



Product Stewardship Institute Preemption Policy Statement Adopted by Member Vote on June 28, 2016

Background: An increasing number of states are introducing bills that ban local governments from passing ordinances such as plastic bag bans, bag fees, and other waste management policies; some of these bills have already become law. [Model legislation](#) developed by the American Legislative Exchange Council (ALEC), or derivations of it, has been introduced in at least eight states (TX, IN, WI, AZ, ID, MO, MI, and GA) and unfortunately, in most of these states, the legislation is likely to pass. In fact, similar laws have already passed in [Arizona](#), [Wisconsin](#), [Indiana](#), Idaho, and Missouri.

This tactic has been used to prevent local ordinances on an ever-expanding list of products, making it increasingly difficult for local governments and PSI to develop and implement effective materials management policies. PSI would like to produce a policy statement to help us advocate against these state laws.

During the Annual Member Meeting on Tuesday, June 28, PSI will ask its Full Members to vote on the policy statement below. The new PSI policy opposes state legislation that preempts local government action to regulate products and packaging. This policy is intended to help **protect local government rights to take action to protect the environment.**

Product Stewardship Institute Preemption Policy Statement*

Whereas local governments are generally responsible for the management of solid waste including recycling, PSI supports maintaining the authority of local governments to enact policies and legislation to fulfill those responsibilities. State preemption takes away local government policy tools and local authority without reducing local responsibility. State legislation that preempts or erodes the ability of local governments to address solid waste problems should only be considered when it is agreed to by local government and would create a more effective and beneficial statewide program.

State preemption of local laws to prevent “conflicting” or a “patchwork” of local laws may fail to address the problems that gave rise to the local laws. PSI does not support preemption laws that require local governments to continue to externalize the cost of managing products by placing those costs on ratepayers and/or taxpayers, instead of shifting that responsibility to manufacturers and consumers.

**State and local government members of the Product Stewardship Institute support [the Principles of EPR](#), a set of guiding principles on product stewardship and extended producer responsibility (EPR). This policy statement adopted by the PSI Board and PSI members is intended to provide additional guidance on EPR legislation. PSI and its members recognize that how those principles and policies are implemented at the state or local level may vary across products and between jurisdictions. Adoption of a policy statement by the PSI Board and its members does not represent an endorsement of, or opposition to, any specific state or local action by all PSI members.*

*Product Stewardship Institute, Inc. • 29 Stanhope Street • 3rd Floor • Boston, MA 02116
Telephone: (617) 236-4855 • Fax: (617) 236-4766 • www.productstewardship.us*

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