# Packaging Reduction and Recycling Legislative Template

# Purpose and Use of this Template

This template is intended to help you create a Packaging Reduction and Recycling Law (also known as Extended Producer Responsibility (EPR) for Packaging laws) that works best for your community. This can only be introduced at the state level. Your bill will help make companies responsible for the waste they produce in packaging their products. Your bill may also help increase recycling in your community.

To create your bill:

1. Keep this downloaded template open on your computer.
2. While you have the template open, go through the toolkit. It is linked here:

[Just Zero’s Packaging Reduction and Recycling Legislative Toolkit](https://just-zero.org/packaging-waste-legislative-toolkit/)

1. Read through the toolkit to learn more about each section of the bill and the different policy approaches you can select for your bill.
2. Decide which policy approaches meet your goals and objectives.
3. Copy the toolkit’s sample language for your selections and paste it into the right place in this template.
4. Read through your bill and correct any formatting. This includes text color and making sure the number and letter lists are all in numerical or alphabetical order.
5. When you’re finished, you’ll have a custom-made bill that you can take to your elected representatives to try and turn into a law.

# Template Key

Black Text: This text is language that is used in every Packaging and Reduction Law and **should not be removed** unless it is an optional section that you are choosing not to include in your bill.

Blue Text: This text provides you with guidance on how to use this template. **This text should be deleted.**

Red Text: This text provides guidance on where you should copy the suggested language from Just Zero’s Trash Burning Legislation Toolkit and paste it into this template to create your model bill. **This text should be deleted after you finish each section.**

# Packaging Reduction and Recycling Law

## Section 1: Definitions

To develop this section:

1. Read Section 1 of Just Zero’s Packaging Reduction and Recycling Toolkit;
2. Select the option that you want to include in your bill; and
3. Copy the sample language for that option and paste it in the right spot below.
4. “Beverage container” means a container used to contain all drinks in liquid form that are intended for human consumption.
5. “Bio-plastic” or “bio-plastics” means plastic produced from biological sources such as vegetable fats and oils, polysaccharides, sugar, proteins, or other materials that are designed to be biodegradable.
6. “Brand” means any mark, word, name, symbol, design, device, or graphical element or a combination thereof, including a registered or unregistered trademark, that identifies and distinguishes a product from other products.
7. “Department” means the [Insert the name of your State Environmental Agency]
8. “Discarded/Discards” [synonymous with “Generated/Generation”] means packaging material that has been used for its intended purpose and is no longer needed by consumers, businesses, institutions, and other users, and can be managed through reuse, recycling, or disposal.
9. “Disposal” means the landfilling or incineration of packaging material. “Disposal” shall also include energy recovery or energy generation by any means, including, but not limited to, combustion, pyrolysis, gasification, solvolysis, thermal desorption, waste to fuel, or any other chemical conversion process, or molecular conversion process. “Disposal” shall also include the use of materials as landfill cover.
10. “Environmental justice community” means any neighborhood or community which is composed predominantly of persons of color or persons below the poverty line, that is subject to a disproportionate burden of environmental hazards.
11. “Generated/Generation” [synonymous with “Discarded/Discards”] means packaging material that has been used for its intended purpose and is no longer needed by consumers, businesses, institutions, and other users, and can be managed through reuse, recycling, or disposal.
12. “Local Government” means any municipal corporation, governmental subdivision of the State, local government unit, special district, school, local or regional board, commission, or authority authorized by law to plan or provide for waste management services for a specific geographical area.
13. “Packaging” or “Packaging materials” [Insert the definition you selected from Section 1 of Just Zero’s Packaging Reduction and Recycling Toolkit]
14. “Packaging Reduction and Recycling Program” or “Program” means the program implemented by the Producer Responsibility Organization, and overseen by the Department, by which producers implement and finance a statewide program for packaging that encourages the reduction, reuse, and recycling of packaging materials.
15. “Post-consumer recycled material” means new material or products produced from the recovery, separation, collection, and reprocessing of material that would otherwise be disposed of or processed as waste and that was originally sold for consumption. “Post-consumer recycled material” does not include post-industrial materials, pre-consumer material, or material generated by means of combustion, gasification, incineration, pyrolysis, solvolysis, thermal desorption, waste-to-energy, waste-to-fuel, or any other chemical or molecular conversion process.
16. “Producer” [Insert the definition you selected from Section 1 of Just Zero’s Packaging Reduction and Recycling Toolkit]
17. “Producer Responsibility Organization” means the non-profit entity or entities authorized by the Department to collect producer fees, assist producers with compliance with the requirements of this Act, provide technical assistance to producers, and implement the Packaging Reduction and Recycling Program.
18. “Product Line” means a group of related products all marketed under a single-brand name that is sold by the same producer to distinguish products from each other for better usability for customers.
19. “Recyclable” means a product or packaging material that:
20. Can be sorted by entities that process post-consumer materials generated in the state;
21. That has a consistent reginal market for purchase by end users in the production of new products and materials;
22. Which can be recycled with minimal loss of material during processing and manufacturing

Whether a product or packaging type meets these criteria shall be determined by the annual review process established in Section 8 of this Act.

