

# Exploring the Potential for a Product Stewardship Advocacy Organisation in New Zealand

Isaac Tombleson<sup>1</sup> and Trisia Farrelly<sup>2</sup>

March 2016

## 1.1 Introduction

For several years, New Zealand has been bereft of a strong and united voice for product stewardship. The attendants of the recent Single Use Plastic Bag Forum<sup>3</sup> held by the Massey University Political Ecology Research Centre (PERC) and Carrying Our Future in December 2015 identified a gap in representation for product stewardship in New Zealand and proposed the idea of a New Zealand Product Stewardship Council as a solution to this problem. This led to the following questions: ‘Does such an organisation have a role to play in New Zealand?’ and ‘Can it be successful in promoting product stewardship?’ This research underpinning this report addresses these questions by analysing international case studies of product stewardship advocacy organisations. The report concludes that the rationale exists in New Zealand for such an organisation, and provides recommendations for how such an organisation can be successful in advocating for product stewardship programmes in New Zealand. These international examples of organisations engaged in product stewardship advocacy will be profiled in terms of their composition, funding, operating methods and effectiveness as well as some of the challenges they face in advocating for effective product stewardship programmes. Useful precedents which may be applied in New Zealand will be examined and the effectiveness of product stewardship advocacy organisations will be discussed. Finally, suggestions will be made for consideration in forming a New Zealand product stewardship council.

## 1.2 Product Stewardship: Definitions and Terminology

Product stewardship typically refers to “a principle underlying approaches to the environmental management of products”<sup>1</sup>, characterised by responsible management of products throughout their lifecycle. The concept arose from various developments in North America and Europe in the 1980s

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<sup>1</sup> Summer Scholar 2015-2016, School of People, Environment and Planning Massey University

<sup>2</sup> Senior Lecturer, School of People, Environment and Planning, Massey University; Co-founder, Carrying Our Future

<sup>3</sup> The attendees represented a wide cross-section of interests in the issue including designers, waste consultants, researchers, students, an economist, and a waste engineer.

and 90s<sup>2</sup> including Extended Producer Responsibility (EPR). EPR is a variety of product stewardship originally defined as an environmental strategy which identified the manufacturer as responsible for the entire life-cycle of a product<sup>3</sup>. As a guiding principle, product stewardship has been implemented in a variety of ways, from shareholder bargaining with corporations to lobbying for government legislation, to forming partnerships between government, industry and other groups to responsibly manage products. Currently, the definition of product stewardship is more or less consistent throughout Europe, North America, and Oceania, and the general definition applied in this report is the New Zealand Ministry for the Environment's accepted definition: "... the responsible management of the environmental impact of a product. It aims to reduce the impact of manufactured products at stages of the product life cycle."<sup>4</sup> The term EPR will also be applied in this report to denote a producer-focused form of product stewardship.

### 1.3 Scope

This report will analyse three organisations from Australia and the United States that include advocacy for product stewardship as a key part of their operations. The selected organisations are *The Boomerang Alliance* (Australia), *Upstream* (USA), and *The Product Stewardship Institute* (USA). These three organisations represent differing approaches to advocating for, and supporting, product stewardship/EPR, and yet despite their differences, they have been successful in their fields, making a strong case that a similar organisation can have comparable success in New Zealand. While there are many international examples of these kinds of organisations, this report limits its analysis to these Australian and the American case studies. The justification for this focus is that whilst like Canada and the European Union, New Zealand has a national regulatory framework for product stewardship (under Part Two of the Waste Minimisation Act 2008), unlike Canada and the EU, New Zealand has not utilised this framework to implement effective mandatory product stewardship programmes. So whilst Canada and the EU no longer need to lobby their governments for action, this is not the case in New Zealand. In Australia and the USA, where such national legislative architecture does not exist, these organisations have been established to lobby government to introduce product stewardship legislation. Consequently, New Zealand needs such an organisation in order to convince government to implement the legislation it already has in place.

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## 1.4 Selection Criteria

The criteria for selecting these organisations were based on a selection of characteristics evident across the product stewardship organisations examined in Australia and the USA as well as the kind of product stewardship advocacy organisation envisaged by the attendees of the Single-Use Plastic Bag Forum at Massey University, 10 December, 2015).

This report excludes organisations that:

- a. directly manage or run product stewardship programmes (“product stewardship organisations”);
- b. are government organisations ( i.e. have been directly established by central or local government; and
- c. are industry organisations (i.e. are managed by a board of industry executives.

