

Position Statement on Extended Producer Responsibility

April 2022

The Boomerang Alliance supports Extended Producer Responsibility as an essential and effective means to achieving resource recovery and circular economy goals for problematic wastes.



Extended Producer Responsibility (EPR) or Product Stewardship (PS) is an extension of the 'polluter pays' principle. It recognises that manufacturers and importers of products have a responsibility for the management of that product, throughout its lifecycle and including its end of life management.

The OECD defines EPR as:

The principle that manufacturers and importers of products should bear a significant degree of responsibility for the environmental impacts of their products throughout the product lifecycle, including impacts from...the selection of materials...the production process...and, from the use and disposal of the product.

There are two basic approaches to product responsibility by manufacturers - Extended Producer Responsibility places primary responsibility on the manufacturer, whilst Product Stewardship places responsibility on the manufacturer but also including government, retailers, consumers and secondary markets involved in the products lifecycle, under a shared responsibility model.

The Boomerang Alliance supports 7 basic principles of an EPR or PS Scheme:

1. Manufacturers and producers must apply an eco-design approach that anticipates and eliminates negative environmental impacts from the manufacture, use and disposal of their products. This means minimising the use of virgin resources and toxic materials and designing their products for easy reuse or recovery.
2. All environmental lifecycle costs including impacts from extracting resources, product manufacture and transportation and end of life management should be included in total product cost
3. Government must ensure a level playing field by establishing rules and regulations to require all products in a market to meet the same recovery requirements

4. Producers or any Producer Responsibility Organisation (PRO), established to manage a stewardship scheme, must be accountable and publicly transparent about product and scheme performance
5. Any PRO must be fair and participatory in its decision-making. It should not be dominated at a Board level by the most powerful players in the market, and should have independent and community representation to a level that will ensure decisions are made, based upon the best interests of the stewardship scheme and not its individual players
6. All stewardship schemes should have mandated with time-bound performance targets, with penalties for non-compliance
7. All stewardship schemes should be publicly accountable and provide annual performance reports and future scheme strategies

Product Stewardship in Australia

In Australia, government has largely favoured the voluntary PS model with some established under the original Product Stewardship Act 2011, which was revised as the Waste Reduction and Recycling Act in 2020.

(1) The objects of the Act are:

- (a) to reduce the impact on human and environmental health of products, waste from products and waste material, including by reducing the amount of greenhouse gases emitted, energy and resources used and water consumed in connection with products, waste from products and waste material;*
- (b) to realise the community and economic benefits of taking responsibility for products, waste from products and waste material;*
- (c) to develop a circular economy that maximises the continued use of products and waste material over their life cycle and accounts for their environmental impacts;*
- (d) to contribute to Australia meeting its international obligations concerning the impact referred to in paragraph (a).*

(2) These objects are to be achieved by:

- (a) regulating the export of waste material to promote its management in an environmentally sound way;*
- (b) encouraging and regulating the reuse, remanufacture, recycling and recovery of products, waste from products and waste material in an environmentally sound way; and*
- (c) encouraging and regulating manufacturers, importers, distributors, designers and other persons to take responsibility for products, including by taking action that relates to:*
 - (i) reducing or avoiding generating waste through improvements in product design; and*
 - (ii) improving the durability, reparability and reusability of products; and*
 - (iii) managing products throughout their life cycle.*

The Act establishes three possible governance arrangements - voluntary, co-regulatory and mandatory.

There are a number of voluntary product stewardship schemes – Tyres, Big Bag Recovery and hand held Batteries. TVs and computers is the only co-regulatory scheme. There are no national mandatory schemes established; however state based drink container deposit schemes are mandatory.



Packaging is not included as a mandatory Product Stewardship scheme. Packaging recovery outcomes are managed by the Australian Packaging Covenant Organisation (APCO) as a voluntary scheme under the auspices of the National Environment Protection (Used Packaging Materials) Measure 2011 (NEPM) and more recently the WR&RAct. According to an independent review, the NEPM has largely failed.¹ There will be little change under the Act and it is expected that the 2025 National Packaging Targets won't be achieved.

The Act provides for a Minister's list of priority products, currently including solar panels, plastic oil containers and child car seats.

Boomerang Alliance Perspective

All current national PS Schemes are voluntary or co-regulatory with no effective penalties imposed for failing to meet targets. They do not meet our 7 principles. As a result, most schemes fail to deliver on their targets and schedules.

There are no legislated requirements on manufacturers or importers to meet eco-design principles.

There are no or very limited requirements for manufacturers or importers to substantially financially contribute to the collection or recovery of disposed products. The current practice of shared responsibility and voluntary regimes means that the costs of disposal/recovery are borne by the consumer, local governments and the secondary resource industry, not the manufacturers or importers. An exception, and a successful example, are the Container Deposit Schemes now operating in Australia.

All product stewardship schemes should be fully supported by government policies and practices on procurement, and agreed investments that meet goals and timeframes. A published plan and investment strategy for collection and reprocessing should be produced for every PS scheme.

The assessment process should include the use of environmental accounting so that the full environmental, social and employment benefits of a scheme are assessed.

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https://www.awe.gov.au/sites/default/files/documents/independent_review_of_the_upm_nepm_and_the_australian_packaging_covenant_-_final_report_-_september_2021.pdf