



Commonwealth of Massachusetts

Extended Producer Responsibility Commission

MEETING 1

April 14, 2025 | 10 a.m.–12:30 p.m.
100 Cambridge Street, 2nd floor conference room | Boston
and via Zoom



Housekeeping: roll call and introductions

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

Note: the DEP is still seeking individuals to fill two vacancies



Housekeeping: staff and consultant introductions

Staff/consultant	Organization
Greg Cooper	Director, Hazardous and Solid Waste, Massachusetts Department of Environmental Protection
John Fischer	Deputy Director, Solid Waste, Massachusetts Department of Environmental Protection
Courtney Rainey	Deputy Chief of Staff and Director of Government Affairs
Jennifer Haugh	Vice President of Planning, GreenerU
Craig Altemose	Director of Programs, GreenerU
Madeline Rawson	Project Manager, Planning, GreenerU



Today's meeting goals and agenda

Monday, April 14, 2025
10 a.m.–12:30 p.m.

Goals

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

Agenda

- Introductions
- Review of goals and agenda
- The Climate Law and the EPR Commission's charge
- Adoption of bylaws, guidelines, and remote participation policy
- Presentation: problems, goals, and barriers to managing solid waste in Massachusetts
- Presentation: extended producer responsibility
- Discussion
- Topics for consideration
- Review of proposed meeting roadmap
- Next steps and adjourn



Introduction: The EPR Commission

- Established by Section 108 of Chapter 239 of the Acts of 2024
- Our charge: ...recommend to the general court extended producer responsibility policies for the commonwealth
- Including:
 - Recommendations on specific extended producer responsibility approaches and other strategies for paint, mattresses, electronics, lithium-ion batteries, plastics, and packaging
 - Proposed structures for collection, processing, and financial responsibility
 - Information on cost impacts
 - Waste reduction product and packaging incentives, and
 - Impacts on waste generation and contamination reduction
- Issue initial recommendations and related findings by **January 15, 2026**



More housekeeping

Bylaws

- Motion to adopt EPR Commission bylaws

Guidelines

- Motion to adopt guidelines

Remote participation policy

- Motion to adopt remote participation policy (optional)



Bylaws and ground rules highlights

- Open meeting law prohibits deliberation outside of publicly held meetings
- Members should do their best to attend EPR Commission meetings, arrive on time, and be prompt returning from breaks
- If you'd like to speak during the meeting, please place your name card upright and the Chair will recognize you OR raise your virtual hand via Zoom
- Do not use the chat function of Zoom
- Please be succinct in your statements or questions and allow ample opportunity for other Commission members and the public to speak
- In-person attendees are asked to please speak clearly and distinctly and refrain from "banter"

Solid Waste Management in Massachusetts

2030 Solid Waste Master Plan sets aggressive waste reduction goals

Reduce annual disposal by 1.7 million tons by 2030
Reduce annual disposal by 5.0 million tons by 2050
Both from 2018 baseline of 5.7 million tons
Reduce toxicity of solid waste stream through improved management of hazardous household products



Solid waste management capacity limited in Northeast US

Massachusetts 6.2 million tons – 4.7 MSW 1.5 Non-MSW (C&D)
MSW – 3 million (Waste-to-Energy)/ 400,000 (landfill)/ 1.3 million (net export)
Non-MSW – 1.4 million (net export)/ 100,000 (landfill/WTE)

2018-2023 disposal vs. GDP

Table 5: Gross domestic product (GDP) by state (millions of current dollars)								
	2018	2019	2020	2021	2022	2023	% change vs. 2018	% change vs. 2022
GDP (millions of dollars)	567,255	604,208	595,183	665,893	688,392	750,435	32%	9%
Disposal (tons)	5,660,000	5,510,000	5,920,000	6,220,000	6,000,000	6,160,000	9%	3%
MSW Disposal (tons)	4,510,000	4,310,000	4,390,000	4,300,000	4,460,000	4,680,000	4%	5%
Non-MSW Disposal (tons)	1,140,000	1,200,000	1,530,000	1,940,000	1,520,000	1,470,000	29%	-3%
Accessed from the BEA website - https://bea.gov/regional/index.htm - June 2024								

Summary issues and concerns



Limited Capacity

Send 2.7 million tons of trash to other states on net basis (44%)



