MASS DEP | EPR COMMISSION
PACKAGING ADVISORY GROUP MEETING 1

Thursday, July 24, 2025 | 10 a.m.–noon
via Zoom

Attendees

- Anthony Abdelahad, USA Waste & Recycling
- Andrea Albersheim, American Chemistry Council
- Raza Ali, American Chemistry Council
- Danielle Allard, Massachusetts Attorney General's Office
- Christopher Antonacci, General Counsel, USA Waste and Recycling, Inc.
- Tricia Arrington, public, and member, League of Women Voters
- Sen. Mike Barrett, Committee on Transportation, Utilities, and Energy*
- Peter Bierbaum, One World Resource
- Sara Bixby
- Michelle Blanchard, Vice Chair, National Waste and Recycling Association Massachusetts Chapter
- Stephen Boksanski, Massachusetts Beverage Association
- Isabelle Borkowski, RRS
- Susan Bush, Circular Matters
- Emily Camizzi, Joint Committee on Environment & Natural Resources
- Scott Cassell, Product Stewardship Institute
- Janet Clark, retired, and Unitarian Climate Action Group, Northampton
- Greg Cooper, MassDEP
- Kimberly Davis, BPI
- Bree Dietly, Breezeway Consulting, representing the American Beverage Association
- Janet Donoughey
- Grace Durant, Bay State Strategies on behalf of the American Chemistry Council
- Robert Emmet Hayes, Principal, Mass Bay Associates
- Andrew Ferrera, Berkshire Environmental Action Team
- John Fischer, Deputy Division Director, Solid Waste, MassDEP
- Kyla Fisher, Flexible Packaging Association
- Danielle Fortunato, Plastics Industry Association
- Claire Galkowski, South Shore Recycling Cooperative, MassPSC
- Joe Giannino, Shawmut Strategies Group
- Phil Goddard, Town of Bourne, MA
- Andrew Hackman, AMERIPEN
- Jennifer Haugh, GreenerU
- Michael Hoffman, CEO, National Waste & Recycling Association
- Sana Ilyas
- Sharon Byrne Kishida, Nominee, Senate Majority Leader*
- Calvin Lakhan, York University
- Abbie Linsk, American Chemistry Council
- Gregory Melkonian, Serlin Haley
- Sherrie MacWilliams
- Julie McNeill, Attorney, Bureau of Air and Waste, MassDEP
- Shoshana Micon, American Forest & Paper Association
- Jake Newman, Joint Committee on Environmental and Natural Resources
- Amanda Nicholson, Product Stewardship Institute
- Eric Packer, Guillow
- Carol Patterson, Foodservice Packaging Institute
- Ally Peck, Consumer Technology Association
- John Pregmon

- Judith Reilly, member, League of Women Voters of Salem, Environment & Climate Crisis Working Group
- Bill Rennie, Retailers Association of Massachusetts*
- Sidney Roth
- Kit Sang Boos, UU Climate Action Group
- Andrea Serlin, Serlin Haley
- Chris Sidwa, Urban Mining Industries
- Shelly Stuler, public, and member, League of Women Voters
- Zeus Smith, Massachusetts Attorney General's Office
- Kristin Taylor, Closed Loop Partners
- Waneta Trabert, City of Newton, Sustainable Materials Management Division, and MassRecycle*
- Mary Vihstadt
- Abbie Webb, Casella Waste Management*
- Hannah Wise
- Josephine Weissburg, Operational Services Division, Massachusetts Executive Office of Administration and Finance

* EPR Commission members

Meeting goals

- Level set on past and present packaging EPR efforts in the U.S.
- Brainstorm ideas, concerns, support, opposition
- Assign responsibilities for gathering additional information

Meeting notes

1. Welcome and introductions

2. Presentation

    a. Scott Cassell, Product Stewardship Institute, provided an overview of existing packaging EPR laws.

3. Clarifying questions

4. Brainstorming

    a. Meeting participants used the Mural board to provide answers to the following questions:

        i. What has worked well so far in Massachusetts regarding packaging recycling?
            1. Almost all municipalities provide some form of recycling access for most residents.
            2. Single-stream
            3. Collecting recyclables sorted by residents at transfer stations results in higher-quality materials.
            4. Acceptance of alternative collection formats (drop-off, subscription, depots)
            5. Mass has a robust and mature recycling infrastructure that need not be duplicated or overly complicated with additional layers of bureaucracy including that of producers.
            6. The MRFs serving MA are already some of the most innovative and advanced in the world.
            7. MA has robust collection and processing infrastructure for municipal

recyclables.
8. MA is already a top five state in terms of recycling and recycling infrastructure—there is widespread equitable access to recycling via curbside and residential drop-off.
9. Our system is the envy of other states.
10. MA has established a universal recycling list.
11. The list of acceptable recyclable materials in many MA towns is already larger than those acceptable in some states that have passed EPR; see CO, e.g.
12. MRFs and recyclers compete in an open market for access to end markets, ensuring competitive pricing for recyclable materials and therefore the best pricing for residents and municipalities.
13. Most municipalities already see some form of revenue share or profit shar with their recyclers depending on market conditions for the recyclable commodities.
14. The bottle bill seems to be effective, for the most part.
15. Most companies servicing MA already provide robust educational material.
16. Market-driven and customer-led innovation and adaptation to new materials and technologies
17. Market-driven access to recycling
18. Producers don't control the recyclable material at the end of life—they don't have a monopoly as they would in an EPR system
19. According to a Northeast Recycling Council (NERC) study, Mass is home to more than 2,000 recycling and composting businesses that employ 14,000 people with a payroll approaching $500 million annually.