1. “Recycled” means the use of packaging materials or products in the production of a new product or packaging in place of virgin materials. Material will not be considered “recycled” if it is used as landfill cover or fuel. “Recycled” material does not include contaminants, residues, and other process losses.
2. “Recycling” [Insert the definition you selected from Section 1 of Just Zero’s Packaging Reduction and Recycling Toolkit]
3. “Recycling Rate” means the percentage of any given packaging type that is ultimately recycled. The recycling rate for any packaging material shall be calculated as the total weight of packaging that is recycled in a given year divided by the total weight of packaging generated. Material losses (contaminants and residues) accruing during collection, processing and manufacturing new products do not count as recycled and should not be in the numerator of the equation.
4. “Reuse” means the return of packaging back into the economic stream for use in the same kind of application intended for the original packaging, without effectuating a change in the original composition of the package, the identity of the product, or the components thereof.
5. “Reuse and refill system" means a program or set of mechanisms designed to facilitate multiple uses of packaging; Mechanisms may include, but are not limited to, deposits, incentives, curbside collection, collection kiosks, refill stations, dishwashing facilities, and re-distribution networks.
6. “Reusable or refillable packaging and containers” means packaging material and containers that are specifically designed and manufactured to maintain its shape and structure, and be materially durable for repeated sanitizing, washing, and reuse.
7. “Toxic Substance” means a chemical or chemical class identified by a state agency, federal agency, international intergovernmental agency, accredited research university, or other scientific entity deemed authoritative by the Department on the basis of credible scientific evidence as being one or more of the following:
8. A chemical or chemical class that is a carcinogen, mutagen, reproductive toxicant, immunotoxin, neurotoxicant, or endocrine disruptor;
9. A chemical or chemical class that is persistent or bioaccumulative;
10. A chemical or chemical class that may harm the normal development of a fetus or child or cause other developmental toxicity in humans or wildlife;
11. A chemical or chemical class that may harm organs or cause other systemic toxicity;
12. A chemical or chemical class that may have adverse air quality impacts, adverse ecological impacts, adverse soil quality impacts, or adverse water quality impacts; or
13. A chemical or chemical class that the Department has determined has equivalent toxicity to the above criteria.
14. “Unit” means each discrete component of a package or container, including material that is used for the containment, protection, handling, delivery, transport, distribution, and presentation of a product that is sold, offered for sale, imported, or distributed in the state, including through internet transactions.
15. “Universal Product Code” or "UPC" means a standard for encoding a set of lines and spaces that can be scanned and interpreted into numbers for product identification purposes. "Universal product code" includes any industry-accepted barcode used for product identification purposes in a manner similar to a UPC, including, but not limited to, a European Article Number.

## Section 2: Packaging Reduction and Recycling Program

To develop this section:

1. Read Section 2 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 3: Exemption for Small Producers

To develop this section:

1. Read Section 3 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 4: Establishment of Producer Responsibility Organization

To develop this section:

1. Read Section 4 Just Zero’s Packaging Reduction and Recycling Toolkit;
2. Review the options in Section 4;
3. Select the option that you want to include in your bill; and
4. Copy the sample language for that option and paste it below.

## Section 5: Responsibilities of Producers

To develop this section:

1. Read Section 5 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 6: Packaging Reduction and Recycling Plans

To develop this section:

1. Read Section 6 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 7: Producer Responsibility Organization Annual Reporting

To develop this section:

1. Read Section 7 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 8: Responsibilities of the Department

To develop this section:

1. Read Section 8 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 9: Statewide Packaging Reduction, Reuse, and Recycling Needs Assessment

To develop this section:

1. Read Section 9 of Just Zero’s Packaging Reduction and Recycling Toolkit;
2. Review the options in Section 9;
3. Select the option that you want to include in your bill; and
4. Copy the sample language for that option and paste it below.

## Section 10: Annual Registration Fee

To develop this section:

1. Read Section 10 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 11: Packaging Reduction and Recycling Fund

To develop this section:

1. Read Section 11 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 12: Packaging Management Fee

To develop this section:

1. Read Section 12 of Just Zero’s Packaging Reduction and Recycling Toolkit;
2. Review the options in Section 12;
3. Select the option that you want to include in your bill; and
4. Copy the sample language for that option and paste it below.

## Section 13: Performance Standards

To develop this section:

1. Read Section 13 of Just Zero’s Packaging Reduction and Recycling Toolkit;
2. Review the options in Section 13;
3. Select the option that you want to include in your bill; and
4. Copy the sample language for that option and paste it below.

## Section 14: Rulemaking

To develop this section:

1. Read Section 14 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 15: Enforcement

To develop this section:

1. Read Section 15 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.

## Section 16: Establishment of the Office of Inspector General

If you want to include this section:

1. Read Section 16 of Just Zero’s Packaging Reduction and Recycling Toolkit; and
2. Copy the sample language and paste it below.