

NSW Extended Producer
Responsibility

**PRIORITY
STATEMENT**

2007



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DECC 2007/592

ISBN 978 1 74122 711 6

December 2007

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Introduction

Waste Avoidance and Resource Recovery Act 2001

Extended producer responsibility (EPR) policies aim to ensure that producers take physical or financial responsibility for the environmental impacts of their products throughout the products' life cycle. This includes both 'upstream' impacts from choice of materials and manufacturing processes and 'downstream' impacts associated with the use and disposal of products. International experience shows that EPR schemes have been successful in preventing waste generation at source, promoting more environmentally compatible product design, and facilitating efficient product or material recovery, reuse and recycling.¹

EPR policy was introduced in NSW through Part 4 of the *Waste Avoidance and Resource Recovery Act 2001 (Waste Act)*. Section 15 defines an EPR scheme as one in which producers' responsibilities for their products (physical or financial) are extended to the post-consumer stage of the products' life cycle.² Section 18 of the Act requires the Director-General of the Department of Environment and Climate Change (DECC) to publish an annual priority statement on EPR schemes that the Director-General proposes to recommend for implementation under the Act.

Previous EPR Priority Statements

The first Priority Statement was published in March 2004. It did not recommend any regulatory action however it identified 16 'wastes of concern' and put industries on notice that action was required to reduce waste created by their sector.

In 2004 an Expert Reference Group (ERG) was also established to advise the Minister for the Environment and the Director General of DECC³ on current and proposed EPR schemes and other industry action. The ERG provided its report to the Minister and Director General in September 2005.⁴ The report contained analyses and recommendations on each waste of concern listed in the 2004 Priority Statement. The Minister subsequently wrote to each industry sector seeking specific actions and reporting over the next 12 months.

The ERG's analyses and the Minister's requests of each sector were reflected in the 2005-6 EPR Priority Statement which identified 17 wastes of concern (essentially the same wastes as the previous Statement).

¹ Examples are available from numerous OECD reports (see www.oecd.org)

² In the Act, 'producer' includes suppliers and brand owners and 'EPR schemes' include 'product stewardship' schemes.

³ The Department was the Department of Environment & Conservation (DEC) at this time.

⁴ *Report on the Implementation of the NSW Extended Producer Responsibility Priority Statement 2004* (Available at www.environment.nsw.gov.au/education/spd_epr_prodsteward.htm)

These were:

Products targeted for specific industry action 2005-6

Agricultural/veterinary (Agvet) chemicals	Packaging
Agvet chemical containers	Paint
Batteries	Plastic bags
Cigarette butts	Polyvinyl Chloride (PVC)
Computers	Televisions
End of life vehicle residuals	Treated timber
Mobile Phones	Tyres
Office paper	Used oils and lubricants
Other electrical products	

Specific actions were identified for each of the sectors responsible for the products listed to contribute to improved performance to reduce the amount or impact of each product throughout its lifecycle. Seven of these products were identified for particular focus during 2006 either because the existing EPR scheme needed to more clearly demonstrate that it was delivering or because there was currently no EPR scheme and one was urgently needed. The priorities were computers, mobile phones, office paper, paint, plastic bags, televisions and tyres. A number of these sectors are already involved in national initiatives to either develop or improve implementation of EPR schemes.

Consistent with requirement of Section 18 of the *Waste Act*, DECC gave notice in the 2005-6 Priority Statement of its intention to recommend to then Minister for the Environment two producer responsibility schemes for introduction:

(i) Introduction of regulations under the *Protection of the Environment Operations Act (POEO Act)* to implement the *Used Packaging Materials National Environment Protection Measure (NEPM)* in NSW. These regulations replace the Industry Waste Reduction Plan that gave effect to the *NEPM* in NSW under the first Covenant. This scheme, implemented under the Protection of the Environment Operations (Waste) regulation commenced in September 2006.

(ii) Regulation to underpin a voluntary scheme negotiated with the Environment Protection and Heritage Council (EPHC) or, in the absence of satisfactory progress on the voluntary scheme, regulation on a whole of sector basis. The EPHC process is continuing therefore this regulation has not been required yet.

Performance of sectors identified as wastes of concern 2007

The overall performance of each of the 17 nominated product sectors and schemes continues to be evaluated by the Expert Reference Group (ERG) and its report to the Minister for Climate Change, Environment and Water and the Director General of DECC is being finalised. Sectors are being evaluated in terms of the specific requests made by the Minister and the evaluation

criteria developed by the ERG in consultation with each of the product sectors.

New process for identifying wastes of interest in NSW

In response to feedback received on previous Priority Statements, the DECC, in consultation with the ERG, has been reviewing a new process for identifying key wastes in NSW that should be the focus for action. The proposed process will be outlined in a Discussion Paper that will be released shortly for extensive consultation.

This new process will not focus on wastes that should be subject to product stewardship or EPR schemes. Instead, it is a broader process using a structured, transparent process that seeks to broadly identify “wastes of interest” by clearly identifying and describing the nature of the problem presented by each particular waste.

The approaches for tackling the problems presented by these wastes will be varied. Some wastes may be products, others may be materials. The approaches to tackle them will vary and could range from improved education to better design or banning from landfill or the introduction of collection and recycling systems or better tracking. For some of these wastes, EPR or product stewardship may also be a good option and it will be those wastes for which EPR presents the best solution that will be addressed and monitored as part of future EPR Priority Statements and wastes of concern in NSW.

2007 EPR Priority Statement

In accordance with Section 18 of the WARR Act, DECC must give notice of any products that it proposes to recommend for EPR schemes during 2007-8.

DECC therefore gives notice that those products that are currently identified as priority wastes for national action by the Environment Protection and Heritage Council (EPHC) could require regulations relating to producer responsibility schemes to be initiated in NSW in the coming 12 months. This could involve the introduction of a safety net to underpin a voluntary industry EPR scheme (such as the recent regulation in NSW to give effect to the packaging NEPM) or could involve full regulation.

The products are:

- Lightweight plastic bags
- Tyres
- TVs; and
- Computers

Public submissions

Under Section 18 of the *Waste Act*, the Director General of the DECC is required to publicly advertise this Priority Statement and invite written submissions on any relevant matter relating to the priority statement.

Submissions may be sent by post to:

Executive Director,
Sustainability Programs Division
Department of Environment and Climate Change
PO Box 644, PARRAMATTA NSW 2124

Submissions can be also emailed to:

product.stewardship@environment.nsw.gov.au or faxed to 02 8837 6099.

The closing date for submissions is **31 March 2008**.

A report on all submissions received will be published by **30 June 2008**. All comments will be provided to the ERG and will be considered by DECC when assessing industry progress, in the selection of future priorities and in preparing future Priority Statements.

Important privacy information: Unless otherwise indicated, submissions may be made public. Please indicate clearly in your submission if you do not wish your identity and/or contents of your submission to be made public.

Lisa Corbyn
Director – General
Department of Environment & Climate Change