Rising Trash and Recycling Costs

Solid waste disposal up 18% 2021-2024

Recycling processing cost up 18% 2021-2024



Limited Infrastructure and Rising Costs to Manage Hazardous Household Products

- Cost increases of 30-60%

Extended Producer Responsibility in Massachusetts What you need to know

April 14, 2025

Scott Cassel

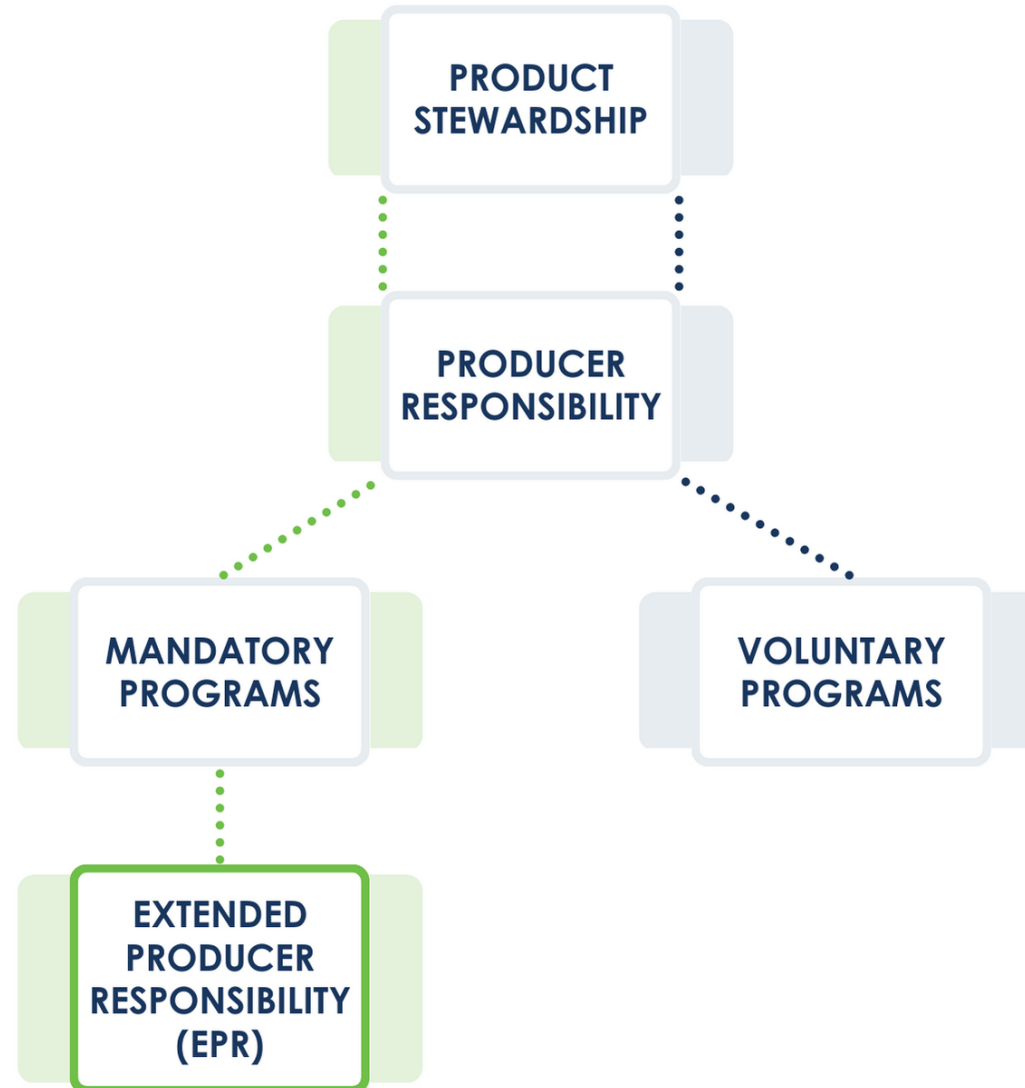
CEO and Founder, Product Stewardship Institute



