



Illinois Product Stewardship Council (ILPSC) Letter of Agreement

THE ILLINOIS PRODUCT STEWARDSHIP COUNCIL (ILPSC) is a coalition of public and private entities including local governments, state governments, businesses, environmental groups, NGOs, Solid Waste Agencies, associations, and individuals in Illinois. The Product Stewardship Institute serves as coordinator for this Council.

PURPOSE

The purpose of this Letter of Agreement is to form the Illinois Product Stewardship Council. This Letter serves to outline the common objectives of product stewardship as a means of managing municipal solid and hazardous waste streams and establish the structure and process of the Council.

MISSION STATEMENT

The mission of the ILPSC is to shift the product waste management system in Illinois from one focused on government-funded and ratepayer-financed waste diversion to one that relies on producer responsibility in order to reduce public costs, increase opportunities for waste minimization and resource recovery, raise recycling rates, and drive improvements in product design that promote environmental sustainability. As a significant consequence of this evolution, the green jobs sector will continue to grow, offering an increasing number of in-state recycling industry jobs. The Illinois Product Stewardship Council will work to integrate the principles of product stewardship into the policy and economic structures of Illinois including the Illinois Solid Waste Management Plan.

DEFINITIONS OF PRODUCT STEWARDSHIP AND PRODUCER RESPONSIBILITY

Product stewardship is the act of minimizing the health, safety, environmental, and social impacts of a product and its packaging throughout all lifecycle stages, in turn strengthening the local, regional, and national economy. Manufacturers have the greatest ability to minimize their products' adverse impacts, but other stakeholders—such as suppliers, retailers, and consumers—also play a role. Stewardship can be either voluntary or required by law.

Extended Producer Responsibility (EPR) is a mandatory type of product stewardship in which manufacturers take primary financial responsibility for the post-consumer environmental, safety, and economic impacts of their products. When manufacturers are required, by law, to design, manufacture, and manage their products in environmentally responsible ways, the result will be products that are less toxic and less hazardous over the course of their lifecycles. Additionally, local taxpayers and governments will be relieved of financial and operational burdens of materials collection and management. Thus, there are two features of EPR policy: (1) shifting financial and management responsibility (with government oversight) upstream to the manufacturer and away from the public sector; and (2) providing incentives to manufacturers to incorporate environmental considerations into the design of their products and packaging.

OBJECTIVES

The objectives of the ILPSC are to:

- Provide a forum for the exchange of ideas and information regarding existing and proposed EPR programs;
- Provide effective leadership on product stewardship initiatives in the region;
- Educate elected officials and other decision makers on the benefits of product stewardship;
- Coordinate, support, or participate in product stewardship initiatives locally, regionally, and nationally; and

- Develop and recommend product stewardship policies and educational tools to organizations, institutions, businesses, governments, state legislatures, and legislators.

COUNCIL STRUCTURE

The ILPSC will operate as an unincorporated association and will be comprised of **Members and Partners**.

Members: Members actively participate in meetings, serve on committees, and vote on matters before the council. ILPSC has set no sector-based restrictions on membership, ensuring that all interested parties located in Illinois have an opportunity to be involved. Voting rights are reserved for members that:

- Maintain annual membership or partnership with the national Product Stewardship Institute;
- Support the ILPSC mission, Principles of EPR (Attachment A) and sign this Letter of Agreement;
- Commit staff time to ILPSC activities, projects, meetings, and conference calls; and
- Make decisions, establish rules, and are authorized to act on behalf of the council in accordance with the Structure and Process section of this agreement.

Partners: Partners may actively participate in meetings and serve on committees. Partners are not allowed to vote on matters before the council. Any interested individual or organization located in Illinois is invited to be a Partner, provided that they:

- Support the ILPSC mission, Principles of EPR (Attachment A) and sign this Letter of Agreement, and
- Commit staff time to ILPSC activities, projects, meetings, and conference calls.

