



american cleaning institute®

June 30, 2023

Shannon Jones, Rulemaking Lead
Washington Department of Ecology,
Solid Waste Management Program
P.O. Box 47600
Olympia, WA 98504-7600

Re: Comments from the American Cleaning Institute on the proposed rule for Chapter 173-925 WAC, Postconsumer Recycled Content in Plastic Containers

Thank you for the opportunity to provide our comments on the proposed rule to implement Chapter 173-925 WAC on post-consumer recycled content (PCRC) in plastic containers. The American Cleaning Institute (ACI) – the association for detergent and cleaning product manufacturers – has a vested interest in ensuring packaging such as that which is encompassed by this law complies with all requirements. Our members are already making great strides in reducing their packaging usage and incorporating more recycled content into the packaging they do introduce to the market.

We appreciate the opportunity we had to sit on the rulemaking advisory committee for much of 2022 to help develop this rule. The Department of Ecology (Ecology) provided ample opportunity for stakeholder involvement in this development. As key elements of the law approach and more producers are required to meet registration and reporting requirements, we expect there to be more opportunities for Ecology to improve how this law is implemented. As such, our comments focus on areas that we hope Ecology will revisit and will consider for the future.

Adjusting Fee Structure to Benefit Producers in Compliance

We appreciate the effort that Ecology has made to develop an equitable fee structure which accounts for business size, market share and cost sharing of Ecology's administrative and oversight expenses. The law allows Ecology complete control over the fee structure which has resulted in costs savings for producers with plastic resin weights under the mean plastic resin weight across all fee-paying producers, and cost increases for producers above the average resin weight. Similarly, it would be beneficial for there to be an opportunity for a producer to reduce their fee if they are achieving higher PCRC percentages than are required for that calendar year. This would further enhance the purpose of the law. Because revenue from penalties associated with non-compliance are earmarked for supporting local solid waste and financial assistance programs, a fee adjustment is the only other mechanism to incentivize more positive contributions from companies that are complying.

Dates

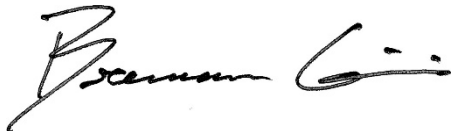
The law provides important deadlines that producers are already preparing for. Our concern is that some of the dates do not provide enough time for a producer to respond to determinations

made by Ecology. We request assurances from Ecology that timely announcements will be made in response to producer inquiries. We outline a couple examples below.

- Ecology has proposed a September 1 deadline for a producer to request a temporary PCRC percentage exclusion for the following calendar year. Ecology must make a determination by December 31. There is no indication how long it will take for Ecology to respond to a request whether that is made early in the year or just before the September 1 deadline. In either case, we seek a method that will ensure a quick reply to producers so that they may adequately prepare for the following year.
- The law dictates that registration, reporting and requests for adjustments to the PCRC percentages for the following calendar year be made by April 1. As already mentioned, there is no indication how long it will take Ecology to respond, although in this case a response could come up to nine months later (just before the end of the year). Furthermore, rules should be established to determine how adjustments can be requested after the April 1 deadline in the event that new circumstances arise that would make complying with PCRC percentages difficult.

We would like to reiterate that ACI commends the work that Ecology has conducted so far with appropriate public input. We hope that Ecology will take more time to contemplate ACI input on this rulemaking. ACI looks forward to providing necessary input regarding the performance of our products and packaging to achieve desired policy goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Brennan Georgianni". The signature is fluid and cursive, with a large initial "B" and a distinct "G" at the end.

Brennan Georgianni
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