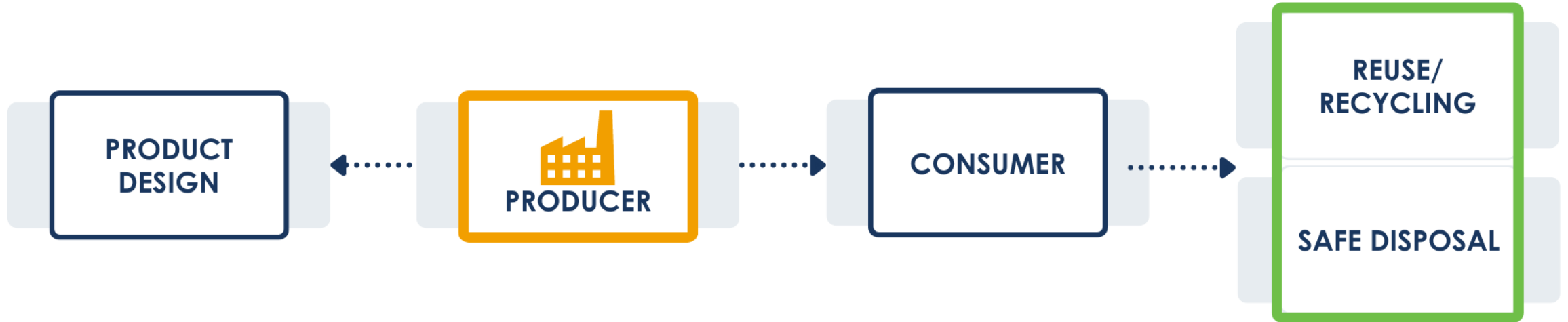
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WHAT IS EXTENDED PRODUCER RESPONSIBILITY (EPR)?

EPR AND PRODUCT STEWARDSHIP



EXTENDED PRODUCER RESPONSIBILITY PARADIGM SHIFT



A **law** that **extends** a producer's financial and managerial **responsibility** for its products and packaging beyond the manufacturing stage — both **upstream** to product design and **downstream** to **postconsumer** reuse, recycling, composting, or safe disposal.

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WHY IS CHANGE NEEDED?



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Problems

Municipal recycling **stagnated** ~32%

Increased **municipal** recycling costs
→ **underfunded**

Fragmented **municipal** recycling →
inefficient

Confusing recycling instructions/packaging
labels → **contamination**



Problems

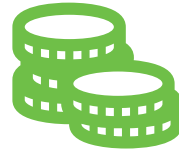
Recycling markets fluctuated →
municipal recycling contracts **unstable**
Low consumer confidence in recycling
Environmental externalities of waste: GHG emissions, virgin resource extraction, pollution (soil, water, air)
Waste inequality: shipping waste to poor nations; siting waste facilities in poor areas



WHY EPR?

Effective EPR laws:

- Provide **sustainable funding**
- Reduce **government costs**
- Incentivize **waste reduction, reuse, recycling**
- **Reduce need to mine virgin materials; reduce GHG emissions**
- **Reduce pollution** (air, soil, water)



WHY EPR?

Effective EPR laws:

- Increase **collection convenience**
- Increase **education** and outreach
- Require **annual reporting** for transparency and accountability
- Establish **performance goals** to gauge program effectiveness
- Prevent **free riding**



Network of Accountability

- Producers
- Collectors
- Recyclers
- Retailers
- Municipalities
- State agencies
- Consumers/Public



