



Advocating for Strong Extended Producer Responsibility for Packaging Policies

NRCM's Top 10 Tips and Lessons Learned

Passing effective waste reduction laws that lead to long-term change takes a lot of time, perseverance, and coalition building. **In 2021, Maine passed the nation's first Extended Producer Responsibility (EPR) for Packaging law in the United States**, successfully winning against an aggressive lobbying campaign from big corporations and plastic manufacturers that sought to weaken the law.

The Natural Resources Council of Maine (NRCM) led the advocacy campaign to pass EPR for Packaging and developed this tip sheet to share our lessons learned with concerned people in other states. For additional resources, visit our website at www.nrcm.org/programs/sustainability/extended-producer-responsibility-packaging.

1. Identify or Become an Expert

There must be at least a few point-people who fully understand the issues inside and out and can defend the carefully chosen EPR approach in your bill (this might be you!). Get to a place where, if you don't know the answer to a question, you at least know where to find it. To become an EPR pro, you'll need to:

- ▶ Attend conferences and participate in webinars on EPR for Packaging and recycling.
- ▶ Stay current on what's happening with packaging in your state, country, and the world.
- ▶ Fully understand how your current system works (or does not work) and identify the key stakeholders who could have reason to support or oppose an EPR law.
- ▶ Learn from the experiences of other jurisdictions that have EPR for Packaging laws so that you understand how those policies work and what the best and, perhaps, weakest features are of those policies so that you can advocate for key provisions of your bill.
- ▶ Be available to quickly craft rapid-response answers to criticisms and attacks by opponents.

2. Evaluate the Likelihood of Passage

Ask yourself key questions such as:

- ▶ Do you have strong legislative sponsors?
- ▶ Will your state's department of environmental protection be an ally or an opponent?
- ▶ Can you create a strong coalition of other organizations and activists?
- ▶ Can you tap into the power of municipalities and municipal officials who could be strong messengers for shifting packaging recycling costs onto manufacturers?

If you answer yes to many of these questions, then you could very well have a pathway to win, or at least a way to advance the dialogue that eventually gets you to victory. If you do think you have a shot, then develop a campaign plan, build your coalition, build leadership among legislators and other key allies, and rally support to build momentum around your proposed bill.

3. Create a Campaign Name with Clear, Concise Messaging

It's helpful to have a landing page or website, and concise informational handouts to share so that people have the essence of your message and proposal, and know where to find more information.

- ▶ NRCM recognized early on that EPR for Packaging wasn't the most attention-grabbing name for a campaign in Maine at the time. We settled on "Recycling Reform for Maine" with a tagline "More Effective. More Sustainable. More Equitable." We felt "Recycling Reform" was the right choice, even though other key goals of EPR for Packaging include the reduction and reuse of materials. Centering the message on recycling is powerful, because people get it immediately. We went with "reform" because it captured what this kind of bill really does: create systemic change.
- ▶ Develop a set of core thematic messages (such as "saving taxpayer money" or "bringing relief to municipalities") that will be repeated consistently over the entire period of the campaign in all of your materials and discussions. When the campaign heats up, resist the desire to respond to opposition messaging and instead continue to be disciplined by proactively delivering your key messages clearly in your materials and through compelling messengers.

4. Take the Time to Build a Broad Coalition of Supporters and Strengthen Their Skills

Think of this as the group of people who are totally on board with the policy and will be able to help you educate and influence key decision-makers. This takes time because this type of policy can be complicated, and specific questions arise. As you begin your campaign, you may not yet have bill language. If that's the case, your advocacy work can be at the general level of why this policy solution is vital. Here is some advice:

- ▶ Approach everyone as a potential ally and take time to build relationships. Have one-on-one conversations with people, including environmental organizations, municipal officials/associations involved with recycling or financing recycling, your state's environmental agency staff, materials recovery facility operators, and recycling haulers.
- ▶ Identify champions, find out what is important to them, and work closely with them on the policy details. Everyone should receive updates and alerts when they can help advance the campaign.
- ▶ Seek out unconventional or unlikely allies who will help reach important decision-makers or targets. For example, NRCM worked closely with several high-profile Maine-based businesses and business leaders who became effective advocates for the new law.
- ▶ For general public support and awareness, it helps to create a petition to share with people to help build understanding and engagement, and to recruit people who can be mobilized to contact their legislators or municipal officials.
- ▶ Create a Frequently Asked Questions (FAQ) document for your specific policy. This document will be helpful for your coalition partners and lead advocates, but it could also be made publicly available for anyone interested. Just make sure it's tailored to your audience. It can also be adapted over time to specifically respond to opposition messaging that might be gaining traction.



5. Make Sure Key EPR Allies Agree on the Policy Approach

Be sure to invest the time necessary to work through policy differences among your coalition partners so that you all agree on the language and strategy before the campaign really gets into motion. This work will help avoid public disagreements that could undermine your prospects for success.

