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Description:	Kathleen, a recent graduate from the Middlebury Institute of International Studies at Monterey, focused her studies on International Policy and Development, with a particular interest in the environmental impacts of planned obsolescence. She has drafted a policy brief advocating for transparent policies in California to combat planned obsolescence and promote durable goods. This legislation would require manufacturers to label products with their expected lifespan, aiming to shift consumer demand towards longer-lasting products. The proposed policy aims to reduce waste production, increase energy efficiency, decrease raw material consumption, lower emissions, stimulate a circular economy, and reduce contributions to global warming.
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Policy Brief:

California Policy Regarding Planned Obsolescence

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EXECUTIVE SUMMARY

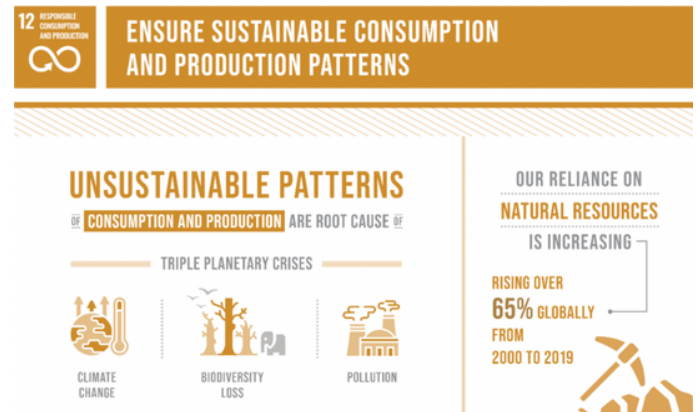
Countering the strategy of planned obsolescence, which is built into the production of most goods traded globally, is necessary to combat its negative impacts on the environment. This requires involvement from governments, businesses, and consumers. By requiring transparency in planned obsolescence, designing products with durability in mind, and encouraging sustainable consumption practices, we can work towards a more equitable and sustainable system.

INTRODUCTION

Planned obsolescence is the common business practice of intentionally limiting a product's useful life. Many manufacturers incorporate planned obsolescence into the production of goods to limit the useful life of their products and increase consumption. This has led to unsustainable levels of consumption of natural resources and waste. The United Nations notes unsustainable consumption and production as the leading cause of a triple planetary crisis (biodiversity loss, pollution, and climate change). Growing concern over sustainability and the environment has caused governments, advocacy groups, and consumers around the world to advocate for more responsible product design. France and Canada are the only countries to have passed legislation banning planned obsolescence.

HISTORY

During the 1870s the United States faced a period of overproduction leaving goods sitting unsold in warehouses. This trend continued from 1929-1939 when the world faced the great depression. Unemployment rates soared which drove people in search of a solution that included the 'industrial machine' as a way to stimulate consumerism. Although in 1895 technological improvements made it possible for the life of a lightbulb to extend to 2500 h, in 1924 its lifespan was deliberately limited in production to only 1000 h, requiring replacement more frequently. In 1932, Roy Sheldon and Egmont Arens suggested that the United States promote consumerism and utilize its "enormous natural resources", reasoning, "we still have tree-covered slopes to deforest and subterranean lakes of oil to tap". It was during that same year (1932), when Bernard London, a real estate broker, coined the term planned



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obsolescence, officially pinning a name to the practice of designing products not to last. He argued, if consumers weren't willing to increase their consumption voluntarily, they should be pushed or forced to. By the 1950s planned obsolescence had gained significant traction. It became standard practice across industries such as automobiles, appliances, and across a multitude of sectors. Planned

obsolescence is common practice today and has led to unsustainable levels of resource consumption and waste. In *Consumerist Waste: Looking Beyond Repair* (2024), Roy Shapira highlights the alarming statistic, “In the U.S. alone, consumers dispose of 150 million smartphones annually.” Our reliance on natural resources is increasing and most of the world’s electronic waste is not being properly managed. The solution to yesterday’s problem has become the cause of many today.