PRODUCT CATEGORIES



Batteries



Carpet



Electronics



Gas Cylinders



HHW



Junk Mail



Mercury Thermostats



Lighting



Mattresses



Medical Sharps



Mercury Auto Switches



Motor Oil



Packaging & Plastics



Paint



Pesticides



Pharmaceuticals



Phone Books



Radioactive Devices



Refrigerant-Containing Appliances



Solar Panels



Textiles



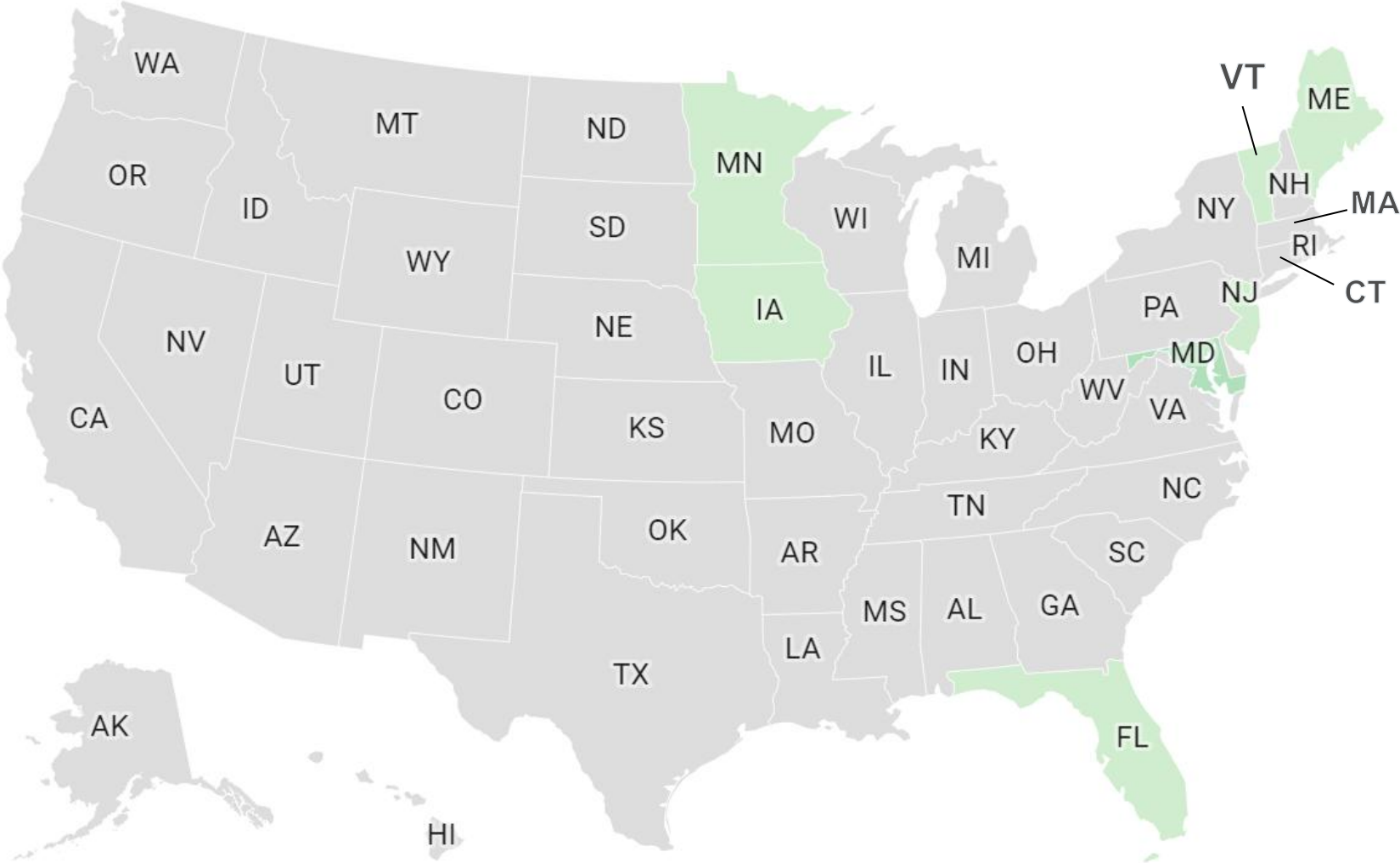
Tires

U.S. EPR LAWS IN 2000

8 laws

1 product

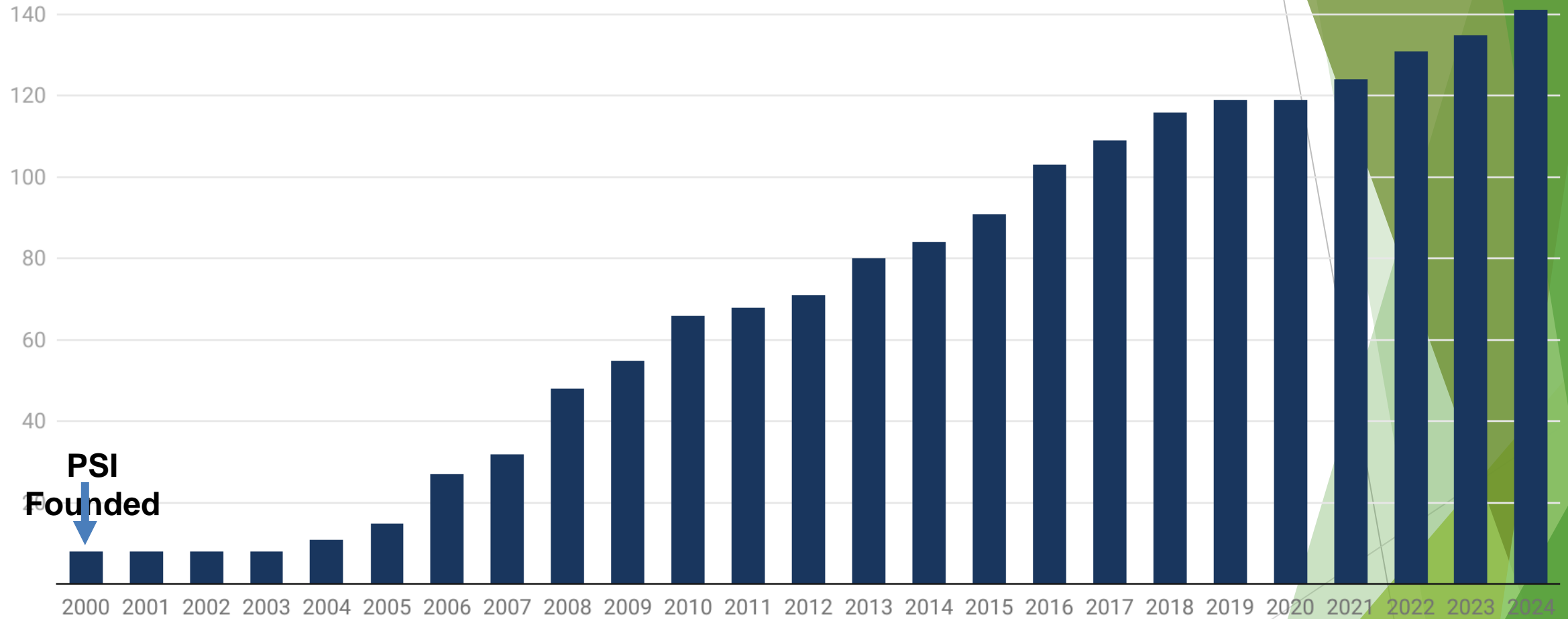
7 states



Number of State EPR Laws in 2000



U.S EPR Laws Since 2000



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Achieving Circularity

EPR

- ✓ Systemic economic change
- ✓ Upstream waste reduction
- ✓ Improved recycling
- ✓ Lifecycle impact reduction (toxics, GHG)



Complementary Policies

- ✓ Bans (plastic bags, cups, etc.)
- ✓ Bottle bills/Deposit return systems
- ✓ Toxics in packaging
- ✓ Labeling Laws
- ✓ Post-consumer recycled content

What is EPR – U.S. Definition

- **Producer funded and producer managed (“Full EPR”)**
 - Ex: packaging, batteries, electronics
 - state oversight/ enforcement
- **Consumer funded and producer managed**
 - Ex: paint, mattresses
 - state oversight/enforcement
- **Shared producer responsibility**
 - Government shares costs with producers (collection, processing, etc.)
- **Cost Reimbursement**
 - Government oversight costs covered under all EPR laws
 - Local government and private vendor costs reimbursed under packaging laws

What is **NOT EPR** – U.S. Definition

Consumer funded and government managed

Ex: Used oil and Used tire programs

Consumer pays retailer to manage waste

Some funding → state agency staff – oversight, grants, **OTHER**

Retailer hires collector to manage waste

Industry funded and government managed

Ex: Pesticides

U.S. EPR FUNDING MECHANISMS

COST INTERNALIZATION

Packaging
Electronics
Pharmaceuticals
Medical Sharps
Carpet
HHW
Thermostats
Fluorescent lights
Batteries
Gas Cylinders
Auto Switches
Solar Panels