Instead, this report considers organisations that:

- a. are non-profit and do not directly manage product stewardship programmes;
- b. have not been established by government; but
- c. are third party organisations, created and managed by parties interested in product stewardship; and
- d. advocate, facilitate for, or otherwise support, the establishment and expansion of product stewardship organisations, whether by government or industry groups.

Organisations fulfilling these criteria will be referred to as product stewardship advocacy organisations (PSAOs). While PSAOs may engage in activities unrelated to product stewardship, their key roles include advocating for, or facilitating, the establishment of product stewardship legislation and programmes. We turn now to an analysis of three of these organisations to answer the question of whether establishing a product stewardship advocacy organisation in New Zealand can be effective, and indicate how this effectiveness can best be achieved. This report will profile the origin, structure, and funding of each organisation and examine in what ways these organisations have been successful in advocating for, and establishing, product stewardship programmes.

## 2.0 Organisation Profiles

### 2.1 Boomerang Alliance (Australia)

The Boomerang Alliance is a well-organised coalition of environmental and government groups within Australia that promotes waste reduction through a series of targeted campaigns<sup>5</sup>. Founded in 2004 by the not-for-profit, *Total Environment Centre*, The Boomerang Alliance campaigns for a range of environmental causes<sup>6</sup>, a large proportion of which includes using public support to negotiate with state government and industry groups to introduce new legislation and change industry behaviour. The Boomerang Alliance's managing advisory committee is made up of a businessman and entrepreneur with environmental interests, a legal expert as well as representatives from important environmental activist groups, dedicated media personnel and policy directors. The director of the Alliance is Jeff Angel, also the founder and director of the Total Environment Centre which provides "campaign capacity and strategy"<sup>7</sup>. The Total Environment Centre eschews a large public membership in favour of focusing on campaigning and policy<sup>8</sup>, including managing funds for the Boomerang Alliance, mostly made up of donations, bequests, government grants, and consultancies<sup>9</sup>. The Boomerang Alliance has become a public organisation with a large base of over 45,000 individual members and 34 partner organisations. These 34 partner organisations are organised into an alliance where each organisation chooses their level of participation and support for each goal. The Boomerang Alliance's collaborative nature allows for a sharing of resources meaning it is able to employ a dedicated media team to generate videos and media releases with high production values that are extremely effective. The effectiveness of the Boomerang Alliance's campaigning via various mediums has led to several successful campaigns to date, particularly, in this case, the container deposit scheme, 'Cash for Containers' in New South Wales.

### 2.2 Case Study: Container Deposit Scheme 'Cash for Containers'

The Boomerang Alliance campaigned for a container deposit system in Australia from 2012 until their success in 2015. Their efforts were aimed nationwide, and focused through a strong media and activist campaign that utilized both traditional and innovative methods. These methods included community events, generating postcards, petitions, emails, tours, activities, presentations to ministers and parliamentary committees as well as 'viral' social media<sup>10</sup>. The 'Cash for Containers'

(originally 'Cash for Cans') proposal faced resistance from an organised group of beverage industry executives and lobbyists, including Carlton, Lion, Coca Cola and the National Packaging Covenant Industry Association<sup>11</sup>. Nevertheless, it was ultimately successful when New South Wales premier, Mike Baird, announced on the 21<sup>st</sup> February 2015, that a container deposit scheme utilising 'reverse vending machines' would be implemented by July 2017<sup>12</sup>. This commitment from the NSW premier could be considered a success for the Boomerang Alliance. However, the adoption process of a container deposit scheme will require community consultation and a submission process by which a container deposit scheme advisory committee<sup>13</sup> will consider proposals from interest groups, of which the Boomerang Alliance's 'Cash for Containers' proposal is only one. The 'Cash for Containers' scheme aims to achieve an 80% recycling rate for cans and bottles through 500-800 reverse recycling machines across NSW that provide a 10 cent refund per container and up to AU\$65 million per annum to charities and community groups in New South Wales<sup>14</sup>. An alternative scheme called 'Thirst for Good', proposed by the National Packaging Covenant Industry Association was criticised as inadequate by the Boomerang Alliance for proposing a narrower coverage and failing to offer financial incentives for the buyback scheme<sup>15</sup>. Despite the success of the Boomerang Alliance's publicity campaign in calling for a container deposit scheme, they still face opposition from industry groups who have pressured the New South Wales government throughout this process<sup>16</sup>. This highlights one of the major challenges for product stewardship advocacy organisations in Australia, the USA and New Zealand: resistance from corporations and industry-based organisations who do not consider product stewardship programmes to operate in their best interests.

