



WASHINGTON REFUSE & RECYCLING ASSOCIATION

August 14, 2020

Solid Waste Management Program
Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

Solid Waste Management Program:

The Washington Refuse and Recycling Association (WRRA) is the oldest Solid Waste Trade Association operating on the West Coast of the United States, founded 73 years ago. WRRA represents the private sector solid waste and real recycling industry in Washington, from curbside collection service, state of the art recycling facilities, to landfills. WRRA member companies and the solid waste industry serve a vital role in public health, safety, and environmental protection.

Our members work in their communities every day and provide essential services. Washington's solid waste system is a successful public-private partnership. Washington's regulated and municipal solid waste collection system provides for excellent service, has consistently beat the national recycling rate by double digits, and maintains family wage jobs in every community in which we operate— all at a transparent and affordable price. We have an obligation to serve and to provide universal service as directed by the state and local governments.

Thank you for the opportunity to comment on Task 2 research report on recycled content use in Washington. Recycling is not broken and Washington's time-tested solid waste system has achieved excellent results. The barriers and challenges presented by the Department of Ecology's study on plastic packaging have identified many improvements that can and be accomplished within the existing regulatory structure. Additional processing capacity is coming online across the United States, as discussed in two reports from The Northeast Recycling Council (NERC) attached to these comments. Washington and WRRA members do not lack the capacity to collect, process, and market recyclables.

Overall, the report represents a useful survey of plastics manufacturing in Washington and raises important questions about barriers to the expanded use of recycled content. Plastic packaging producers make decisions based on many factors – cost, performance, advertising, etc – whether the material is recyclable or has post-consumer recycled content has not been a high priority in manufacturer decisions. Many of the concerns/barriers raised appear to stem from the decision to produce harder to recycle packaging out of difficult to recycle materials.

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WRRRA members collect, process, and market materials at Washington's state of the art Material Recovery Facilities (MRFs). Our members report an oversupply of many materials collected through the waste stream, particularly plastics #3, 4, 6 and 7 in clamshell and other difficult to recycle designs. If easy to recycle materials never enter the waste stream in the first place, the materials cannot be recovered.

WRRRA offers the following comments/recommendations on barriers to the use of recycled content and other issues raised by the report:

- **Lightweight/Difficult to recycle packaging:** The lack of supply of recovered high quality recyclable plastic in the waste stream is in great part due to the decisions of manufacturers. Plastic packaging producers have moved away from widely recyclable packaging (usually using plastic resins #1 and 2) in favor of lighter weight, but difficult to recycle packaging (usually made using plastic resins #3, 4, 6, and 7). Lightweight difficult to recycle packaging displaced larger quantities of recyclable packaging in the waste stream.
 - Necessary recyclable materials are only present at reduced volumes because plastic packaging producers stopped designing for recyclability. If more packaging uses widely recyclable materials (plastics #1 and 2, cardboard, etc.), more will be recovered through the waste stream.

- **Contamination/Confusion/Labeling:** Contamination in the waste stream also reduces the supply of quality materials that can be recycled into packaging. The reasons for contamination are numerous, but a significant portion is attributable to consumer confusion. Misleading labeling requirements developed by the plastics industry have contributed to consumer confusion.
 - Washington's current plastics packaging label statute RCW 70.95F requires that all plastic packaging identify the type of plastic used, industry standard resin code used (good), but also requires the "chasing arrows" recyclable symbol on plastics packaging. The "chasing arrows" are an industry trademark, and do NOT indicate the material is recyclable in any given community, or indeed anywhere in Washington State.
 - A recent PBS Frontline investigation titled "[Plastic Wars](#)" delved into the history of plastics recycling in the United States. RCW 70.95F and similar statutes across the nation are the result of national lobby efforts by plastic packaging manufacturers following growing concern over single-use plastics. The national lobby effort's goal: brand single use plastic packaging as recyclable and thus environmentally friendly. The reality is that many single use plastics are NOT recyclable given today's markets and the costs of sorting small items in mechanical recycling systems. Washington adopted RCW 70.95F in 1991, many states adopted similar laws at the same time.