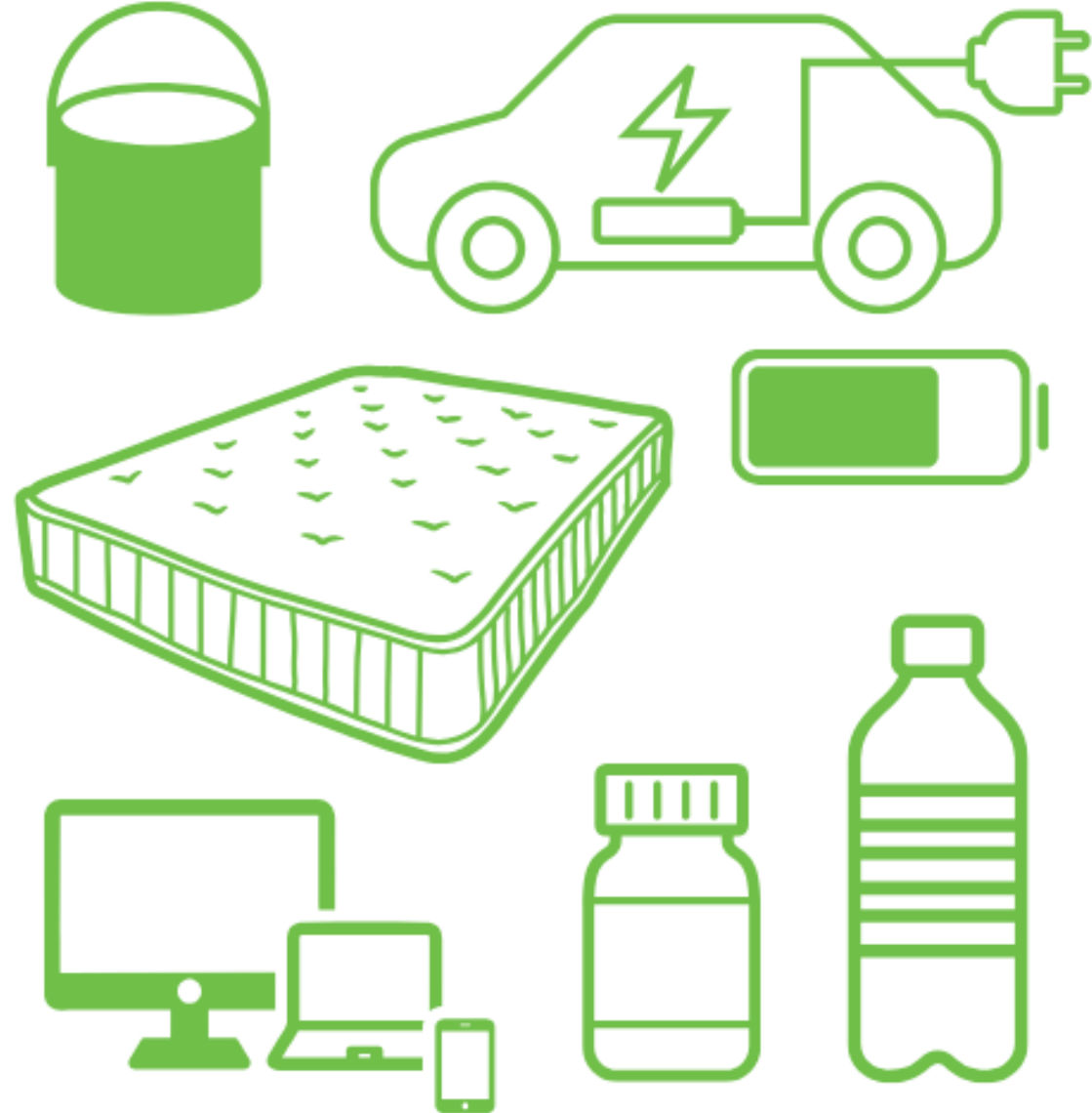
CONSUMER FEES

Paint
Mattresses
Carpet
Tires

MA EPR BILLS 2025

7 products:

- Portable batteries
- EV batteries
- Electronics
- Mattresses (2)
- Paint
- Packaging
- Pharmaceuticals
(amendment to remove sunset)




European Union and Canadian EPR

European Union

- Packaging (E.U. Directive)
 - Batteries (E.U. Directive)
 - Electronics and Electrical Appliances (E.U. Directive)
 - End of Life Vehicles (E.U. Directive)
 - Textiles (E.U. Directive)
 - Medical Sharps
 - Pharmaceuticals
 - Furniture
 - Toys
 - Tires
 - Sports & Leisure Goods
 - Do-it-yourself & Gardening articles
- 

British Columbia, Canada

- Paint (1994)
 - Pharmaceuticals (1996)
 - HHW (1997)
 - Aerosols (1998)
 - Electronics (2004)
 - **FRAMEWORK (2004)**
 - Tires (2007)
 - Thermostats (2009)
 - Batteries/cell phones (2010)
 - Lead-acid batteries (2011)
 - Large appliances (2011)
 - Lighting (2012)
 - Outdoor power equipment (2012)
 - Small appliances and electrical power tools (2012)
 - Packaging & printed paper (2014)
 - Mattresses (planned 2027)
- 