### 2.3 Upstream (USA)

Upstream is an American organisation that aims to advance sustainability and reduce pollution through encouraging the adoption of environmental policies by corporations and government bodies. Founded in 2003 by its former Director Bill Sheehan as the Product Policy Institute, Upstream is funded entirely by public donations and is run by a board of directors from non-profit environmental organisations and experts from economics, legal, and policy backgrounds<sup>17</sup>. Upstream develops model policy and educational materials for implementation by state governments, conducts original research, as well as providing informational material to businesses and decision makers. Upstream has funded a series of research articles on waste management and extended producer responsibility in the USA<sup>18 19 20</sup>, and has worked on establishing national networks to focus

on specific product stewardship issues including product stewardship councils and coalitions for sustainable packaging and reducing packaging waste. Among these organisations are the 'Cradle2 Coalition', focused on improving packaging design<sup>21</sup> and the 'Make it, Take it' campaign, which directly engages companies to develop their products more sustainably<sup>22</sup>. With such a wide range of activity and involvement in EPR in the United States, a comprehensive review of Upstream's strategies and effectiveness is beyond the scope of this report. Therefore, this report will focus on two examples of product stewardship advocacy: promotion of state policy; and the 'Make it, Take it' campaign.

#### 2.4 Case Study: Policy Advocacy

Upstream's successes have included advocacy for EPR policies at the state level, having made submissions and testimonies on bills such as Rhode Island's Plastic Waste Reduction Act of 2014<sup>23</sup>, where Upstream's endorsement of the bill contributed to its passing, and this kind of involvement has led to 70 producer responsibility laws covering 13 product categories adopted in 34 states since 2004<sup>24</sup>. In states with existing product stewardship laws, Upstream provides advice on the management and further implementation of their product stewardship programmes, seen in Upstream Associate Director Matt Prindiville's comments on the Maine Department of Environmental Protection's product stewardship report on the state of Maine's EPR programs<sup>25</sup>. This letter is part of an ongoing correspondence between Upstream and the Maine Department of Environmental Protection, representing a relationship with government where this PSAO has taken on an advisory role. Part of what makes Upstream able to maintain this relationship is the expertise of its staff and its unique position as a third-party not-for-profit organisation with no ulterior motive other than the promotion of effective product stewardship programmes.

#### 2.5 Case Study: Public Pressure campaigns

Upstream has also experimented with public pressure campaigns through its Make it, Take it branch. In 2015, this organisation targeted KRAFT's Capri Sun drink range, which is packaged in a bonded plastic aluminium squeezable pouch that is difficult to recycle and "designed for the dump"<sup>26</sup>. According to Make it, Take it, Capri Sun is a high-performing product for KRAFT, and changing its design would represent a significant symbolic victory for extended producer responsibility<sup>27</sup>. The

KRAFT campaign reached more than 300,000 people through its social media campaign and partner organisations, prompting roughly 30,000 of these people to request that KRAFT discontinue the Capri Sun range until more sustainable packaging is developed<sup>28</sup>. Despite this, and condemnation from other organisations including shareholder advocacy organisation 'As You Sow'<sup>29</sup>, as of 2015, KRAFT had taken little notice of the campaign, and 'Make it, Take' it continues efforts to influence the corporation (with an expanded partner base)<sup>30</sup>. Despite continued campaigning, it remains unclear what the outcome of this initiative will be: KRAFT has made no indication that it is likely to shift its position, and as it is not beholden to public opinion it is unclear if public pressure alone is an effective method of promoting EPR with large companies.

## 2.6 Product Stewardship Institute (USA)

The Product Stewardship Institute (PSI) differs significantly from the previous two cases. PSI is comprised mostly of US state and local government officials (the majority of whom are from the waste and environmental sectors)<sup>31</sup>, with an advisory council from a range of businesses and organisations with various expertise<sup>32</sup>. PSI has a paid membership system for state and local government bodies<sup>33</sup>, and a partnership system for organisations<sup>34</sup>, with over 100 government members, 39 sustaining corporate members and over 50 associate corporate members<sup>35</sup>. Dues from these members, along with donations and some funding from the US Department of Agriculture fund the entire organisation and allow it to offer a range of services for members including organisational development, technical assistance, marketing materials, educational materials, and research and advocacy for EPR legislation<sup>36</sup>. PSI also engages in reviews of certain industries or products to highlight their environmental impact and how they can benefit from product stewardship such as a 2008 comparison of state thermostat legislation<sup>37</sup> and a 2014 report on phone book publishers<sup>38</sup>. PSI has also developed model legislation for specific product classes, which has streamlined the uptake of product stewardship laws in various states, for example the thermostat recycling legislation developed by PSI and adopted by Pennsylvania and California<sup>39</sup>, Rhode Island<sup>40</sup>, and six other states as of 2011<sup>41</sup>. PSI has a specific method of operating: it works as a mediating body to initiate and facilitate cooperation between industry, government, and non-profit organisations to reach consensus on important environmental issues with the aim of establishing product stewardship organisations and programmes.

