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July 20, 2021

Ms. Kimberly Goetz
HWTR Legislative Coordinator
Washington State Department of Ecology
Hazardous Waste and Toxics Reduction Program
P.O. Box 47600
Olympia, Washington 98504-7600

RE: Comments on Design of a Refrigerant End-of-Life Management Program

Dear Ms. Goetz:

Thank you for the opportunity to submit comments regarding the design of a refrigerant end-of-life management program for Washington per Section 14 of [HB 1050 \(Engrossed 2nd Substitute\)](#). We are writing in **strong support of taking an extended producer responsibility (EPR) approach to addressing refrigerants at end-of-life**, an approach that would create a statewide system for refrigerant collection, recovery, and disposal managed and sustainably funded by producers.

We recommend developing EPR legislation that is consistent with our model bills and contains the key elements necessary for successful implementation of an effective EPR law, including: 1) **performance goals** to drive program effectiveness; 2) **annual reporting** to monitor program implementation; 3) **convenience standards** to ensure that the program is accessible state-wide; 4) **education and outreach** to ensure consumers are aware of the program; 5) **enforcement penalties** to incentivize compliance; and 6) **state agency funding** from the stewardship organization for the agency to administer and enforce the program.

We would also recommend a **broad scope of products** be included in the program. A broad product scope reduces consumer confusion about what is included in the program and prevents free riders. With a narrow product scope, the program is more likely to inadvertently collect products from manufacturers that do not contribute toward their collection and management costs. If a broad scope of products is not covered in legislation, companies that are required to collect and manage their own products will also have to pay for the cost of collecting and managing products from those companies that are excluded from the legislation. A broad product scope establishes a level playing field and fairly allocates end-of-life product management costs to all manufacturers.

Washington already has significant experience passing and implementing stewardship programs for several products, including paint, pharmaceuticals,

solar panels, electronics, and mercury-containing lights, all of which are consistent with PSI models that include the central principle of EPR. These laws improve collection convenience, increase the quantity of discarded materials collected and properly managed, and create jobs -- in 2019, Washington's mercury-containing lights EPR program collected over 1.3 million lights and had 289 collection sites.ⁱ Programs established by EPR laws also significantly reduce the financial burden on local governments, whose scarce funding (made scarcer by the COVID-19 pandemic) competes with other important municipal services, such as hiring teachers and firefighters.

The Product Stewardship Institute (PSI) is a national nonprofit organization with members from 47 state environmental agencies and hundreds of local governments, as well as 120 partners from companies, organizations, universities, and international governments. Over the past decade, we have worked extensively to increase the safe collection, reuse, recovery, recycling, and disposal of a range of consumer products in jurisdictions across the US, including in New York City (NYC) where EPR legislation to recover refrigerants is currently in place. We are also familiar with Canadian EPR programs -- in 2019, British Columbia's legislated EPR program for refrigerant-containing appliances (including refrigerators, freezers, portable air conditioners, among others) had 152 collection sites, obtained 78 percent consumer awareness of the program, and collected over 45 percent of room air conditioners sold and over 26 percent of full-size refrigerators sold.ⁱⁱ

Thank you for your consideration. If you have any questions, please feel free to contact me at (617) 236-4886, or Suna@ProductStewardship.US.

Sincerely,



Suna Bayrakal
Director, Policy & Programs

ⁱ PCA Product Stewardship Inc., 2019, LightRecycle Washington 2019 Annual Report, accessed 7/19/21 at <https://www.lightrecycle.org/wp-content/uploads/2020/08/LRW-2019-Annual-Report.pdf>.

ⁱⁱ Major Appliance Recycling Roundtable, 2019, 2019 Annual Report, accessed 7/19/21 at https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/small-apps/2019_marr_annual_report.pdf.