ii. What doesn't work?
1. Too much glass is landfilled.
2. There is far too much recyclable material being put into the trash.
3. There are still too many materials that can't be recycled.
4. Using the terms "plastic, glass, and metal" recycling curbside recyclables, rather than "bottles, cans, and rigid containers"
5. Lack of consistency between recycling programs / not standardized across the state as to what's accepted and not, e.g., cartons
6. No incentives for companies to create packaging that's easier to recycle
7. Dramatic lack of staffing to run current programs and make them successful
8. The "universal" recycling list in Mass is VOLUNTARY. It does not resolve confusion.
9. Effectively communicating to residents and businesses what can and can't be recycled and why (though Resma is a great tool)—education programs are not equal to all residents
10. Capturing materials generated outside the home, i.e., entertainment venues, shopping malls, hospitals
11. Recycling access for large multifamily properties is lacking
12. Commercial recycling rates are very low
13. Incentives among stakeholders are misaligned—producers/haulers benefit and municipalities pay ever-increasing costs
14. Extremely inefficient and costly to have each municipality contracting on its own for service
15. Volatile cost increases for recyclables processing wreaks havoc on municipal budgets
16. The cost burden on municipalities and taxpayers is unfair.

17. Curbside collection and bottle deposit return system (DRS) programs are redundant.
18. The bottle bill is in efficient and no longer necessary.
19. A higher deposit would likely improve outcomes from the bottle bill. √
20. Sustainable packaging may not be the most recyclable packaging. Remember that sustainability is premised on three pillars, economic, environmental and social.
21. Stabilizing design needs to better anticipate toxics, e.g., PFas and microplastics have huge costs for consumers and the environment.

iii. What should a packaging EPR program avoid or include?
1. If this were to pass, the cost to consumers at the cash register should be apparent on the receipt—it should not be a hidden tax.
2. Avoid putting prescriptive goals in statute / avoid putting goals or targets in the statute
3. Avoid using EPR as a tool to ban or restrict products, packages, or materials. Keep the focus on recycling, reuse, composting.
4. Failure to include compostable packaging from the legislative and regulatory processes
5. Failure to include representation of composters that readily accept and process compostable packaging from the Advisory Council
6. Create flexibility for PRO to respond and recognize innovations. Recognize alternative collection is a legitimate and necessary pathway for collecting some materials. Learn and collaborate from other states.
7. Bureaucracy and red tape could prevent adaptation and innovation at a time of rapid change.
8. Avoid overly redundant systems that will just drive costs up for consumers
9. Mass should not limit industries' abilities to develop new and innovative packaging technologies
10. Don't confuse correlation and causation. EPR in and of itself does not lead to higher recycling rates—a mature recycling system (high levels of accessibility, convenience, etc.) is the biggest predictor of success.
11. Fully understand the impacts of EPR in neighboring jurisdictions. There is a wealth of data from the Canadian experience that suggests the adoption of EPR has faced rapidly escalating costs with limited improvement in recycling rates. Ontario has walked back on the expansion of its EPR program to the IC&I sector and reduced its diversion rates.
12. How do you ensure that economically disadvantaged communities aren't impacted more by this? There are several studies saying their costs will increase more.
13. Incorporating other policy concepts into EPR.
14. Avoid exempting too many items
15. Creating unique producer definitions for different covered materials
16. Excluding paper, which is a very large portion of curbside recycling
17. Do not include packaging materials that have a working outlet—e.g., pallets
18. Is EPR needed in Massachusetts? Data should be collected before we assume yes.
19. Exclude B2B transactions—insignificant volumes in comparison to B2C. √√
20. Including as covered materials packaging and paper outside the municipal system—no B2B or ICI material
21. There should be offramps for high-performing materials (like in CA)
22. What question is Mass seeking to answer by perusing packaging EPR? Is it a transference of cost or increasing the recycling rate?