- ▶ Maine’s largest material recycling facility (MRF), ecomaine, was a key stakeholder and early supporter of the EPR law because it saw the potential to save money for the towns it services, increase recycling rates, and reduce contamination. Support from ecomaine sent a clear signal to lawmakers and others that this was a good recycling policy.
- ▶ In Maine, we have an Environmental Priorities Coalition (EPC) that works together to identify and advocate for key environmental legislation. The EPR for Packaging policies were priorities for this group, and we worked together to advocate for the policy and reach out to other key stakeholders, the public, and lawmakers.

6. Cultivate Key Legislative Champions

You’ll want to make sure there are legislators who can help you educate other legislators and defend the bill during public hearings, floor debates, and generally shepherd the bill through the process. Aside from the most important lawmaker—the bill’s sponsor—you’ll also want to focus on and prep committee members who will be hearing the bill. Make sure you have at least one champion legislator in the House and the Senate. Further, make sure to meet with House and Senate leadership and the administration, or at least send other messengers to speak with them about how critical this issue is and answer their questions.

- ▶ One of the ways we did this in Maine was by organizing an “expert briefing” for legislators on the Environment and Natural Resources Committee. This was a three-hour briefing with four EPR experts presenting to the legislators and answering questions ahead of the public hearing. We also held a lunchtime EPR presentation for legislators during the session and helped provide documents for legislators to share with their colleagues.



7. Prioritize Municipal Outreach and Support

In Maine, it’s the municipal governments and local property taxpayers who pay for recycling right now. Thus, Maine taxpayers stand to benefit the most from EPR because it will save them money and help improve a public service that residents want—recycling! These municipal voices were some of the most effective messengers during our campaign. It may not be municipalities that pay for recycling in your state, so find out who is paying now and let them know help is on the way. Be sure they understand how important it is for them to make their voices heard to make that happen.

Here is our municipal outreach advice:

- ▶ Reach out to your state’s municipal association or an umbrella group that speaks on behalf of those who are paying for recycling right now. Maine Municipal Association was an early and strong supporter of the EPR approach. They were very helpful with municipal outreach and also making sure the policy was something they could support.
- ▶ Email, call, and write to municipalities with a specific ask. NRCM decided to ask municipalities to adopt a resolution in support of EPR for Packaging. This was an “official” way to get municipal support and a vehicle to educate the community.
- ▶ Be strategic in outreach to municipalities in key legislative districts and a variety of towns and cities across the state. Take time to visit these towns to present to local decision-makers and advocates. Many of Maine’s municipal resolutions were passed because of hard work that local activists did to educate the decision-makers.

8. Reach Out to Local Businesses Early

Opponents to this policy will try to make lawmakers and the media believe it is a choice between supporting municipalities or local business, but this is a false choice. Help local businesses understand how they may or may not be impacted, and be prepared to specifically address their concern. For instance, it's likely that the small business exemption and low, flat fee-paying category will make up the majority of the local businesses. You can point out that the cost per container is usually fractions of a penny, with opportunities to reduce fees through changing their packaging.

Identify supportive businesses and business owners and bring them into your coalition. In Maine, we had several businesses testify in favor of the law.

- Unfortunately, associations representing some business interests in Maine weren't interested in engaging early with us to find solutions to key issues and instead rallied their members to oppose the law. At the public hearing, much of the small business/retail opposition was based on misunderstandings of how the law would apply to them. Having more resources and earlier outreach to individual small businesses before the public hearing would have really helped.

9. Proactively Approach Reporters and Generate News

Reach out to reporters who cover waste or politics early in the process to educate them about the issues and build a productive relationship based on trust and openness. Offer them opportunities to speak with national or international experts and be available to quickly answer questions they have about the proposed law.

Be prepared to give reporters a list of compelling messengers from your coalition, such as business owners or transfer station managers, who can speak in support of the policy to the media. Recruiting these messengers to author op-eds and letters to the editor will also help shift the debate around the bill. Remember to always come back to and reiterate your core messages when speaking with the media.

10. Do Not Underestimate the Opposition

In Maine, lobbyists from the Consumer Brands Association and some of their members such as Procter & Gamble were particularly fierce in opposing the bill. They tried to get our governor to veto the bill. They took legislators out for expensive meals and held their own lobby day where dozens of lobbyists descended on the State House to pressure lawmakers to oppose the bill. Much of their lobbying was done "behind the scenes" rather than in the public eye. They pressed hard for sweeping exemptions and tried to undermine the law rather than find solutions to their perceived problems.

Whatever You Do, Do Not Give Up!

Policy making can be a frustrating, messy process. In Maine, our first try at EPR for Packaging (LD 2104) came to a screeching halt just as it was about to go onto the House floor for a vote when the COVID-19 pandemic prevented the Legislature from convening. If you aren't successful the first time, then keep trying because this is the only type of policy that can repair the systemic problems with municipal solid waste reduction and recycling.

