House File 80 - Introduced

HOUSE FILE 80

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A BILL FOR

- 1 An Act requiring the department of natural resources to
- 2 produce, and submit to the general assembly, a product
- 3 stewardship report.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. <u>NEW SECTION</u>. **455B.861 Product stewardship** 2 report.
- By January 15 of each year, the department may submit
- 4 to the general assembly a report on products and product
- 5 categories that when generated as waste may be appropriately
- 6 managed under a product stewardship program. The report should
- 7 include proposed changes to the Code necessary to implement the
- 8 recommendations in the report. The report shall not consider
- 9 or include motor vehicles or watercraft. The department may
- 10 identify a product or product category as a candidate for a
- 11 product stewardship program if the department determines one or
- 12 more of the following criteria are met:
- 13 a. The product or product category is found to contain
- 14 toxics that pose the risk of an adverse impact to the
- 15 environment or public health and safety.
- 16 b. A product stewardship program for the product would
- 17 increase the recovery of materials for reuse and recycling.
- 18 c. A product stewardship program for the product would
- 19 reduce the costs of waste management to local governments.
- 20 d. Other states or countries have successfully collected and
- 21 processed similar products under product stewardship programs.
- 22 e. Existing voluntary product stewardship programs for the
- 23 product in the state are not effective in achieving solid waste
- 24 reduction.
- 25 2. At least thirty days prior to submitting the report to
- 26 the general assembly, the department shall conduct a public
- 27 hearing regarding the proposed report. The department shall
- 28 make the proposed report publicly available through the
- 29 internet at least one week prior to the date of the public
- 30 hearing. The department shall accept both written and oral
- 31 testimony regarding the proposed report and shall include
- 32 all testimony as part of the report submitted to the general
- 33 assembly.
- 34 3. For purposes of this section, unless the context
- 35 otherwise requires:

- 1 a. "Brand" means a name, symbol, word, or mark that
- 2 identifies a product, rather than its components, and
- 3 attributes the product to the owner of the brand.
- 4 b. "Producer" means a person that does any of the following:
- 5 (1) Has legal ownership of the brand of a product sold in 6 the state.
- 7 (2) Imports a product branded by a person that meets the
- 8 requirements of subparagraph (1) and has no physical presence
- 9 in the United States.
- 10 (3) Sells a product in the state at wholesale or retail,
- 11 does not have legal ownership of the brand of the product and
- 12 elects to fulfill the responsibilities of the producer for that
- 13 product.
- 14 c. "Product" means an item intended for sale within the
- 15 state.
- 16 d. "Product category" means a group of similar products.
- 17 e. "Product stewardship program" means a program financed
- 18 without a visible fee at purchase which is either managed or
- 19 provided by producers and includes but is not limited to the
- 20 collection, transportation, reuse, and recycling or disposal,
- 21 or both, of unwanted products.
- 22 f. "Unwanted product" means a product that has been
- 23 abandoned or discarded or is intended to be discarded by its
- 24 owner.
- 25 EXPLANATION
- 26 This bill allows the department of natural resources to
- 27 submit a product stewardship report to the general assembly by
- 28 January 15 of each year. The report is required to identify
- 29 products and product categories that when generated as waste
- 30 may be appropriately managed under a product stewardship
- 31 program. A product stewardship program is defined as a program
- 32 financed without a visible fee at purchase which is either
- 33 managed or provided by producers and includes but is not
- 34 limited to the collection, transportation, reuse, and recycling
- 35 or disposal, or both, of unwanted products.