and we strive to offer our beverages in high quality recyclable and convenient packaging that is good for our partners, the economy, and the environment.

The beverage industry plays an important role in advancing the circular economy. Our packaging is specifically designed and optimized for recycling. We design our PET bottles and aluminum cans to be 100% recyclable, have a high commodity value and, when collected and recycled, can become new bottles and cans over and over again. The industry also has invested in local and regional recycling infrastructure for more than 40 years. The companies are working to collect and recycle packaging waste, to incorporate more recycled content into our PET bottles, and to reduce the amount of new plastic in our bottles. More information on the industry's Every Bottle Back commitment of $100 million to improve recycling in key regions the country can be found at https://madetoberemade.org/. This includes almost **$1M to Massachusetts communities** (Arlington, Danvers, Falmouth, Methuen and Shrewsbury).

Our industry has more than 50 years of experience participating in collection programs throughout the world, including Extended producer responsibility programs. Based on our global learnings and experience with multi-material EPR systems, we understand we have developed a set of principles and parameters based on the high performing systems.

Our vision for well-designed EPR will drive strong environmental outcomes in an efficient and accountable manner, provide convenient recycling to residents, be financially sustainable, and offer producers access to recovered material for closed loop recycling.

Below please find some background on EPR systems and key principles.

What is EPR for Packaging and Paper Products?

EPR is producer funding of recycling infrastructure and operations. It is a shift in financial responsibility from cities and towns and their taxpayers and ratepayers to the producers of the affected packaging and paper products. The beauty of EPR is that it builds on the infrastructure already in place. Massachusetts residents know it's important to recycle and they want to recycle, but services are inconsistent, not as comprehensive as we would like, and chronically under-resourced.

But EPR has to be about more than passing the checkbook from local governments to producers: it has to include plans and investments to improve the recycling system and metrics to monitor that improvement. A well-designed EPR bill makes producers responsible for funding these plans, but it also makes producers accountable for performance and transparency about how recycling is working and what it costs.

What Happens Under EPR?

First, producers organize under a nonprofit producer responsibility organization or PRO; it represents them and manages the program, collecting data, conducting research, collecting fees from producers, and reimbursing recycling companies and cities and towns doing the work. The PRO then launches a needs assessment to gather data on recycling in the state, collaborating with an Advisory Board appointed by the Department of Environmental Protection (DEP) and with DEP itself. With that data, the PRO develops a plan to be reviewed by many stakeholders including the Advisory Board and, eventually, DEP, which must sign off on the plan. Then producers collect fees from producers, start making investments, start funding the operations of new and improved recycling programs all over the state, and launch statewide promotion and education programs to enhance participation and improve the quality of recyclables.

Producers cover all state costs through reimbursement for program review, operation of the Advisory Board, and regulatory development. There is no fiscal impact to the state because all related costs are reimbursed by the PRO. Producers also fund their own program administration, the outreach and education programs, and, most significantly, reimbursements to service providers who collect, transport, and process recyclables and compostables and who operate reuse and refill programs for these materials.

What Changes Under EPR?

Recycling gets a lot better. The types of material recycled are standardized across the state, the level of service households receive is improved to reflect best practices, and EVERY household including multi-family residents will have access to recycling. More residents will have access to recycling at their homes so the convenience of recycling will improve. Producers will fund investments needed for new equipment to store or collect or process recyclables. Residents will routinely receive messages about what and how to recycle across many platforms and many languages. Everyone will see an annual report detailing how material was collected, the end markets to which end markets are sent, levels of

contamination, costs, and planned improvements. Every year, after that report, if the program is not on rack, DEP and the Advisory Board can require changes.

What Doesn't Change Under EPR?

We build onto the infrastructure that government and taxpayers have spent tens of millions of dollars to build and maintain; those programs become the backbone of this upgraded system.

What is Our Role?

Our industry played an important role leading to passage of the laws in Colorado, Minnesota, and, just this year, Maryland and Washington State. These laws align with the principles of well-designed EPR programs, reflecting best practices proven out in decades of experience

around the world, but never quite making it to the United States until recently. While we are staunch allies in support of these well- designed programs, we are also strong opponents of poorly designed bills veiled as EPR, that would be damaging to the consumer economies of states.

