Can Manufacturers Institute

Michael J. Smaha
Vice President, Government Relations
The Homer Building
Industrious, 12th Floor
601 13th Street, NW
Washington, DC 20005
Cell: (202) 876-4347

December 19, 2024

Ms. Kim Morley
Safer Products for Washington Project Manager
Washington Department of Ecology, Hazardous Waste and Toxics Reduction Program
Olympia, WA

VIA EMAIL: SaferProductsWA@ecy.wa.gov

RE: Draft Identification of Priority Products Report to the Legislature

Dear Ms. Kelly:

The Can Manufacturers Institute (CMI) appreciates the opportunity to comment on the Washington Department of Ecology (Ecology) report *Draft Identification of Priority Products Report to the Legislature: Safer Products for Washington Cycle 2 Phase 2* ("draft report").[1] CMI is the U.S. trade association representing metal can makers and their suppliers. The industry employs more than 28,000 people and our members have facilties in 33 states. Members manufacture a variety of steel and aluminum cans used to package food, beverage, personal care, cleaning and paint products. Our members are proud to make the most sustainable package.

The draft report identifies priority consumer products for the second review cycle of Safer Products for Washington, including proposing as a priority product "Organobromine or organochlorine substances: Plastic packaging." Our comments focus on this proposed priority product and the need to clarify its scope to ensure that it does not include metal cans.

<u>The Proposed Listing Needs to Properly Define "Plastic Packaging"</u>

For the proposed priority product *plastic packaging*, the report states, "These products include single and multi-component plastic packaging. Packaging includes packages and packaging components as defined in RCW 70A.222.010.36."[2] The referenced

[1] Washington State Department of Ecology, Hazardous Waste and Toxics Reduction, November 2024.
[2] Page 21.

provision defines “package” and “packaging component.”[3] The draft report does not define “plastic packaging” and thus the scope of the proposed listing is unclear.

CMI recommends that Ecology include the following definition: “*Plastic packaging* means packaging consisting of plastic as the predominant material.”[4] This is essential to clarify that the listing does not apply to metal packaging (e.g., cans) that have polymeric linings or coatings.

Ecology states in the draft report:

> Plastic packaging is a significant source and use of organochlorine substances. The focus of this category is the polymers used in packaging materials. Polyvinyl chloride (PVC) and polyvinylidene chloride (PVDC) are the main polymers made of organochlorine substances used in packaging and often comprise a large part of the packaging material. PVC and PVDC are organochlorine substances.[5]

Cans have a lining to protect the quality, flavor and safety of food. Common can linings in current use are various material types including acrylic, polyester, vinyls, non-BPA epoxies, and olefin polymers. PVC is a component in some can lining materials and is the best choice for some applications including certain food cans, due to its excellent corrosion resistance. The thin polymeric can lining does not render the can “plastic packaging.” Linings are an extremely small component of the can—a very thin film of between 1 and 10 micrometers, which is about 20 times thinner than a sheet of paper. The lining certainly does not “comprise a large part of the packaging material” for metal cans.

Concerns in the Draft Report are not Valid for Vinyl Can Coatings

Metal cans have a high recycling rate which contributes to a strong environmental and sustainability profile. Steel food cans are the most recycled food containers. There is incentive to recycle steel cans at high rates since there is more demand for steel scrap than is available.

---

[3] (3) "Package" means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. "Package" also means and includes unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.
(4) "Packaging component" means an individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

[4] Alternatively the definition could include a specific percentage, e.g., “*Plastic packaging* means a packaging that is wholly or predominantly (i.e. more than 50%) made of plastic.

[5] Page 21.

The draft report states:

> PVC and PVDC are a hindrance to the goal of a circular economy for packaging in Washington. The recycling rate for post-consumer PVC and PVDC in Washington is negligible because there are no facilities that can recycle these materials at scale in the state (Eunomia, 2023). Most of the packaging made from these materials ends up in landfills, is incinerated or burned.[6]

The above is not correct for metal cans—the opposite is true. Questions about whether PVC is as readily recyclable as other materials stem from potential challenges in plastic recycling—i.e., recycling to produce plastic resin. These concerns do not exist for metal can recycling. In aluminum and steel recycling, high-temperature metal recycling processes remove and destroy any coatings on used cans, with emissions controlled and regulated and energy generated in the process. CMI supports the goal of a circular economy and any action that could negatively impact highly recycled materials like metal cans does not serve that aim.

The draft report states that plastic packaging materials have the potential to expose people to organochlorine substances and that vinyl chloride may be detectable in packaging materials as a residual from manufacturing.[7] This is not the case for metal cans. Can manufacturing plants receive and handle polymer (which could include PVC), not vinyl chloride monomer. Trace amounts of vinyl chloride may be present in PVC, but any trace vinyl chloride is volatilized during the high temperature oven curing process (typically ~ 400^{o}F) in can manufacturing. Environmental controls on thermal oxidizers destroy any trace vinyl chloride and it is not emitted from can manufacturing plants.

The vinyl or other polymer in can linings is a cured film designed to be inert and not degrade, a necessary characteristic for the food can use. Every can lining component is approved for its use by the U.S. Food and Drug Administration (FDA). PVC has been used in food packaging as a coating on metal cans for over 40 years.

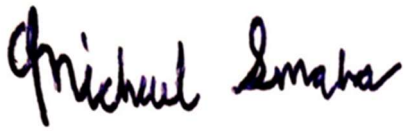
In summary, CMI requests that Ecology clarify its proposed listing to ensure that non-plastic packaging such as metal cans are not within scope. A clear definition of “plastic packaging” as suggested herein could accomplish this, but there may be other ways to

[6] Page 22.
[7] Page 21.

achieve the same result. For example, the report and other future actions could state that metal cans are not included in the priority product listing.

CMI thanks you for the opportunity to comment on the draft report. Please let me know if CMI can answer any questions.

Sincerely,



Michael Smaha
Vice President of Government Relations
Can Manufacturers Institute