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Product Stewardship: Whose Responsibility Is It Anyway?

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Extended producer

responsibility (EPR) laws, which require manufacturers to fund and manage recycling and disposal programs for their products, are being implemented in many places around the world.

Notably, Canada and Europe widely use EPR to manage waste and prevent pollution from hazardous waste.

But EPR has been slower to take off in the US, where there is no federal EPR or product stewardship law. As a result, some states and even some local governments have adopted product stewardship regulations. These cover a number of products such as paint, carpet, electronics, pharmaceuticals, fluorescent lighting, medical waste, thermostats and mattresses.

Patchwork of EPR Laws Make Compliance Difficult

But, according to the Consumer Electronics Association, these state-by-state laws can make compliance difficult for manufactures, the Pew Charitable Trusts reports.

Take e-waste: California in 2003 became the first state to pass a law mandating electronics recycling. Under this program, consumers pay a fee that supports e-cycling when they buy a product. The remaining 24 states and DC, however require manufactures to pay for the e-waste recycling programs.

Walter Alcorn, a vice president at the Consumer Electronics Association, says CEA is working with states to make e-cycling laws similar across states and more agreeable to the industry. “We want to see recycling incorporated into these corporate business models,” Alcorn tells the Pew Charitable Trust. “That’s where they can thrive and companies can get creative in getting their customers to bring back their used products.”

Voluntary vs. Mandatory Product Stewardship

Call2Recycle, North America’s first and largest consumer battery stewardship organization, has collected more than 5.7 million pounds of batteries so far in 2015. The organizations has also partnered with Vermont to launch first single-use battery recycling program in US in January 2016.



Call2Recycle CEO Carl Smith says voluntary EPR plays an important role in waste management. “It is particularly effective when: an industry is just beginning efforts to manage the take back of a material/product; and the recycling of the material/product can generate a net positive financial return,” he tells Environmental Leader.

In the long-term, however, he says most voluntary EPR programs are not financially sustainable. “

Ultimately, a successful program requires mechanisms to ensure participation by obligated stewards and minimize the number of free-riders,” Smith says. “Plus, as collections increase, a stewardship organization needs the ability to increase fees to stewards, which may be very difficult when a program is voluntary.”

[Product Stewardship Institute](#) CEO Scott Cassel says for EPR to be successful is must combine voluntary and mandatory approaches. “Responsibility is one of the words of extended producer responsibility — and corporate social responsibility,” he says. “If everyone took the responsibility that we believe they should, there wouldn’t be these external costs on the environment and the disagreement on who should take responsibility and how much. The crux of the struggle is over this term ‘responsibility.’”

Putting the ‘Responsibility’ in EPR

PSI has worked on product stewardship with a number of industries and it maintains a list of EPR [laws](#) and [pending legislation](#). It’s hosting the 2015 US Product Stewardship Forum Dec. 8-9 in Boston and will use the event to further explore the question of responsibility and, among other topics, how manufacturers view their responsibility to product stewardship in the US and internationally.

“The manufacturer needs to maintain that degree of responsibility across the product’s lifecycle,” Cassel says, “That’s our organizations outlook. It does not mean that others don’t have a responsibility. Everybody has a responsibility and there are different roles for each of the key players.”

State and local governments also have a responsibility to level the playing field and ensure compliance. Retailers can voluntarily collect products, such as pharmaceuticals and paint, which makes it more convenient for consumers to then recycle these products at end of life. And recyclers must also share responsibility, Cassel says, abiding by regulations so the

products are recycled in a way that's safe for people and the environment.

“Each key stakeholder has a very significant role to play and unless all the stakeholders are playing and doing them well, we're not going to have a system that returns materials to the circular economy,” Cassel says.

The circular-economy aspect of EPR benefits manufacturers as well. Says Smith: “most manufacturers are now appreciating how recycling minimizes the use of virgin resources and is a positive way to manage the end-of-life disposal of their products.”

Photo Credit: battery recycling via Shutterstock