23. Avoid excluding innovative technologies that can be used to manage waste
24. Avoid incentivizing technologies that combust packaging materials
25. Provide adequate implementation time frames so that programs aren't rushed
26. Need to avoid unintended increases in greenhouse gas emissions
27. Avoid ignoring the carbon cost of transporting and processing materials. Prioritize local.
28. The subcommittee should hear from all perspectives on EPR for packaging issue. PSI is obviously biased in its perspective.
29. Avoid expanding beyond residential consumers and services
30. A needs assessment should align with the scope of the legislation and should address materials that are collected outside the current system (i.e., Wal-Mart cardboard), since we really don't know how much material that involves.
31. Even if towns see a savings on recycling costs, will they pass that through to the residents in the form of reduced property taxes? Will towns commit to that?
32. Look to the evolving structure and parameters of the newer laws to see what principles and shared elements have gained widespread support among stakeholders.
33. Avoid proposing legislation without gathering sufficient baseline data. The efficacy of an EPR program is fundamentally predicated on having good data. Moving forward with legislation in the absence of data is a recipe for disaster.
34. Avoid creating incentives that would result in a shift from plastic packaging to materials with higher upstream carbon footprints.
35. EPR programs in Canadian Jx's have already seen double and even triple-digit increases in terms of the costs of their recycling systems.
36. Ontario is already scaling back their EPR system due to unforeseen and uncontrollable costs.
37. Package lightweighting using composites drives the greatest environmental impact.

iv. What additional data would help clarify and inform a Commission recommendation on packaging EPR legislation?
    1. Supply volume and recycling system needs
    2. What types of packaging is necessary for food safety?
    3. Oregon DEQ's LCA analysis on glass end markets
    4. Grant to help assess municipal costs in Massachusetts
    5. Note that many suggestions were converted into research and data-gathering assignments (below).

v. What questions remain that would help clarify how a packaging EPR program would work in Massachusetts?
    1. How does the financial model for packaging EPR balance with an existing deposit return system?
    2. How would subscription households get fair access to the EPR funds they'd be paying into?
    3. How could it include metrics or goals for reuse, rather than continual production and recycling?
    4. How can we ensure all municipalities have fair access to EPR funds?
    5. What costs would be covered? Municipal collection? Private haulers? Entertainment venues? Hospitals? Schools?

6. I urge asking producers about fees passed on to consumers. So many variables with programs too. Services will expand, too—so hard to compare. Many of the U.S. programs include complexities of audit requirements, third-party certifications, goals, eco-modulation. The studies to date are interesting but are based simpler programs and don't take all factors into consideration, including the different program complexities/requirements and elasticity of demand of products examined.
7. How are the producers not going to pass costs on to consumers? Defies economic logic.
8. How are disparately impacted communities going to avoid the inevitable inequitable cost increases?
9. What's not being captured in curbside waste and recycling infrastructure?
10. How can we protect and augment (not disrupt) the state's existing robust infrastructure for recycling?
11. How can we wait and learn from the implementation of the state EPR programs, instead of moving ahead prematurely?
12. Results of a waste and recycling needs assessment as per S.571: https://malegislature.gov/Bills/194/S570
13. **Note that many suggestions were converted into research and data-gathering assignments (below).**

5. Task assignments

   a. **Michael Hoffman, National Waste & Recycling Association with Calvin Lakhan, York University**
      i. Data on Massachusetts recycling: what is truly being recycled in Massachusetts? Does the existing system accept a wide enough variety of packaging materials for delivery to end markets?
      ii. Data on how EPR impacts the environment and carbon reduction goals
      iii. Data on how an EPR program impacts litter
      iv. Data on performance comparison of recycled content requirements compared to EPR
      v. Review of the impacts of other EPR programs on haulers and recyclers
      vi. Examples of EPR significantly driving changes in packaging design to enhance recycling
      vii. True costs of Massachusetts' current system to consumers and municipalities
      viii. Data on impact to small businesses as a result of EPR

   b. **Peter Bierbaum, One World Resource**
      i. Data on typical exclusion thresholds

   c. **Shoshana Micon, American Forest & Paper Association**
      i. Data on paper recycling and access
      ii. Data on paper EPR and differences between various state laws

   d. **Susan Bush, Circular Matters**
      i. "Ideal" implementation timeline

   e. **John Fischer and Greg Cooper, MassDEP**
      i. Data on current levels of access to recycling in Massachusetts
      ii. Percent of MA population that has access to curbside waste and recycling (e.g., 90% of 7.14 million people are in urban settings, which suggest this is high)—if high EPR will not meaningfully improve recovery rates

iii. Percent of households served by municipal vs. subscription model

f. **Jen Haugh, GreenerU**
   i. Include data from an Oregon packaging report in a compilation document: https://www.oregon.gov/deq/FilterDocs/PEF-Packaging-FullReport.pdf
   ii. Look at Rhode Island's recently passed needs assessment law
   iii. Reference Mass packaging and paper EPR bill in compilation document: https://malegislature.gov/Bills/194/S571 and a needs assessment bill: https://malegislature.gov/Bills/194/S570
   iv. Reference and potentially reach out to Canadian PROs: Circular Materials and Eco Entreprises Quebec.

g. **All tasks should be completed by noon on Thursday, August 21, to allow for adequate time to review and prepare for the next electronics advisory group meeting, which is scheduled for Thursday, August 28, 2025, 10 a.m. to noon, via Zoom.**

6. The meeting adjourned at 3:02 p.m.