



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 4, 2016
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee

Senate Bill No. 233 – AN ACT CONCERNING A REDUCTION OF CONSUMER-BASED PACKAGING MATERIALS

Thank you for the opportunity to present testimony **Senate Bill No. 233 – AN ACT CONCERNING A REDUCTION OF CONSUMER-BASED PACKAGING MATERIALS**. The Department of Energy and Environmental Protection (DEEP) supports this proposal but offers an alternative approach for this Committee's consideration.

Bill Highlights the Need for Framework EPR Legislation

DEEP is energized by the leadership of the Environment Committee in seeking solutions to increase the recycling of tires, batteries, and consumer packaging. Progress on these materials is integral to meeting the state's goal of 60 percent diversion by 2024.

The Committee's focus on these materials is consistent with DEEP's draft *Comprehensive Materials Management Strategy (CMMS)*, which calls for the creation of extended producer responsibility (EPR) programs for the recycling of these materials and others that have been identified as a priority by DEEP. To aid DEEP and the General Assembly in developing EPR programs, including ensuring that elements of successful stewardship programs are consistently applied and ensuring the opportunity for public and stakeholder input, DEEP proposes EPR framework legislation as an alternative approach to H.B. 5149 (tires), S.B. 232 (batteries) and S.B. 233 (packaging).

EPR framework legislation would provide for the following:

1. Direct the Commissioner of Energy and Environmental Protection to designate a priority list of products or product categories for inclusion in product stewardship programs.
2. In creating a product stewardship program in accordance with the priority list, the Commissioner of Energy and Environmental Protection shall consult with representatives of manufacturers of designated products, municipalities, collectors, volume reduction facilities, and any other person or group who would be subject to, or directly impacted by, the program.

3. In creating a product stewardship program in accordance with the priority list, the Commissioner of Energy and Environmental Protection shall consider: (1) how such a program would advance the state's diversion goals; (2) how such a system would impact municipal budgets; (3) how such a system would impact the state's economy, including Connecticut-based businesses; and (4) how such a system would impact product and packaging design, including the promotion of recycled content, recyclability and the reduction of toxicity.

DEEP recommends that a uniform framework be established in statute. This statutory enactment would set out common program elements for the development and implementation of EPR programs. Such a statute would: (1) define minimum standards for governance and transparency for the nonprofit organization that represents the producers and oversees the program; (2) establish a methodology for setting and amending program fees; and (3) set out a process for establishing performance goals including the submission of a plan by representatives of producers for approval by the Commissioner. These elements would be consistent with those for paint (P.A. 11-24), and mattresses (P.A. 13-42)

DEEP can provide draft language to this Committee for further consideration.

Further Testimony Regarding Senate Bill No. 233 – AN ACT CONCERNING A REDUCTION OF CONSUMER-BASED PACKAGING MATERIALS

This bill tackles a great – and growing – materials movement dilemma in a measured, thoughtful manner. It is consistent with the recently-submitted draft *Comprehensive Materials Management Strategy (CMMS)*, which identifies consumer packaging as a central area of focus in achieving the state's goal of 60 percent diversion from disposal by 2024.

The draft CMMS states that “DEEP will work with stakeholders to study and produce an actionable strategy for the implementation of an extended producer responsibility system to cover packaging and printed paper, likely with a focus on the residential stream. In doing so, DEEP will consider (1) how such a system could meet the state's goal of 60 percent diversion, (2) how such a system would impact municipal budgets, (3) how such a system would impact the state's economy, including CT-based businesses, and (4) how such a system would impact product/packaging design, including the promotion of recyclability and the reduction of toxicity.” (p. 37)

This bill gives further definition to DEEP's planned approach and may be helpful to the process of positively engaging diverse stakeholders, including the consumer packaging industry, in collaborative problem solving. We note that in addition to the packaging industry, the evaluation of an industry-sponsored stewardship program must also include the viewpoints and expertise of the existing recycling industry in the state, including collectors and facility owners.

DEEP notes that the definition of consumer-based packaging might be interpreted to exclude packaging materials used for business-to-business transactions. While the majority of packaging materials are used for consumer products, there remains a substantial amount of business-to-business packaging material that must be managed.

DEEP notes that by regulation, the process for amending the statewide solid waste management plan includes public notice and comment, and traditionally DEEP would hold one or more public hearings. Therefore, it is not clear that section (d) of the bill is necessary. However, it is possible that the process may yield a legislative proposal, in which case DEEP would certainly welcome the opportunity to present proposed next steps to this Committee in the context of a hearing or any other venue.

In summary, DEEP supports **Senate Bill No. 233 – AN ACT CONCERNING A REDUCTION OF CONSUMER-BASED PACKAGING MATERIALS** for establishing a process to develop solutions to the problem of consumer packaging materials, but suggests that the goals might be best addressed through EPR framework legislation.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov.