

A MEMORIAL

REQUESTING THE DEPARTMENT OF ENVIRONMENT TO STUDY THE
POTENTIAL FOR PRODUCT STEWARDSHIP PROGRAMS IN NEW MEXICO.

WHEREAS, "producer" means a person who:

A. has legal ownership of the brand of a product
sold in or into New Mexico;

B. imports a product branded by a person that
meets the requirements of Subsection A of this definition and
has no physical presence in the United States; or

C. sells a product in New Mexico at wholesale or
retail, does not have legal ownership of the brand of the
product and elects to fulfill the responsibilities of the
producer for that product; and

WHEREAS, "product" means an item intended for sale
within New Mexico that is identified as appropriate for a
product stewardship program; and

WHEREAS, "product stewardship" means a producer that
takes responsibility for managing and reducing the life-cycle
impacts of the producer's product, including recycling of
product after purchase or recycling of surplus inventory; and

WHEREAS, a "product stewardship program" means a program
that is either managed or provided by producers and includes
the collection, transportation, reuse and recycling or
disposal of products;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the department of environment be requested to organize a task force of stakeholders and those with technical expertise from within and without state government to collect information available in the public domain regarding products in the waste stream and to assist the legislature in designating products or product categories for product stewardship programs; and

BE IT FURTHER RESOLVED that the department of environment report its findings and recommendations to the appropriate interim committee designated by the New Mexico legislative council by December 1, 2013 on products and product categories that when generated as waste may be appropriately managed under a product stewardship program, including recommendations for establishing new product stewardship programs and changes to existing product stewardship programs; and

BE IT FURTHER RESOLVED that the report further recommend any changes to statute to facilitate desired product stewardship goals; and

BE IT FURTHER RESOLVED that if there are existing product stewardship programs nationally that are willing to voluntarily serve New Mexico, the department of environment be requested to facilitate the establishment of them in New Mexico; and

BE IT FURTHER RESOLVED that the department of environment be requested to further identify a product or product category as a candidate for a product stewardship program if the department determines one or more of the following criteria are met:

A. the product or product category is found to contain toxins that pose the risk of an adverse impact to the environment or public health and safety;

B. a product stewardship program for the product will increase the recovery of materials for reuse and recycling;

C. a product stewardship program will reduce the costs of waste management to local governments and taxpayers;

D. there is success in collecting and processing similar products in programs in other states or countries; and

E. existing voluntary product stewardship programs for the product in the state are not successful; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the secretary of environment.