



## Extended Producer Responsibility (EPR) for Packaging Update on State and Federal Bills March 5, 2021

### Federal Bills:

- ❖ **Break Free From Plastic Pollution Act (BFFPPA):** In 2020, former Senator Tom Udall (D-UT) and Representative Allen Lowenthal (D-CA) introduced the [BFFPPA](#), which includes EPR for packaging based on the Product Stewardship Institute's (PSI's) model as its central component. The bill is expected to be reintroduced in March of 2021 with new sponsorship from Senator Jeff Merkley (D-OR) and continued sponsorship from Rep. Lowenthal.
- ❖ **CLEAN Future Act:** Representatives Frank Pallone, Jr. (D-NJ), Paul Tonko (D-NY), and Bobby L. Rush (D-Ill) introduced the [CLEAN Future Act](#) in 2021, which is an overarching climate bill that includes EPR elements similar to the language in the BFFPPA. The bill has been referred to several committees, including the House Committee on Energy and Commerce.

### State Bills:

- ❖ **Maine:** [LD 2104](#), which passed out of Environment and Natural Resources Committee but did not advance in 2020, is expected to be revised and reintroduced in 2021.
- ❖ **Vermont:** PSI and the Vermont Product Stewardship Council developed the core elements of an EPR for packaging bill in 2020, which led to the introduction of a House bill ([H 142](#)) that is currently in the Committee on Natural Resources, Fish, and Wildlife.
- ❖ **Massachusetts:** Two bills (H 745 and H 750) were introduced in the 2019-2020 biennium but did not pass. In 2021, PSI worked with stakeholders to align and introduce same-as bills in the House ([HD 1553](#)) and Senate ([SD 1123](#)), which are currently awaiting committee assignment.
- ❖ **Connecticut:** The Department of Energy and Environmental Protection convened municipalities in a Commission on Sustainable Materials Management in 2020, which has recommended that the State support [EPR for packaging legislation in 2022](#).
- ❖ **New York:** In 2020, two different bills were introduced in the Senate ([S 7718](#)) and Assembly ([A 9790](#)), both of which were guided by PSI's [EPR for packaging elements](#). In 2021, a harmonized bill has been introduced in the Senate ([S 1185A](#)) with a same-as bill in the Assembly ([A 5801](#)) and a growing coalition of supporters. The Senate bill has passed out of the Committee on Environmental Conservation and the Assembly bill is currently in the Committee on Environmental Conservation.
- ❖ **Maryland:** A bill introduced in the House ([HB 36](#)), which was based on PSI's model, has been heard in the Environment and Transportation Committee and referred to Economic Matters. The bill is currently in the Environment and Transportation Committee and the Committee on Economic Matters. For the first time in the U.S., a packaging EPR bill was supported by packaging producers (Flexible Packaging Association and Campaign for Recycling and the Environment).

- ❖ **Oregon:** Two bills were introduced in the House: [HB 2592](#) and [HB 2065](#), which was introduced at the request of Governor Kate Brown. Both House bills are currently in the Committee on Energy and Environment, and HB 2065 has also been referred to the Joint Committee on Ways and Means. In the Senate, three bills were introduced and referred to the Committee on Energy and Environment this year: [SB 14](#), [SB 581](#) and [SB 582](#). SB 582 has since been amended ([SB 582-1](#)) to include language from the OR DEQ-sponsored House bill, and was heard in three successive hearings in February and March.
- ❖ **California:** [SB 54](#), first introduced in the 2019-2020 biennium, has been reintroduced for 2021. It currently includes solutions needed for plastic pollution and mentions producer responsibility. Another Senate bill ([SB 38](#)) was introduced that would create an EPR system solely for beverage containers. This bill is currently in the Committee on Environmental Quality. In 2022, California may also see Ballot Initiative #19-0028, which is expected to include elements of EPR.
- ❖ **Colorado:** The Department of Public Health & Environment is conducting a literature and legislative review of EPR for packaging in response to the passage of [SB 20-055 in 2020](#) and is expected to introduce EPR for packaging legislation in the coming years.
- ❖ **Hawaii:** Two bills were introduced this session: [SB 1419](#) is in the Senate Committee on Judiciary and would establish a municipal reimbursement EPR for packaging system, while [HB 1316](#) has been converted to a study bill in the House.
- ❖ **Washington:** Same-as bills were introduced in the House ([HB 1118](#)) and the Senate ([SB 5022](#)) in 2021. While SB 5022 has since been amended to remove EPR, it is expected that the original language will be reintroduced in 2022 during the long session. HB 1118 is currently in the Committee on Environment and Energy.