ROLES AND RESPONSIBILITIES

Members: Members commit to the following:

- **Meetings:** Members will attend and participate (in person or by phone) in monthly ILPSC meetings. In cases where members cannot attend the meetings, they should notify the coordinator and attempt to provide a replacement representative for the meeting. Members must participate in at least half the meetings held the previous year to retain standing on the council. ILPSC meeting agendas are sent out for review in advance. All members shall review meeting minutes that are sent out after each meeting.
- **Projects:** Members will form and participate actively in Project Subcommittees; propose, review, approve, and participate in activities and projects conducted in the name of ILPSC; and develop an annual work plan that outlines goals and projects for the year.
- **Chair/ Co-chair:** A chair or co-chairs will be elected from the member body at the beginning of each year. Co-chairs ensure continuity when one may need to relinquish the role. The chair(s) will represent ILPSC on general correspondence and communications. The chair(s) will assist Subcommittees, respond to inquiries, and work to shepherd ILPSC related projects. The chair(s) may also serve as coordinator of meetings, call votes on issues, or otherwise fulfill functions currently provided by the coordinator, upon council directive.

Partners: Partners are stakeholders that wish to be kept apprised of ILPSC initiatives through periodic email alerts, periodically attend ILPSC meetings and may participate in project subcommittee work. Any individual or organization that endorses the ILPSC mission and signs the ILPSC Letter of Agreement is invited to be a Partner.

Project Subcommittees: Project Subcommittees are comprised of council members and partners that focus their work on specific commodities or materials (such as paint, carpet, pharmaceuticals or batteries) to encourage product stewardship or EPR within that particular sector, or that focus on cross-cutting issues or functions that advance the mission of the Council (such as education, purchasing policies, local initiatives, or framework legislation). Subcommittee chairs will be assigned to coordinate each Project Subcommittee. Subcommittees will meet independently of the Council and will

provide updates on their activities and recommendations at regularly held Council meetings for review and action, if required.

Coordinator: The Product Stewardship Institute will provide leadership to the council, develop and recommend EPR and product stewardship policy, and facilitate coordination with other EPR and product stewardship activities. Coordinator services, as prescribed in the scope of work, developed jointly by PSI and the ILPSC, and approved by the council, will include such things as:

- a. Coordination, facilitation, and organizational development of the Illinois Product Stewardship Council;
- b. Technical policy and product-specific support;
- c. PSI membership and partnership benefits; and
- d. Administration, including budget tracking and quarterly progress updates.

DECISION MAKING

The council coordinator, the chair, or any member of the council can call for a vote on issues. Each member will have one vote. The council shall strive for consensus; however, if consensus cannot be reached, a decision will be made by a majority vote.

REPRESENTING THE COUNCIL

Only the coordinator, the chair, or a council member designated to do so may speak on behalf of, or otherwise represent the council, on general correspondence and communications.

FUNDING

No person or entity will be required to pay membership dues to participate in the Illinois Product Stewardship Council (ILPSC); however, it is highly encouraged that Council participants pay membership dues on an annual basis in order to fund and support programs under the Council's mission and Scope of Work. Supporting ILPSC will ultimately save money for local governments while growing recycling programs for a variety of hazardous and hard-to-recycle materials. Non-funding Illinois entities are required to assist with in-kind work or services to the Council as needed, such as participation on a Council subcommittee.

In order to fund the work of the Product Stewardship Council in Illinois, voting members of the Council (as defined above) must contribute annual membership dues to the coordinator - the Product Stewardship Institute (PSI), per the PSI membership and partnership policies. Dues payment guarantees IL PSC member benefits and PSI member/partner benefits. Exceptions for financial hardship may be made by vote of the IL PSC members, with the party in question abstaining. PSI will maintain an account of funds from Illinois members. Contributed funds shall be used to pay for services, including PSI member/partner benefits, as prescribed in the scope of work.

Members and partners may choose to contribute additional financial support, separate from annual dues paid to the coordinator, to support specific projects they deem to be in their interest. Projects and activities that are conducted on behalf of the council may be funded directly by agencies, as appropriate. The Council may seek additional funding for project work, such as conferences, through grants and contributions.

LOGOS AND CREDITS

All correspondence undertaken on behalf of the ILPSC shall be issued on letterhead that includes the ILPSC logo. All project materials developed in coordination with, and on behalf of, the ILPSC shall display the logo and mission statement. Any agencies that fund a portion of specific projects and materials on behalf of the ILPSC will be credited.

LETTER OF AGREEMENT

The council will conduct a review of this Letter of Agreement, making any necessary revisions, at the start of each calendar year. This Letter of Agreement may be revised by a majority vote of the members.

SIGNATURE

By signing below, the signatory indicates he/she has read this Letter of Agreement and agrees to the conditions contained therein. The signatory may delegate someone from the organization to represent the organization in the council.

