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February 26, 2023

Senator Rick Lopes, Co-Chair  
Representative Joseph P. Gresko, Co-Chair  
Environment Committee  
Legislative Office Building, Room 3200  
Hartford, CT 06106

**RE: Support for the EPR provisions of HB 6664, An Act Managing Waste and Creating a Waste Authority**

Dear Co-Chairs Lopes and Gresko, Vice Chairs Hochadel and Palm, and Members of the Committee:

Thank you for the opportunity to submit testimony in **support of the EPR provisions of HB 6664**, which would create an Extended Producer Responsibility (EPR) system for consumer packaging in Connecticut with sustainable funding from producers.

HB 6664 will save Connecticut municipalities and their residents an estimated \$50 million per year in recycling costs and finally control these costs. Based on two decades of rigorous research and practice, the Product Stewardship Institute (PSI) believes this legislation is critical to establishing a circular economy for Connecticut that will modernize the recycling system and increase access to reuse and recycling across the state.

PSI is a national nonprofit working to reduce the health and environmental impacts of consumer products from design and production through end-of-life. We work closely with 47 state agency members, including the Connecticut Department of Energy and Environmental Protection (CT DEEP), as well as hundreds of local government members and more than 100 partners from companies, environmental groups, universities, and international governments. Since 2000, PSI and our members have played a significant role in passing most of the 131 U.S. extended producer responsibility (EPR) laws on 16 products and packaging in 33 states. This includes the four EPR laws in Connecticut for electronics, mattresses, paint, and mercury-containing thermostats.

PSI created the model for packaging EPR that is central to HB 6664 based on EPR best practices from across the country and around the world. Over the past three years, PSI worked closely with CT DEEP, the Connecticut Product Stewardship Council (CT PSC), several packaging producer associations, and other stakeholders to develop the foundation for HB 6664.

I would like to address comments made by some waste management companies that oppose this bill. While I respect their opinions, I want to urge the committee to put their opposition in perspective.

These companies have argued for several years that EPR laws increase consumer costs. They base this belief on one university study from Canada that used hypothetical modeling. We do not know who funded that study. What the waste management companies haven't told you is that another study conducted by a consulting firm, Resource Recovery Systems, for the Oregon Department of Environmental Quality, found little difference in the price of everyday grocery store items in Canada in provinces with and without EPR packaging laws.

A more recent 2022 study from Columbia University and funded by The Recycling Partnership, which includes many consumer brands, came to the same conclusion. And in Europe, where packaging EPR programs have been operating for over 35 years, the Extended Producer Responsibility Alliance (EXPRA), a coalition of nonprofit producer organizations, confirmed that producers found no noticeable increases in costs to consumers. (See support letter from EXPRA.) The overwhelming majority of evidence suggests that the argument that EPR laws increase consumer costs is wrong.

Also in opposition are some environmental groups who I greatly admire for their passion to make this world a better place. The EPR movement has grown over the past 22 years. Now that most stakeholders recognize that EPR packaging systems are the best way to reach sustainability, some environmental groups are using the EPR movement for their own interests, which have not gained traction on the merits of their own arguments.

For starters, they claim that the bill would create an EPR for packaging program that empowers consumer brands and the packaging industry to set their own recycling targets. Allowing producers to propose targets, based on a needs assessment, to a multi-stakeholder advisory council and then to DEEP, which has full authority to approve, revise, or reject those targets, is not allowing industry to set their own targets. EPR laws always have adequate penalties for noncompliance and rigorous oversight, as does HB 6664.

Another claim is that the bill fails to exclude "chemical recycling" technologies from the definitions of "recycling" and "post-consumer recycled content." Their reasoning is that supporting plastics recycling promotes more plastics production. PSI and most, if not all, of our state and local government members also want to significantly reduce the use of unnecessary plastics. We also do not support "chemical recycling" technologies that produce fuel from plastics. However, our government members want to take a closer look at whether there are acceptable technologies that produce plastics from postconsumer plastics. This issue goes far beyond packaging and gets into plastics used in *all* products. It is not a decision that should be made now because it does not have to be made now. To demand a decision at this juncture and ban all such technologies and hold a good EPR bill hostage is bad policy. I suggest that we have a focused discussion on this important topic *after* enactment of HB 6664.

Under the status quo, there is little incentive for producers to choose sustainable packaging because they are not held accountable for the impacts of the materials they use. To drive real transformation, producers must be responsible for both the upstream design and downstream management of their packaging materials. Producers that benefit from the sale of packaged goods are in the best position to make design choices regarding the materials they choose, including which consumer goods can be sold in reusable packaging, whether packaging materials should be recyclable or compostable, and the amount of post-consumer recycled content that is feasible in a given format. The closure of the waste-to-energy facility operated by the Materials Innovation and Recycling Authority (MIRA) has resulted in

the need for the state to develop and implement new strategies to divert food scraps and improve the recycling system, particularly through an EPR law.

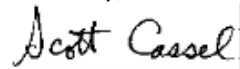
Packaging EPR has been successfully implemented throughout Europe and Asia for over 35 years, and in five Canadian provinces for over 15 years. Many of these existing programs have achieved recycling rates over 80% and contamination rates below 10%. HB 6664 contains all of the necessary elements of successful packaging EPR programs from around the world, and also incorporates cutting-edge elements that have emerged in the U.S. such as a multi-stakeholder advisory council to ensure meaningful input into the program from Connecticut recyclers, local governments, environmental groups, and other organizations. Importantly, this bill will *not* allow technologies that produce fuel from plastics to count as recycling – PSI strongly supports this approach, which is consistent with the measured approach taken in Oregon’s new law.

**We do recommend one minor modification to strengthen the bill:** include the following language to Sec. 1(14)(d)(1): *A responsible party or stewardship organization may select an impartial, third-party facilitator to convene and provide administrative support to the advisory committee.* This change is important to allow DEEP to enlist facilitation support to manage the committee, thus removing an administrative burden while maintaining its oversight function.

HB 6664 will provide sustainable funding from producers to relieve municipalities of the financial burdens they currently face in operating recycling programs and require clear, consistent consumer education on the proper end-of-life management of consumer packaging to reduce confusion and contamination. It will create jobs, reduce waste and greenhouse gas emissions, and significantly invest in the transition to a circular economy throughout the state. **We respectfully urge the Committee to report out HB 6664 favorably.**

If you have any questions, please feel free to contact me at (617) 236-4822, or [Scott@ProductStewardship.US](mailto:Scott@ProductStewardship.US).

Sincerely,



Scott Cassel  
Chief Executive Officer/Founder