We have developed a set of producer responsibility principles based on best-in-class EPR systems and have attached a copy of those principles to this document. It is our hope that the Commission will consider these principles to the extent that it makes recommendations for how a future EPR law should look in Massachusetts. Some key features of legislation include:

- Establishing an Advisory Board that includes representation from a wide range of stakeholders including DEP
- Establishing a single, nonprofit Producer Responsibility Organization (PRO)
- Requiring the PRO to prepare a five-year program plan that describes how producers will be informed of their obligations under the program including reporting and payment of dues, how the program will utilize responsible end markets for collected material, proposed collection and recycling targets in aggregate and for covered material categories
- Establishing criteria for an education and outreach program to improve recycling and composting

Advisory Group Process

With regard to data and the Packaging Advisory Group's compilation of facts pertinent to EPR in Massachusetts, it is clear to us that a great deal of uncertainty exists around the basic parameters of recycling in the Commonwealth. Stakeholders participating in the group have used that uncertainty to bring forward a wide range of "facts" to advance their positions on the future of EPR. The result is a blend of information, misinformation, and advocacy that ultimately does not advance the case for either EPR or some alternative to break the Commonwealth out of the stagnation of its current recycling programs.

Each of the seven state EPR laws for packaging (and, in most cases, paper products) have included some form of needs assessment – an independent compilation of relevant data needed to develop a common understanding of baseline conditions and to project impacts and costs of an enhanced collection and recovery system. Maryland conducted that study before adopting its legislation, other states have or will conduct them as part of the program development.

Given our industry's experience with these programs around the world and our engagement with the legislation enacted in this country, we ask to be "at the table" when the Administration and legislative leaders decide it is time for Massachusetts to move forward with EPR.

We ask for the opportunity to engage in that process and for the Commission to consider these principles in advancing any recommendations.

Thank you for your consideration and the time and resources devoted to this important issue.

Response 6: These comments will be shared with Commission members in advance of the October 29, 2025 Commission meeting on packaging.

Comment 7: In regards to plastics packaging. Can the commission consider the type of plastics recycling that is used to meet PCR mandates? Plastic to plastic solutions are strongly preferable as plastic to gas/plastic to fuel solutions use incredible amounts of energy, are less beneficial for the environment and are generally used as loopholes to EPR legislation. The technology now exists to produce PCR directly from used plastic across all types of plastics (especially PET, PP and HDPE).

Response 7: These comments will be shared with Commission members in advance of the October 29, 2025 Commission meeting on packaging.

Comment 8: Massachusetts municipalities are facing increased costs for recycling and solid waste removal. Meanwhile, nearly half of our waste is being hauled out of state due to reduced capacity. The manufacture, transport and disposal of consumer products in the U.S. destroys habitat, pollutes air and water, and produces greenhouse gas emissions. Sending waste out of state contributes even more greenhouse gas emissions.

An Extended Producer Responsibility (EPR) program for plastics and packaging in Massachusetts would help reduce the costs for municipalities and increase recycling rates by creating a more efficient and effective recycling system that is less confusing for consumers. An EPR program can also include incentives for producers to use more sustainable packaging. This can help reduce greenhouse gas emissions and the amount of waste sent to landfills and incinerators, as well as improve air and water quality.

I urge the EPR Commission to recommend passage of well-considered EPR legislation related to plastics and packaging including S.570 An Act establishing a waste reduction needs assessment in the commonwealth and S.571 An Act to save recycling costs in the commonwealth. Legislation such as S.570 commissioning and funding a Needs Assessment would be helpful in informing effective packaging producer responsibility legislation.

Response 8: These comments will be shared with Commission members in advance of the October 29, 2025 Commission meeting on packaging.

Comment 9: I want to express my significant concerns over the process of the non-commission member advisory groups informing the wider Commission. Specifically, my concern is that various stakeholder interests are not equally represented in the advisory groups. This process is set up for favoring a negative/opposition bias, especially in the case of packaging. When the advisory group process was established, at least one other commission member and myself raised concerns about non-commission members participating in the advisory groups for exactly this reason.

In the first packaging advisory group meeting there were roughly 60 people, with a loud majority being well-funded opposition stakeholders using a playbook that they have rehearsed in numerous other states. In the follow-up tasks being handled voluntarily by attendees of that meeting, the majority of the follow up data will be coming from the two most outspoken opposition parties in attendance from the meeting (see email below). I will not trust their data or "facts" and I seriously doubt that other Commission members will be able to discern the bias of the source of information. This process is not fair and doesn't align with the intention of the creation of the EPRC having equal representation from various stakeholder groups.

While I think Jen did a fair job at managing the meeting, there was robust pontificating by these opposition groups disguised as "clarifying questions." While the meeting was stated as not being a forum for debate, there were many attendees that did not stick to that meeting expectation.

