

## **Appendix C - Standard Legislative Components for Product Stewardship Programs**

Black text indicates *key components* that need to be addressed in legislation to ensure a viable program; gray text indicates *additional components* that help drive program performance and fund state program oversight responsibilities.

Item code	Program Definitions and Standards	Notes
K1	Scope of products	Category of products or individual products
K2	Definition of “producer” or “manufacturer”	Legal owner of brand; first importer if brand owner has no physical presence in U.S.; wholesaler or retailer electing to fulfill producer’s responsibilities.
K3	Individual and/or collective responsibility	If collective allowed, must define "Product Stewardship Organization" (PSO) and include antitrust waiver provision
K4	Covered entities	May include residential, and "ICI" (industrial, commercial, institutional) (small universal waste generators or all)
K5	Stewardship Plan <ul style="list-style-type: none"> <li>• Participating producers</li> <li>• Contact info</li> <li>• Management plan</li> <li>• Convenient collection at no cost to consumer</li> <li>• Financing</li> <li>• Education &amp; outreach</li> <li>• Evaluation plan</li> </ul>	Require agency review and approval. Individual cost internalization and/or producers pay PSO. If producers impose a set fee to retail, any information provided to the consumer about the fee must clearly state that it is a manufacturer fee and must not be labeled a government imposed fee or mandate. Must educate covered entities about program and how to use it.
K6	Management standards	Ensure environmentally sound management.
K7	Annual reporting / registration	Provides data and assessment of performance and information on program changes.
K8	Implementation date(s)	Set date(s) by which program is to be implemented by producers.
A1	Application/Registration/ Report fees	To fund agency oversight.
	<b>Performance Drivers</b>	
A2	Incentive for returning product to collection system	May be needed to pay collector for extra work and/or motivate to not toss small items in trash.
K9	Performance metrics	Plan for data gathering and analysis to assess program performance.
K10	Performance goals	Include consumer awareness and convenient collection (geographic, accessibility & simplicity), and recycling rate if possible.
A3	Performance incentives	May include producer payments to education & grant fund, and/or penalties for non-performance.
A4	Sales ban	Placed on products from non-compliant manufacturers. Include retailer responsibilities and protections.
A5	Disposal ban	Drives products to collection system.
A6	Environmentally preferable purchasing (EPP)	Increases demand and economic support for development of products with no toxics, easy recycling, and end-of-life commodity value.