



June 28, 2023

Washington State Department of Ecology
Solid Waste Management Program
Attn: Shannon Jones
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Olympia, WA 98504

To: Washington State Department of Ecology

S.C. Johnson & Son, Inc. (SC Johnson) appreciates the opportunity to provide comments to the Washington State Department of Ecology (Department) on Chapter 173-925 Washington Administrative Code (WAC) Post-consumer Recycled Content in Plastic Containers.

About SC Johnson

SC Johnson is a family company dedicated to innovative, high-quality products, excellence in the workplace and a long-term commitment to the environment and the communities in which it operates. Based in the United States, the company is one of the world's leading manufacturers of household cleaning products and products for home storage, air care, pest control and shoe care, as well as professional products. It markets such well-known brands as GLADE®, KIWI®, OFF!®, PLEDGE®, RAID®, SCRUBBING BUBBLES®, SHOUT®, WINDEX® and ZIPLOC® in the U.S. and beyond, with brands marketed outside the U.S. including AUTAN®, BAYGON®, BRISE®, KABIKILLER®, KLEAR®, MR MUSCLE® and RIDSECT®. The 136-year-old company employs approximately 13,000 people globally and sells products in virtually every country around the world.

SC Johnson Efforts to Address Plastic Waste & Pollution

SC Johnson recognizes the important role of the private sector in addressing plastic waste and pollution. Our company has been a leader in this effort, advocating for public policy that improves waste management systems, leading with new and unique product innovations, and working with likeminded partner organizations that help us create new markets for materials that might otherwise end up in landfills.

Over the past several years, SC Johnson has taken proactive steps towards incorporating post-consumer recycled content in our products and packaging as we seek to achieve a waste-free world. We have increased PCR content globally from 4.5% in 2018 to 19.2% in our most recent survey in 2021, setting us up to achieve our goal of 25% PCR by 2025. Beyond 2025, we will continue to look for opportunities to incorporate PCR, recognizing that developing and producing sustainable packaging and products is an important step to supporting the circular economy.

SC Johnson Feedback on WAC 173-925

We appreciate the Department's engagement as you consider input on this rulemaking. We have been involved stakeholders throughout the rulemaking process and are encouraged by the receptiveness to feedback. However, there are still areas where we feel the rule could be improved and we provide the following comments:

- **Fee calculation for postconsumer recycling content (PCRC):** We ask for your reconsideration of the current fee approach and ask that you explore utilizing an eco-modulated fee structure that recognizes producers use of PCRC. During the initial PCRC rule development process last year, SC Johnson advocated for a similar approach, which provides credits to producers to incentive the use of recycled resin. This approach reflects the goals of PCRC requirements and recognizes the proactive work of producers who have already taken steps to incorporate PCRC in their

products and packaging. As noted in the CR-102 document, several consumer brands have made voluntary recycled content standards for their products. Producers who have made these investments, and are working towards achieving these commitments, should be credited for their proactivity, and not assessed utilizing the same methodology as companies who have not made similar investments. These credits should be applied to businesses regardless of their size.

- **Reporting and registration requirements:** We are supportive of a streamlined approach to the reporting and registration requirements, and allowing a third-party, such as a producer responsibility organization (PRO), to manage these requirements. We feel this will help ease the administrative burden on the Department and provide producers with a simplified approach to reporting. Producers would be able to report to a third-party, which would in turn aggregate the data and submit it directly to the Department.
- **Data submissions for covered products:** We are also supportive of allowing producers to report national or regional covered product resin data that is prorated for Washington state. We utilize a national supply chain for the distribution of our products which makes gathering state specific resin data incredibly difficult. Allowing producers to supply national data that is prorated for Washington state significantly simplifies the reporting process and removes a potential burden on producers that does not necessarily provide more accurate information.

We would like to recognize Senator Rolfes and Representative Berry's legislation, SSB 5154 / 2SHB 1131, the Washington Recycling and Packaging (WRAP) Act, which would transition the PCRC reporting and registration requirements into an EPR system. Under the proposed legislation, producers would report their data to the PRO, which would aggregate all the PCRC data from its members and submit that data to Ecology. This approach would add additional efficiencies to the PCRC program and remove much of the administrative burden from the Department. SC Johnson has supported creation of EPR systems around the country and see them as one of the most effective mechanisms to supporting a circular economy.

Notably, the WRAP Act creates an eco-modulated fee system for producers to incentivize the use of packaging designs that reduce the environmental impact of covered products. As part of this approach, the bill utilizes an eco-modulated fee to drive use of post-consumer recycled content (Sec. 112 (5) (a) (ii)). We strongly support this approach and have advocated for an eco-modulated fee system to also be used for the assessment of fees under the PCRC program.

In anticipation of the reconsideration of the bill during subsequent legislative sessions, we encourage the Department to review these provisions and look for ways to harmonize the current program with future legislative changes. If passed, the WRAP Act would significantly alter how the current PCRC program is managed.

Thank you for consideration of our comments and input. If you have any questions, please feel free to contact Frank Leach, fjleach@scj.com, or Intisar Surur, intisar@mcbridepa.com.