

September 4, 2020

Alli Kingfisher
WA State Department of Ecology
Solid Waste Management Program
Alli.Kingfisher@ecy.wa.gov

Re: Plastics Industry Association Comments on Recommendations for Managing Plastic Packaging Waste in Washington

To Whom it May Concern:

We appreciate the opportunity to comment on the “Recommendations for Managing Plastic Packaging Waste in Washington”. PLASTICS members have long been committed to recycling as an important part of our industry’s sustainability goals. Our members continue to grow recycling through:

- Making materials and products more recyclable.
- Demonstrating viable business models for collecting and recycling different types of plastic materials from locations like offices, hospitals and other areas.
- Finding ways to eliminate waste and increase recycling throughout the processes of manufacture, distribution, and use.
- Promoting the use of recycled plastics in new products.
- Investing in programs to measure the amount of wasted recyclable plastic material and ways to collect it.

Recycling is an essential public service and consumers are demanding products with more recycled content. As long as funding is lacking for the adequate amount of recycling infrastructure needed to meet consumer demands and sustainability goals, we believe the plastics industry has an important part to play in developing the funding structure of recycling programs. PLASTICS’ member companies strongly support the use of post-consumer recycled (PCR) plastic and welcome discussions about effective public policies that strive to encourage the use. The inclusion of PCR in a variety of products can have positive environmental benefits and legislating minimum requirements may be beneficial if done appropriately.

General Comments on Funding

We believe any funding mechanism should be fair and equitable across materials and consider the impact of the full lifecycle of recyclable products. PLASTICS appreciates the recommendation that the Extended Producer Responsibility framework apply to all packaging materials and not just plastics.

With regards to how fees are handled, any fee that may be levied against a material or specific product should go into a non-profit organization, controlled by a board of diverse stakeholders representing all affected industries, that dedicates the entirety of its funding to recycling infrastructure and organizational administration.

It is PLASTICS’ strong position that any plan to fund recycling infrastructure should prioritize sorting and processing improvements to ensure collected material is able to be recycled economically. Examples of these activities include secondary sorting facilities and material recovery facility upgrades that allow flexibles to be effectively sorted.

Funds collected and applied towards improving recycling infrastructure should be made available to public and private enterprises. Recycling expansion and improvement will be achieved through the work and innovation of both public and private entities.

General Comments on Post-consumer Recycled Content

In order to avoid market disruption, any minimum PCR requirements should be set with both economic and environmental feasibility in mind as well as the performance characteristics and quality of the available supply.

A scientific analysis should be conducted by the proposed regulating entity to determine whether requiring recycled content will yield positive environmental outcomes across important impact areas (air, water, energy, etc.).

PLASTICS believes that before a requirement is set, research must be done to quantify if there is an appropriate and adequate supply of PCR for all products impacted, especially for food-contact applications which may require Letter of No Objection (LNO) materials from the Food and Drug Administration.

Any minimum PCR requirements should be examined on a specific product category basis and not by material or type of resin. PCR requirements should be calculated on an aggregated basis of the regulated entity's portfolio of relevant products, not on a per unit basis. (For instance, a 25% PCR requirement for PET beverage bottles should be calculated as an average of all PET beverage bottles used by the regulated entity and not require 25% in every single bottle.)

Demonstration of compliance should be done through self-reporting or third-party verification. The deadline for compliance should provide the necessary time for the supply of applicable PCR to be produced. Depending on the minimum PCR required, at least at least 18 months from enactment should be provided to allow for material qualification processes and procurement adjustments.

Advanced or chemically recycled resin should be considered PCR for any mandated minimum requirement. If a manufacturer is wanting to use a biobased resin, compliance with minimum recycled content could be waived if the manufacturer can show the use of biobased resin yields equal environmental benefits to that of recycled content.

Ban on Problematic and Unnecessary Plastic Packaging

The packaging industry utilizes different materials and barriers to protect products and food for shipment. What may seem "problematic" or "unnecessary" to a recycler could be a necessary material to preserve the integrity of a product. Packaging materials are carefully selected for their purpose and forcing them to adhere to an arbitrary definition of "problematic" is concerning. In order to protect the stream of recyclable materials, policies must permit fair and open market access for all participating materials. It is concerning that Ecology may proceed with the primary recommendation of extended producer responsibility and still ban materials. If a producer is paying into a system for a product or material, they should not be subject to future bans.

PLASTICS appreciates the opportunity to submit these comments and looks forward to working with Ecology and other stakeholders in developing these recommendations. If you have any questions, please do not hesitate to contact me directly at 202.974.5206 or by email at scrawford@plasticsindustry.org.

Respectfully submitted,



Shannon V. Crawford
Director, State Government Affairs