

Senate Study Bill 3060 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

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. NEW SECTION. 455B.861 Product stewardship —
2 report.

3 1. 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.