COUNCIL MEMBER/ PARTNER SIGNATURE PAGE

I am signing up as a:

Member

The undersigned supports the ILPSC mission, and is a member in good standing of the Product Stewardship Institute.

Partner

The undersigned supports the ILPSC mission, but is NOT yet a member of the Product Stewardship Institute.

Signature

Date

Contact Name

Title

Organization

Mailing Address

Telephone

Email

Please email the signed Letter of Agreement to:

Megan Byers

Megan@productstewardship.us

Attachment A



PRODUCT STEWARDSHIP AND EXTENDED PRODUCER RESPONSIBILITY

Reducing Economic, Environmental, Health, and Safety Impacts from Consumer Products

The growing product stewardship movement in the United States seeks to ensure that those who design, manufacture, sell, and use consumer products take responsibility for reducing negative impacts to the economy, environment, public health, and worker safety. These impacts can occur throughout the lifecycle of a product and its packaging, and are associated with energy and materials consumption; waste generation; toxic substances; greenhouse gases; and other air and water emissions. In a product stewardship approach, manufacturers that design products and specify packaging have the greatest ability, and therefore greatest responsibility, to reduce these impacts by attempting to incorporate the full lifecycle costs in the cost of doing business.

The terms *product stewardship* and *extended producer responsibility (EPR)* are often used differently by stakeholders involved in the product stewardship movement. The purpose of this document is to harmonize terminology in the U.S. and to guide development of policies, legislation, and other initiatives by governments, companies, and organizations. By speaking the same language, we can have a constructive public discussion.

We use the following definitions for product stewardship and EPR. Since we define EPR as a legislative approach, we believe it requires further clarification and therefore developed the subsequent *Principles of Extended Producer Responsibility*.

Product Stewardship is the act of minimizing health, safety, environmental and social impacts, and maximizing economic benefits of a product and its packaging throughout all lifecycle stages. The producer of the product has the greatest ability to minimize adverse impacts, but other stakeholders, such as suppliers, retailers, and consumers, also play a role. Stewardship can be either voluntary or required by law.

Extended Producer Responsibility (EPR) is a mandatory type of product stewardship that includes, at a minimum, the requirement that the producer's responsibility for their product extends to post-consumer management of that product and its packaging. There are two related features of EPR policy: (1) shifting financial and management responsibility, with government oversight, upstream to the producer and away from the public sector; and (2) providing incentives to producers to incorporate environmental considerations in the design of their products and packaging.

PRINCIPLES OF EXTENDED PRODUCER RESPONSIBILITY

The following EPR Principles include key elements that should be included in all EPR legislation. Although these Principles will be applied differently by different jurisdictions, they are aspirational and considered best practice to achieve maximum results.

- **Producer Responsibility**

- Producers are required to design, manage, and finance programs for end-of-life management of their products and packaging as a condition of sale. These programs may or may not use existing collection and processing infrastructure. Programs should cover all products in a given category, including those from companies no longer in business and from companies that cannot be identified.

- **Level Playing Field**

- All producers within a particular product category have the same requirements, whether they choose to meet them individually or jointly with other producers.

- **Results-based**

- Producers have flexibility to design the product management system to meet the performance goals established by government, with minimum government involvement.
- Producer-managed systems must follow the resource conservation hierarchy of reduce, reuse, recycle, and beneficially use, as appropriate.
- Products must be managed in a manner that is protective of human health and the environment.
- Producers design and implement public education programs to ensure achievement of performance goals and standards established by government.
- All consumers have convenient access to collection opportunities without charge.

- **Transparency and Accountability**

- Government is responsible for ensuring that producer programs are transparent and accountable to the public.
- Producer programs, including their development and the fate of products managed, provide opportunity for input by all stakeholders.

- **Roles for Government, Retailers and Consumers**

- Government is responsible for ensuring a level playing field for all parties in the product value chain to maintain a competitive marketplace with open access to all, for setting and enforcing performance goals and standards, for supporting industry programs through procurement, and for helping educate the public.
- Retailers only sell brands within a covered product category that are made by producers participating in an industry program, and are responsible for providing information to consumers on how to access the programs.
- Consumers have a responsibility to reduce waste, reuse products, use take-back and other collection programs, and make appropriate purchasing decisions based on available information about product impacts and benefits.