- **Cost compared to virgin resin:** Recycling is not free and it never has been. Real recycling requires that recyclable feedstocks replace virgin materials in manufacturing. These costs are borne by the ratepayer on the collection side and the producer on the manufacturing side.
 - Mandating PCR in products and packaging will improve markets for collected recyclables and spur investment in the system to recover more material. Mandating PCR will also help phase out difficult to recycle packaging. If more plastics #1 and 2 enter the waste stream, more will be recovered. Supply will increase over time and help prices decrease.

- PCR mandates also remove disincentives to using PCR based on market forces. Mandates can help overcome market pressure on manufacturer's to stop using PCR when oil prices drop and virgin plastic resin becomes cheaper.
- **Recycled content minimums and design guidelines:** As previously discussed, lightweight packaging made of difficult to recycle resins/form factors have displaced highly recyclable packaging made from resins #1 and 2. Requiring PCR in products and packaging will have a twofold impact: it will phase out materials/designs that cannot meet recycled content requirements and it will increase the supply of high quality recyclable materials in the waste stream over time as more packaging is produced with readily recyclable materials and designs.
- **Increasing collection volumes and quality through policy:** Recycling programs are in part funded by selling the collected materials. Many of those materials now have a negative value and are costing programs instead of funding them. A bottle bill/deposit program will take away many of the most valuable materials from already struggling recycling programs.
 - A few materials, including aluminum cans and beverage bottles made from plastics #1 and 2 have retained strong values and continue to support Washington's recycling programs. A bottle bill/deposit program will remove many of the few remaining materials with value from our curbside recycling programs. Local governments and service providers will have less money to fund recycling programs without those materials.
 - In other states, bottle deposit programs have resulted in windfalls for beverage manufacturers at the expense of recycling programs. In Oregon, residents pay a deposit on every container they purchase. The beverage industry in Oregon keeps any unclaimed customer deposits and that money is not reinvested in improving recycling. In 2018, the amount of unclaimed deposits was estimated at \$29 million per year that could be reinvested in recycling programs. (Link to Sources: [ORBC Report](#), [KTVL: Medford News](#))

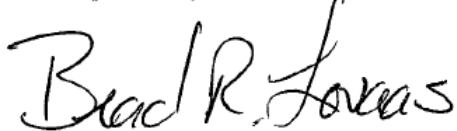
Summary/Conclusion

- Several of the barriers found by the report are the result of a self-fulfilling prophecy brought about by plastic packaging producers. Easily recyclable materials and resins are present in the waste stream at reduced quantities because producers stopped making easily recyclable packaging using virgin resin. If producers begin to design for recyclability in packaging, the materials will be present at greater volumes in the waste stream.
- Confusion over what should be collected through our recycling system also results in materials lost due to contamination. Washington's plastic labeling laws confuse and mislead consumers, resulting in contamination and lost material.
- Washington has the capacity to collect, market, and process recyclables successfully. Our recycling programs need strong markets and to collect materials with value. NERC estimates:

1.1 billion pounds of additional scrap plastic processing capacity coming on-line through the planned and completed projects. This capacity spans numerous polymers, both post-consumer and post-industrial, with LDPE having the most planned capacity, according to NERC. “The bulk of growth is taking place in the western part of North America, NERC noted, with six projects in California, one in Nevada and one in British Columbia. (Links to Sources: [Resource Recycling](#), [NERC Plastics Capacity Report](#), [NERC Paper Capacity Report](#)).

- More so than any other policy, creating strong markets for our recyclables will ensure the long-term environmental and economic stability of our recycling programs. In the 2020 Legislative session, WRRRA supported two pieces of PCR legislation. SB 5323 banned retailers from using plastic bags and requires paper bags include 40% recycled material. HB 2722 required PCR content in beverage containers beginning at 10% in 2022 and increasing to 50% by and after 2030. Governor Inslee ultimately vetoed HB 2722 to preserve funds for Washington’s COVID-19 response. WRRRA views mandated post-consumer recycled content requirements in products and packaging as a crucial policy moving forward.

Respectfully submitted,

A handwritten signature in black ink that reads "Brad R. Lovaas". The signature is written in a cursive, slightly slanted style.

Brad R. Lovaas

Executive Director