It is no surprise that there were few attendees representing municipal and environmental interests and that those few attendees representing those sectors were either volunteers or overburdened, underfunded non-profit or municipal employees who were not as prepared for the meeting as the opposition stakeholders. The meeting was the equivalent of a policy blood bath, very much a David vs. Goliath situation, but with no way for the David side to make any headway. If the EPR Commission continues with this process of empowering non-commission members to provide the majority of information to the wider commission, it is setting up serious and long-term consequences for EPR for packaging instead of actually investigating the merits of this policy mechanism. I hope you will agree this is highly problematic for meeting the commission's charge.

At the very least the data provided by non-commission members should be fact-checked by MassDEP in some manner before being distributed to Commission members and the source of ALL of the data presented to the Commission must be made transparent when background materials are prepared.

I appreciate your consideration of my feedback as Chair of the EPRC. I highly encourage my comments to be shared with the wider Commission or in some other fashion be made public comment.

Response 9: These comments will be shared with Commission members in advance of the October 29, 2025 Commission meeting on packaging.

Comment 10: On behalf of the National Waste & Recycling Association (NWRA) and its Massachusetts Chapter members—representing the state's private-sector haulers, recyclers, and disposal facilities—we appreciate the opportunity to provide comments on the Massachusetts EPR Commission's Plastics & Packaging Background and Recommendation Report dated October 16, 2025.

NWRA members are responsible for collecting, processing, and managing the vast majority of recyclables and municipal solid waste in the Commonwealth. Our member companies have invested hundreds of millions in infrastructure and modernization to deliver efficient, safe, and environmentally responsible services.

While we share the Commonwealth's goal of improving recycling outcomes, we have serious concerns with both the content and conclusions of this document. The recommendation advances a predetermined policy outcome—an Extended Producer Responsibility (EPR) mandate for packaging—without balanced analysis or stakeholder inclusion. The recommendation fails to provide a balanced policy evaluation. It was prepared by an advocacy organization with a mission to promote EPR – Product Stewardship Institute (PSI), rather than by neutral analysts. As a result, it excludes consideration of alternative approaches including:

- Minimum recycled content standards;
- Targeted infrastructure investments;
- Consumer education to reduce contamination; and
- Voluntary or hybrid producer participation models.

PSI was anointed to lead the working group discussion on EPR for packaging, but rather than facilitate a balanced discussion, it presented its own conclusory findings based on theoretical or faulty data (or no data at all). Further, NWRA asked to present the industry's perspective on EPR for packaging and was flatly denied.

This one-dimensional approach undermines confidence in the report's conclusions and risks steering Massachusetts toward an expensive, complex system that provides no measurable benefit compared to the existing framework.

The report lacks any Massachusetts-specific cost-benefit analysis and actual data on the current state of recycling in the Commonwealth. It also offers no quantitative assessment of the fiscal impact on producers, consumers, haulers, or municipalities that an EPR program would have.

Experience from other jurisdictions shows that EPR for packaging programs increase costs for consumers and disproportionately impact disadvantaged communities. Despite claims to the

contrary, the additional costs borne by producers to fund EPR programs are passed directly to consumers as hidden fees embedded in higher product prices. ***Visit our website www.wasterecycling.org***

A York University study of British Columbia's Recycle BC EPR program found that:

- Program costs rose by 26% while diversion increased only 1% over the same period;
- A 100% EPR program for paper and packaging leads to a 4–9% increase in grocery and packaged product prices;
- Lower-income households—who spend a greater share of income on packaged goods—bear a disproportionate financial burden.

Similarly, York University found that:

- In Connecticut, an EPR proposal would have raised consumer goods prices 3–7% in its first year, translating to up to $700 more per household annually; and
- In New York, the total economic burden of EPR was projected to exceed $3 billion, equating to hundreds of dollars in added household costs.

For Massachusetts residents already struggling with inflation and high cost of living, these increases would be regressive and inequitable.

A common misconception is that EPR "shifts the financial burden from taxpayers to producers." In reality, residents end up paying twice:

1. At the register through higher consumer goods prices; and
2. Through local taxes that are unlikely to decrease even if municipalities are reimbursed by producers.

In addition, Massachusetts is home to many "subscription towns," where residents contract directly with private haulers for recycling and solid waste services or use town drop-off programs. EPR for packaging would not relieve these residents of any financial obligation—they would still pay their hauler or town fees while also covering EPR program costs at the cash register.