## 2.8 Case Study: Mediation of multi-stakeholder product stewardship initiatives

PSI's position statement on product stewardship, formulated in partnership with Upstream and others, notes that one of the key features of EPR is "shifting financial and management responsibility, with government oversight, upstream to the producer and away from the public sector"<sup>42</sup>. One of the ways of fulfilling this goal has been through facilitation of co-operation between government, industry, and relevant non-profit groups to reach consensus on particular issues<sup>43</sup>. This often results in the formation of product stewardship councils or similar organisations to manage specific products in specific places. In Oregon in 2009, PSI brought together stakeholders in the paint industry including the National Paint and Coatings Association (now the American Coatings Association) for a series of meetings to pass the first product stewardship legislation for paint in the United States<sup>44</sup>. Two years later, California was the second state to pass paint stewardship legislation modelled on the Oregon bill, again through the co-operation of PSI, the American Coatings Association and the California Product Stewardship Council<sup>45</sup>. This bill established a paint management program to be operated by a privately run product stewardship organisation called PaintCare to manage end-of-life paints, and as PSI-backed paint legislation was progressively passed in the following years, PaintCare was able to expand its operations to include a total of nine states<sup>46</sup>. In 2016, PSI released two reports on PaintCare's progress, finding it successful in significantly reducing costs to local government, popular with retailers and convenient for consumers<sup>47</sup>.

## 3.0 Discussion

### 3.1 Public Pressure Campaigns

Both the Boomerang Alliance's 'Cash for Containers' campaign and Upstream's 'Make it, Take it' campaign used public-pressure campaigns to advance product stewardship developments. One such campaign was for government to implement a mandatory product stewardship scheme. Another was for manufacturer, KRAFT, to extend their share of responsibility for the life-cycle of their product. While the Boomerang Alliance faced resistance from the beverage and packaging industry, their campaign to introduce a container deposit scheme was successful. 'Make it, Take it's

campaign is yet to meet with such success and there are no signs that KRAFT is about to change their packaging design for the Capri Sun range that has remained consistent for 40 years. There are several differences in these two campaigns that account for this lack of success. The Boomerang Alliance employs a dedicated digital consultant as well as a model and 'brand ambassador' to appear in videos and outreach campaigns<sup>48</sup>. The Boomerang Alliance generated a series of short documentaries, video infographics and promotional films to support the 'Cash for Containers' scheme, and included testimonies from schools, churches, and community groups for the scheme. The resulting impression was of a popular, community-based groundswell of support for the initiative, which was difficult for the state government of New South Wales to ignore. In contrast, despite generating a large amount of social media activity, the Capri Sun campaign was not tied to a community group, location or specific movement, and did not make use of such a diverse variety of tools. The success of the Boomerang Alliance's campaign for a container deposit scheme in New South Wales makes a compelling case for the efficacy of such public campaigns, as well as providing some useful precedents for the adoption of such advocacy mechanisms in New Zealand. Dedicated social media and publicity campaign organisers, and media publications with high production values are crucial to a successful public-pressure campaign for product stewardship initiatives.

### 3.2 Industry Opposition

Industry groups pose a major challenge for product stewardship organisations when their interests are threatened. We can see a clear example of this in container deposit schemes in Australia. In 2013, Coca Cola, Schweppes Australia, and Lion Pty Ltd. brought a federal lawsuit against the Northern Territories for introducing a container deposit scheme (CDS), claiming that a refund-based scheme was ineffective and incurred an extra cost of living for families<sup>49</sup>. The successful lawsuit declaring the scheme ‘illegal’ brought on a wave of social media backlash<sup>50</sup>. The scheme was later exempted from federal law and allowed to continue<sup>51</sup>. When the development of a container deposit scheme was announced in New South Wales in 2015, instead of continuing to oppose the popular container deposit scheme directly, Coca-Cola attempted to co-opt public opinion and the development process by proposing the ‘Thirst for Good’ programme, put forward officially by the National Packaging Covenant Association. The proposed ‘Thirst for Good’ programme is a drastically reduced version of a CDS, and has been compared to the failed ‘Reimagine’ bottle deposit programme in Dallas, Texas in 2010, which failed to reclaim as much as 1% of the containers generated annually<sup>52</sup>. Both ‘Thirst for Good’ and ‘Reimagine’ are examples of industry-proposed programmes that fail to implement best practice product stewardship principles and undermine faith in product stewardship as an effective method of addressing the rapid rise in product waste. A well-funded product stewardship advocacy organisation provides a counterbalance against these low-commitment models through, among other things, counter campaigns such as the ongoing Boomerang Alliance campaign.