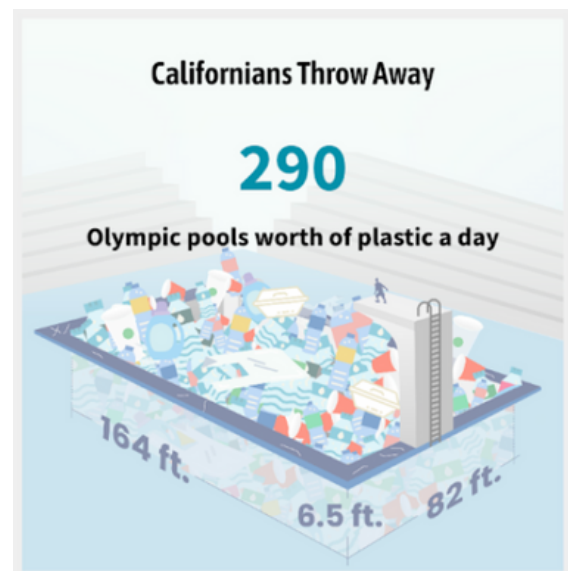
GLOBAL

France was the first country to pass legislation banning planned obsolescence. In 2015, France made it illegal for manufacturers to intentionally reduce a product's lifespan. The legislation requires products to be designed to last as long as possible and requires parts be made available for repair and maintenance. The law also requires manufacturers to inform consumers of the estimated lifespan of their products and how long parts will be available. Failure to comply can result in fines of up to 5% of the company’s annual turnover and two years in prison (LOI n° 2015-992 du 17 août 2015).

In 2023 Canada passed a bill to promote product durability and reduce waste by banning the sale of products with planned obsolescence and requiring repair services and replacement parts be made available. Bill 29 “protects consumers from planned obsolescence” and promotes “the durability of, reparability and maintenance of goods.”
- (Noah Boudreau and Nicolas-Karl Perrault)

CALIFORNIA

Despite the recognition of planned obsolescence as an unsustainable business practice, currently, no legislation exists in California specifically targeting the practice. Existing laws and regulations within the scope of planned obsolescence in California fall mostly under consumer protection and environmental regulations. The Business and Professions Code Section 17200, for example, prohibits unlawful, unfair, and fraudulent business practices. The Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54) addresses waste and promotes a circular economy. Enough plastic is thrown away every day in California to fill 290 Olympic size pools. These resources are not



Plastic Pollution Prevention and Packaging Producer Responsibility Act SB 54.
CalRecycle. 2024

infinite and therefore it is worth considering other methods of production as we move towards a more circular economy. SB 54 shifts the plastic pollution burden from the consumer to the plastics industry and calls on producers to create a Producer Responsibility Organization (PRO), implement an Extended Producer Responsibility (EPR) program to “minimize negative impacts on public health and the environment at every stage of the product’s lifecycle”, and “cut plastic pollution and support disadvantaged, low-income, and rural communities hurt most by the impacts of plastic waste”. The mission of CalRecycle is “Protecting California’s environment and climate for the health and prosperity of future generations through the reduction, reuse and recycling of California resources, environmental education, disaster recovery and the transition from a disposable to a fully circular economy”. SB 54 does not explicitly mention planned obsolescence, however, it tells us that California is an advocate for the environment, climate action, and matters relating to waste reduction.

A study focussing on the US market exploring legal actions to increase product lifespans and reduce environmental damage was conducted by White et al. (2021). The authors suggest a path to longevity through the labeling of all hard goods with accurate estimates of average product lifespan and their capacity for repair. They found that mandatory regulations could be an effective means in motivating firms to develop and sell products with longer lifespans that are repairable and propose a framework that

pushes producers and consumers to accept more responsibility for the materials and the products they use. The competition stimulated by this transition to product repairability and longevity would lead to a more circular economy and reductions in global warming. The United Nations asks that governments “implement and enforce policies and regulations that include measures such as setting targets for reducing waste generation” and also informs us that, “Transitioning to a circular economy involves designing products for longevity”. Although currently, no legislation exists in California specifically addressing planned obsolescence (Bisschop et al., 2022), White et al. suggests that mandatory regulations through labeling of products with their expected lifespan is a viable solution to the problems associated with planned obsolescence.

