



## State Environmental Laws: At your Disposal

**More than 30 states manufacturers or importers are responsible for managing the disposal of the products they make or sell.**

[Karen M. Kroll](#), April 19, 2010

Just whose trash is it, anyway? In March, Maine became the latest state to mandate that certain products and forms of packaging remain the responsibility of those who make them, up to and including the time the products are thrown away.

More than 30 states have now passed what are known as "extended producer responsibility" laws, which assign manufacturers or importers of products and packaging the responsibility (and costs) for managing the disposal of what they make and sell. Unlike other states, however, Maine's law is designed around a "framework" that can apply to almost any product; other state laws apply to specific products, and often apply different criteria of responsibility depending on the product in question.

EPR proponents argue that the costs of safely disposing of products and packaging should be born by those who benefitted from them, namely the producers (who profit from the sale of the product and this should cover the cost of its disposal) and consumers (who use the product and who will presumably pay higher prices as producers seek to pass along their EPR costs).

Today, it's primarily local governments that absorb the cost. For example, Fort Worth, Texas, and surrounding communities spend about \$1 million annually on household hazardous waste collection, according to Kim Mote, assistant director of environmental management. While much of that cost is covered by solid waste fees that residents pay, rather than through general tax revenue, the fact remains that, as Mote says, "When consumers throw something away, it's the municipalities' responsibility."

Advocates of EPR say that only by shifting these costs to manufacturers or importers will they have any incentive to design products that use less (and less toxic) materials and packaging. "One of the goals of extended producer responsibility is to drive green design," says Bill Sheehan, executive director with the Product Policy Institute. "Right now, we have a broken feedback loop where disposal isn't part of the product price."

The Maine law, which was supported by the state's Chamber of Commerce, establishes a process by which products may be subject to a "product stewardship program" that would identify products that have become costly and problematic for municipalities to dispose of. The Chamber signed on because companies will have a chance, during a public comment phase, to make a case as to why products should not be subject to a stewardship program.

Eventually, EPR legislation is likely to advance on the Federal level, which companies might welcome, given the potential complexities of complying with dozens of different state regulations. As for what happens when a product becomes subject to a "stewardship program," that depends on the terms of the program. Heidi Sanborn, executive director of the California Product Stewardship Council, says that the cost typically averages 1% of a product's purchase price, but can rise to 2-4% for products that require a deposit or that are expensive to recover, such as electronic waste.

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