ELEMENTS OF EPR

Elements of Effective U.S. EPR Laws

Covered Materials/Products	Governance (PRO, Advisory, Govt)	Performance Standards	Stewardship Plan Contents
Covered Entities	Funding Inputs	Outreach & Education Requirements	Annual Report Contents
Collection & Convenience	Funding Allocation	Equity & Environmental Justice	Implementation Timeline
Responsible Party ("Producer")	Design for Environment	Enforcement & Penalties for Violation	Additional Components & Definitions

Source: Product Stewardship Institute, Inc. 2025

Key Policy Choices

Covered Materials

Which batteries, paint, electronics, packaging, mattresses?
Are reusable items included?
Do we include paper products or foodservice ware?

Covered Entities

All entities currently served by local government (baseline).
Residential and/or small commercial and/or schools and/or public spaces.
Industrial, large commercial, institutional

Collection & Convenience

Reuse, recycling, and composting must be as easy as trash disposal.

Performance Goals

Waste reduction, reuse, recycling, composting, PCR content.
Performance goals to be set either in **statute, rule, or program plan** and be informed by needs assessment.



Key Policy Choices

Responsible Party (tiered)

Brand owner/manufacturer (Duracell)

Brand owner/licensee (CVS)

Importer – first sale into state

Governance

Producer Responsibility Organization (PRO) → Stewardship Plan → State Oversight Agency

Multi-stakeholder Advisory Council

Funding

Cost Internalized (Full EPR): Producers fund and manage the recycling of covered materials

Consumer Fee: Consumers fund and producers manage program

Extent of costs covered: 100% or partial

Municipal Reimbursement: Producers reimburse municipalities for the costs of recycling covered materials (packaging)

State oversight: costs covered

Annual Report

Evaluation provides the opportunity to course correct.



Phase in Policy Over Time

Phase in aspects of the bill over time and continue to build a stronger policy



Policy Options

Include in **existing law**.

Require agency to develop **regulation** by specific date.

Require PRO to **propose plan** for adding aspect by a specific date and have it reviewed by Advisory Council and approved by agency.



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Discussion



- What questions do you have about the presentations you've heard today?
- What do you perceive as hurdles in Massachusetts?
- What would you like to get out of this process?



For consideration and discussion

Products identified in statute: paint, mattresses, batteries, plastics and packaging, electronics

Are there other products or categories that should be consider?



Draft meeting roadmap: format for future meetings

General format, product category-specific:

1. Housekeeping
2. Finalize previous meeting discussion and vote
3. Topical presentation
4. Discussion
5. Public comment
6. Straw policy proposal
7. Temperature check



Draft meeting roadmap

At following meeting:

1. Firm up proposed policy language
2. Be prepared to weigh in via “scale of agreement” with opportunity for comment
3. Review public comment and discuss differences/proposed changes at start of following meeting(s)
4. Socialize draft language prior to final adoption

Draft meeting roadmap



SCALE OF AGREEMENT				
ADAPTED FROM KANER ET AL.				
1	2	3	4	5
WHOLE-HEARTEDLY AGREE	AGREEMENT WITH A MINOR POINT OF CONTENTION	SUPPORT WITH RESERVATION	MORE DISCUSSION NEEDED	SERIOUS DISAGREEMENT
"I really like it"	"Not perfect but it's pretty good"	"I could live with it"	"There are small concerns to discuss before I could support"	"I am not on board with this"
VOTE BELOW				



Draft meeting roadmap

Meeting 2
Paint

Meeting 3
Mattresses

Meeting 4
**Plastics and
packaging**

Meeting 5
**Lithium ion
batteries**

Meeting 6
Electronics

Wed, May 21
10–12:30

Wed, Jun 18
10–12:30

Wed, Jul 16
10–12:30

Wed, Sep 17
10–12:30

Wed, Oct 29
10–12:30

A seventh meeting may be scheduled in November to finalize all recommended policies.



Next steps and adjourn

Next meeting:

Wednesday, May 21, 2025
10 a.m.–12:30 p.m.

Agenda, Zoom link, and reading materials will be available at least one week prior to the meeting.