ENVIRONMENTAL IMPACT

Planned obsolescence leads to products being discarded more frequently, contributing to the growing waste problem in the state. Natural resources are being depleted. Landfills are exasperated, requiring more resource management. A literature review conducted by Amrine Lallmahomed and Julio L. Rivera in 2015 explored the effects of planned obsolescence and concluded that the result of products having shorter lifespans is that the more waste that is produced, the more that ends up in landfills. Bedford et al. came to the same conclusion in 2022, noting that

“Intentionally shortening the lifespan of products by design or intellectual property stipulations, especially those of electronic and digital devices, has significant environmental impacts because more waste is created and needs to be disposed of.” Facilities often operate on expired permits, aren’t properly managed, and have a history of health and safety violations.

The State of California’s Summary of Projected Climate Change Impacts on California tells us that the anticipated effects of climate change in California include extreme weather, rising sea levels and temperatures, changes in precipitation, increased susceptibility to wildfires, coastal flooding and erosion, acidification, and negative impacts on human health.

STAKEHOLDERS

France is a key stakeholder to California. Through a joint declaration, California and France agree to work together to combat the effects of climate change. The agreement between France and California provides California with a strong reason to address the effects of planned obsolescence as it would be in alignment with the goals of the declaration by promoting sustainable consumption, waste reduction, and supporting environmental protection efforts. France, in their own efforts towards sustainability, has strict measures against planned obsolescence, making the strategy illegal since 2015.

Californians Against Waste (CAW), as one of the oldest advocacy groups in the United States, could also be a key stakeholder as their mission is to eliminate pollution and transition California’s economy to a circular one. Planned obsolescence is a leading cause of pollution. CAW was founded in 1977 as a non-profit environmental research organization and advocacy group looking to identify, develop, and promote policy solutions to pollution and conservation problems that pose a threat to the environment and public health.

The Climate Action Caucus is composed of senators, assembly speakers, and members who fight for policies that address climate change. These individuals could be considered key stakeholders in addressing planned obsolescence as unsustainable consumption and production is a leading cause of climate change.



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POLICY RECOMMENDATION

California policy should go beyond the current focus on recycling. Although recycling is beneficial, it is not sufficient in keeping up with the increasing trends in waste production, resource depletion, and global warming. California should consider the following policy recommendations instead:

01 **Transparency in planned obsolescence**
Implement legislation requiring manufacturers to label products with accurate estimates of their average lifespan and repairability as proposed by White et al. (2021).

02 **Make Planned Obsolescence Illegal**
Consider legislation similar to France and Canada, which prohibits the sale of products with planned obsolescence.

“Three in four Californians say that the state’s role as a world leader in fighting climate change is important to them.”

“Sixty-eight percent of Californians favor having the state government make its own policies, separate from the federal government, on climate change issues.”

— Mark Baldassare. Carnegie Endowment. 2023

CONCLUSION

The intentional designing of products not to last is an unsustainable practice. Unsustainable consumption and production are the leading cause of biodiversity loss, climate change, and pollution. If California continues with planned obsolescence, the state could face increasingly severe environmental impacts and economic challenges including resource depletion and rising waste management costs. While California lacks legislation specifically addressing planned obsolescence, the state has expressed support for transitioning to a circular economy. The United Nations Sustainable Development Goal 12 Responsible Consumption and Production emphasizes “transitioning to a circular economy involves designing products for longevity”. Research suggests, by motivating firms to develop and sell products with longer lifespans, we can move towards a more circular economy and reduce global warming. Implementing a framework that mandates accurate lifespan labeling of all hardgoods could provide a job-rich economy based on quality rather than quantity. Both France and California have pledged to cooperate in combating global warming through their Joint Declaration. Governments, advocacy groups, and consumers around the world are calling for change in how products are designed, necessitating responsible policies. France and Canada are the only countries in the world with legislation banning planned obsolescence. California, too, can champion similar measures by 1) enacting legislation requiring transparency in planned obsolescence or 2) making planned obsolescence illegal.

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