Thus, the Commonwealth's residents—including those using private service providers or drop-off centers—would see no financial benefit, only higher costs.

EPR would upend Massachusetts' current, well-functioning recycling system by transferring operational control to a Producer Responsibility Organization (PRO). This top-down restructuring would displace established partnerships between local governments and private service providers and create significant uncertainty.

Key risks include:

- Disruption of existing long-term contracts between haulers, MRFs, and municipalities;
- Duplication of administrative functions, adding layers of inefficiency;
- Reduced innovation and flexibility, as the PRO dictates service levels and material acceptance criteria.

EPR for packaging does not address how these transitions would occur or how existing investments will be protected. This uncertainty could undermine private investment in new facilities and slow the progress Massachusetts has already achieved in recycling modernization. ***Visit our website www.wasterecycling.org***

Massachusetts is not starting from scratch. A recent Eunomia study found the Commonwealth to have the third-highest recycling rate in the United States. The state's existing system is mature, comprehensive, and supported by significant private-sector investment.

Incremental improvements—such as harmonizing accepted materials, expanding markets for post-consumer resin, and reducing contamination—are both achievable and preferable to a disruptive EPR overhaul. Implementing an unproven, bureaucratic EPR model is unnecessary and unwarranted.

EPR programs should be reserved for hard-to-manage or hazardous materials—such as batteries, paint, electronics, mattresses, and carpet—rather than packaging, which is already successfully managed under existing systems.

EPR for packaging has not yielded measurable environmental gains where implemented.

- Recycling rates and greenhouse gas reductions have stagnated or declined in EPR jurisdictions like British Columbia and Ontario.
- No objective study shows that EPR improves packaging design or reduces lifecycle impacts.
- In fact, both provinces recycle less and abate less carbon than they did five years ago, despite double-digit cost increases.

In short, EPR for packaging is a solution in search of a problem. It adds bureaucracy and cost without producing meaningful environmental outcomes.The EPR model also does not resolve the fundamental challenges facing recycling systems, including:

- Persistent consumer confusion over what materials are recyclable;
- High contamination rates in single-stream recycling; and
- Weak, volatile markets for recycled commodities.

Instead of focusing on these real barriers, EPR merely reallocates costs without strengthening end-market demand or improving public education. Without parallel policies to promote recycled content and market stability, EPR would increase administrative complexity without improving performance.

By advocating for a "100% producer-funded" system, the report effectively proposes to transfer operational and financial authority to multinational packaging producers. This structure allows producers to dictate system design, collection methods, and payment terms, excluding haulers, MRFs, and local governments from meaningful decision-making.

NWRA strongly opposes this model of regulatory capture, which would undermine decades of local collaboration and investment in the recycling infrastructure that currently serves Massachusetts residents well.

We feel a more balanced "**Draft Packaging EPR Recommendation**" should read:

Due to the vast amount of technical information and expanded stakeholder engagement needed to advance an initiative such as EPR for plastics and packaging, *the Commission recommends that MassDEP be charged with establishing a subcommittee of its Solid Waste Advisory Committee to further discuss EPR for plastics and packaging and* whether *it could have a meaningful impact on advancing material recovery in the Commonwealth.* ***Visit our website www.wasterecycling.org***

In conclusion, Massachusetts has a recycling system that is working, modernizing, and improving without the need for an EPR overhaul. Implementing an EPR for packaging program would increase costs across the economy, yield no measurable environmental benefit, and disproportionately burden lower-income households.

NWRA and its members remain committed partners in advancing practical, effective recycling policies that protect both the environment and the economic well-being of Massachusetts residents.

Response 10: These comments will be shared with Commission members in advance of the October 29, 2025 Commission meeting on packaging.

Material Category: Textiles

Comment 1: Will the commission explore textile waste and solutions to curb fast fashion?

Response 1: Textiles are not among the product categories that were specifically identified for the Commission to address in the authorizing legislation in Section 108 of Chapter 239 of the Acts of 2024. Given the limited time that the Commission has available to address the five product and packaging categories identified in the legislation, MassDEP does not expect the Commission to address textiles. However, MassDEP has taken a number of other steps to address textile waste. In November 2022, MassDEP banned the disposal of textiles in the trash. MassDEP has provided grants through our Recycling and Reuse Business Development Grant program to expand the textiles recovery infrastructure in Massachusetts. For more information, please see https://www.mass.gov/guides/clothing-and-textile-recovery.