EXTENDED PRODUCER RESPONSIBILITY (EPR) AND CONSUMER RIGHTS / AWARENESS

REQUEST FOR INFORMATION FROM CONSULTANT APPOINTED TO DEVELOP A RESEARCH PAPER TO INFORM THE NATIONAL WASTE MANAGEMENT STRATEGY

BACKGROUND PROVIDED BY CONSULTANT

The Organisation for Economic Co-operation and Development defines EPR as:

"an environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage of the product's life cycle."

The aim is both to keep consumer products and materials out of the waste stream and to reduce their environmental impact. Manufacturers can play a role beyond the point of sale or warranty by, for example, designing products that produce less waste, use fewer resources, and contain more recycled and less toxic components.

EPR schemes have been implemented in many other countries and regions including Europe, the United Kingdom, the United States, Canada, Taiwan, Japan and Korea.

Difference between Product Stewardship (PS) and Extended Producer Responsibility (EPR)

PS and EPR are similar policy approaches to address the environmental and public health impacts of products throughout the entire life cycle of the product. PS and EPR policies shift part or all of the responsibility for the end-of-life management of a product from traditional waste management entities, including rate payers, local governments and waste management companies, to the product manufacturers. The primary aim of these policy approaches is to encourage the manufacturers of products to reduce environmental and health impacts across the entire life cycle of the product.

The main distinction between the two terms is that PS includes the concept of shared responsibility systems and polices that include roles for government, environmental groups, retailers, non profit organizations as well as the product producers/manufacturers. EPR traditionally refers to pure producer/manufacturer responsibility for their products at end of life. Commonly, these terms are often used interchangeably and policies and programmes under both concepts have common elements.

There are a variety of different policy tools that are employed under the general concept of PS and EPR. Several of them together usually work in some combination to establish the framework for a PS or EPR program aimed at a particular product or group of products.

The goal of EPR policies is to internalize the costs of collection, recycling and managing product waste into the price of the product. Many countries have passed producer responsibility legislation for specific products and packaging. These policies shift the costs of managing these products from local governments to the producers who design, manufacture and profit from these products. Making producers responsible for managing their wastes is intended to motivate them to design products that are less toxic and more easily recycled.

PS and EPR policies and programs tend to be designed for products that have specific types of characteristics and not necessarily for all products.

Examples include:

1. **Products with toxic constituents** that may become a problem at end of life. Examples include: batteries, electronics, used oil, pharmaceuticals, paint, mercury containing products, pesticides, radioactive materials.

2. **Products that because of their size** are not easily and conveniently thrown out as waste. Examples include: carpets and other building materials, TVs, Computers, appliances, tyres, propane tanks/gas canisters.

3. **Products with multiple material types** that make them difficult to recover in the traditional recycling systems. Examples include: packaging, electronics, vehicles.

Relationship between Product Stewardship and Waste Prevention and Possible Applications

PS and EPR policy approaches aim to impact the environmental effects of a product throughout its life cycle. Consequently, information that links PS and EPR policies directly to waste prevention or reduced waste generation is extremely limited or only vaguely make that connection. *PS and EPR focus on and drive environmental and waste management system results and not necessarily reduced consumption of products or reduced generation of waste.*

PS and EPR policy approaches are therefore best applied in the context *of the broader goals of sustainability and reduced life cycle environmental and toxicity impacts rather than focused specifically on waste prevention and reduced waste generation.* Waste prevention and reduced waste generation in some cases will be a result, among several, of a PS or EPR policy application but should not be the driving factor for using such policy applications.

Summary of Policy Tools (international scan)

PS and EPR approaches usually involve a combination of policy tools rather than one single tool, such as product take-back. Many of these policies are familiar and have been used over the years as solid waste management policies to achieve various purposes. The experience and literature now evaluates them in a PS and EPR context, which includes impact on product design and reuse as well as other over impacts throughout the life cycle of the product.

Some examples of the common (international) policy tools used internationally in PS and EPR are described below:

1. ***Product Take-Back*** – producers are assigned the responsibility of taking back their products at the end of their useful life.

2. ***Advance Disposal/recovery Fees*** – A tax or fee is charged on the product when it is sold. The fee is set to reflect end-of-life waste management costs of the product. The fee can be visible or invisible to the consumer when they pay it. The producer or retailer is responsible

SA Paint Manufacturing Association and Training Institute
PO Box 751605, Gardenview, Johannesburg 2047
Tel: 011 615 1195
Fax: 086 623 5121
Email: sapma@sapma.org.za
www.sapma.org.za

for collecting the fee but may have no other responsibility for the product's end-of-life management beyond that point.

3. **End-of-life Waste Management Fees** – Consumers are charged a fee by the handler at the point of disposal or recycling that covers the cost of managing the product they are throwing away.

4. **Deposit/Refund** – A deposit is paid by the consumer at the time the product is purchased and is refunded when the product or its packaging (depending on which material is targeted) is returned by the consumer for reuse, recycling or disposal. Producers, or someone else in the products life cycle chain, may be responsible for collecting the deposit and for end-of-life collection and refund.

5. **Tax on virgin materials or Tax Credit for use of recycled material** – A manufacturer is required by pay a tax on certain virgin materials used in the manufacture of their product or conversely the manufacturer can claim a tax credit for the use of certain recycled materials in the manufacture of their product.

6. **Reuse Recycling, Reduction Goals or Rates** – Laws are established that mandate goals for specific products or materials for producers.

7. **Landfill/Disposal Ban** – Specific product, product component is not allowed to be disposed.

Through the Strategy (and ultimately via Regulations), Government has a primary role to ensure a level playing field, which refers to having the same rules apply to all producers. It also has a role to protect the public interest and the environment by establishing performance goals and recovery rates. Just as it is hard to imagine a ball game without players, there is no game without referees and a rule book. We will need to look at prioritising products/producers and the ability for our systems (government and private) to implement, enforce and measure the final recommendations. The Waste Act provides for the introduction of extended producer responsibility schemes in SA. NEMA and the Act encourages industries to take voluntary action to reduce the environmental impacts of their products/services. This implies that regulatory EPR schemes will not be introduced where such voluntary reduction schemes have proved effective

The NWMS Website : 4.6 Producer responsibility and consumer protection
Mon, 2009-04-13 18:51 — admin

"The strategy will develop the concept of producer responsibility, and propose ways to give effect to the principle of duty of care, and to engender a sense of responsibility within the industry for a lifecycle "cradle to cradle" approach to waste. Waste management as a key element of corporate social responsibility needs to be addressed. The strategy should explore the extent to which voluntary initiatives can be encouraged and supported in order to encourage companies to go beyond a mere compliance exercise, and it should establish recognition programmes within the industry. It should also look at the approach to industry waste management plans, including the content of plans, the instances in which plans can be prepared by organs of state, the specification of measures to be taken in plans, and provisions for review of plans."

BROAD RESEARCH REQUIREMENTS

1. Information is requested relating to:
   a. Voluntary and commercial initiatives – e.g. e-Waste
   b. Subsidised initiatives – Collect-a-can, glass recycling, Mondi/Sappi paper recycling
   c. Regulated initiatives – such as studies that were an input into the Tyre regulations and Plastic Bag regulations
   d. Reuse, recycling and recovery rates – particularly barriers to success
   e. Producer take-back initiatives (separate from the traditional recycling initiatives)
   f. Incentives/disincentives rather than tax schemes or levies
   g. Eco-labelling – i.e. consumer awareness
   h. Other consumer awareness initiatives
   i. Consumer behaviour (surveys/studies)
   j. Contaminated land – responsible investing