### 3.3 PSAOs and multi-stakeholder dialogues

PSAOs have an effective role to play in negotiating with government and industry groups. American organisations, Upstream and the Product Stewardship Institute have been engaged in creating, promoting and implementing product stewardship legislation and programmes in the USA. These organisations’ roles as third-party players allows them to develop relationships with government organisations and industry representatives, and build a reputation as advocates for world class best-practice product stewardship programmes. These relationships have led to the increasingly widespread product stewardship legislation in the United States, and a series of successful product stewardship organisations facilitated through this partnership. In Maine, Upstream contributed to the review of Maine’s product stewardship programmes and provided advice for further

implementation. The Product Stewardship Institute helped develop and pass the nation's first paint stewardship legislation, and worked with industry groups to develop a successful organisation to deliver cost savings to municipal governments and responsibly manage the end-life of the product. The resources and expertise of these organisations dedicated to product stewardship has put them in a unique position: they are reliable authorities on product stewardship who can negotiate with both the government and industry representatives to establish best-practice product stewardship programmes.

### 3.4 The Role of Industry

Allowing industry to lead product stewardship efforts has led to a tokenistic approach whereby industry groups can make minimal efforts at implementing product stewardship programs that achieve low return rates, devaluing the concept of product stewardship and reducing it to an extended PR exercise. In the case of the New South Wales container deposit scheme, industry players and environmental, community and product stewardship groups are at odds, each wanting to dictate the terms of the product stewardship scheme to suit their interests. In the case of Coca Cola's 'Thirst for Good' in Australia and the defunct 'Reimagine' scheme in Texas, we saw unpopular and unsuccessfully implemented schemes preventing the operation of superior schemes. In the case of PaintCare, the Product Stewardship Institute was able to successfully negotiate with industry groups (the American Coatings Association) and state governments to establish a scheme that was effective in reducing paint waste, shifting financial responsibility from municipal government to industry using an EPR model, creating jobs, and saving money for local governments and taxpayers. Industry has a key role to play in funding and managing product stewardship schemes, but this should be done in co-ordination with non-industry not-for-profits or environmental groups, and with government oversight, and not in opposition to them.

## 4.1 Conclusions

Product Stewardship Advocacy Organisations have been effective in providing leadership on implementing product stewardship in the surveyed cases. Where the government has been reluctant to enact or enforce product stewardship legislation, these organisations have acted as a motivating

force. Where industry groups have tried to undermine effective product stewardship initiatives, PSAOs have continually worked to educate legislators and promote product stewardship programmes that will deliver the most social and financial benefits. Where producers have recognised the need for responsible management of their products, product stewardship advocacy organisations have worked together with these and other groups, providing the necessary skills to see projects through from consultation and design to successful implementation and lasting effectiveness. Having recognised the efficacy of these international product stewardship advocacy cases, it is clear that there is not only space but urgent need in New Zealand for a product stewardship advocacy organisation to be developed to:

- a) advocate for more proactive government involvement in the establishment of mandatory product stewardship programmes in New Zealand, where voluntary measures have proven to be ineffective;
- b) bring together industry groups and other stakeholders to, reach consensus on specific issues where possible; and
- c) provide the necessary skills and resources to facilitate development of effective stewardship programmes.

#### 4.2 Closing Statement

PSAOs are highly effective in promoting product stewardship legislation and programmes, and there is potential for a similarly successful product stewardship council in New Zealand. Without the intervention of a council comprised of a coalition of stakeholders with interest in product stewardship, New Zealand's efforts towards product stewardship will continue to founder and lag behind our closest partners. Once a product stewardship advocacy organisation is established in New Zealand, further research is needed to determine which product classes are most in need of stewardship schemes in New Zealand, and where schemes can most readily be introduced. The best way to achieve more effective product stewardship outcomes in New Zealand must be investigated, as some of the methods surveyed in this report will not necessarily be fully transferrable to the New Zealand context. The operating methods of a New Zealand product stewardship advocacy organisation need to be tailored to the specific products and goals identified by a strategically

selected governing committee. The next step now is to obtain expressions of interest from government agencies, environmental groups, existing product stewardship organisations, community groups and others who will benefit from a New Zealand Product Stewardship Council.

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