Submitted via electronic *public comment form*
June 24, 2026

RE: Comments related to Washington's Recycling Reform Act Draft Rule Language Request for Information

On behalf of the American Forest & Paper Association (AF&PA), thank you for the opportunity to comment on the draft rule language to support implementation of Washington's Recycling Reform Act.

AF&PA serves to advance public policies that foster economic growth, job creation, and global competitiveness for a vital sector that makes the essential paper and packaging products Americans use every day. The U.S. forest products industry employs more than 925,000 people, largely in rural America, and is among the top 10 manufacturing sector employers in 44 states. Our industry accounts for approximately 4.7% of the total U.S. manufacturing GDP, manufacturing more than $435 billion in products annually. AF&PA member companies are committed to making sustainable products for a sustainable future through the industry's decades-long initiative — *Better Practices, Better Planet 2030*. In Washington, the industry employs more than 27,000 individuals in 139 facilities, contributes $140 million in state and local taxes, and manufactures more than $13.1 billion in products.

Paper Recycling Works

Paper recycling is essential to our industry's efforts to achieve important sustainability goals and build a more circular value chain. Paper is one of the most widely recycled materials in America, turning used paper into new, essential products Americans rely on. In fact, more than 2/3 of all paper recycled in the U.S. is turned into new products at mills nationwide. In 2024, we recycled around 46 million tons, translating to an overall paper recycling rate of 60%-64%.

Paper recycling is also vital to our national supply chain. AF&PA members own and operate more than 100 materials recovery facilities across the country. About 80% of U.S. paper mills use some recycled paper to make new, sustainable products. Our industry is scaling up the use of recycled paper. U.S. mills used 1.29 million more tons of recycled paper to make new products in 2024 – that's 32.7 million tons compared to 31.3 million tons in 2023.

Our industry has prioritized recycling for over 30 years, and we are committed to continued progress. AF&PA members are not just participants in the recycling system, we are helping build and improve it through voluntary industry investments that use more recycled paper, create jobs, and innovate in our U.S. manufacturing processes. During 2019-2025, our industry invested in projects at paper mills that will use over 4.5 million additional tons of recycled paper annually. Companies built new mills, upgraded old ones, modernized equipment, and continue to make investments in our facilities, employees, and communities.

Please find below comments focused on areas of the draft rule language that the paper and fiber-based packaging industry would like to see improved for greater clarity in implementing the Recycling Reform Act (RRA).

Comments

Selected Definitions

We encourage Ecology to cut 173-950-030 (a)(viii)- *multi-material products that are composed of at least 50% paper by volume*- from the definition of "covered material." While "covered material" broadly encompasses all "packaging and paper products introduced into the state," and "packaging" is defined functionally without regard to material composition, the statute does not define multi-material product formats or establish how composite materials should be categorized or managed. Limits are needed to ensure that "all other paper materials" in the definition of paper products under RCW 70A.208.020(26) does not bring into scope materials that are not handled by the residential recycling system or used to protect or store a durable product. The statute does not clearly define or address how such materials would be categorized and evaluated, creating potential ambiguity in implementation, and the potential for inclusion of thousands of products and administrative burdens for materials that never enter the blue bin. For example, this could bring types of wallpaper, board games, office supplies, lamp shades, window shades, and dollhouses, into scope, which is outside the regulatory intent of the program.

Paper is one of the most widely recycled materials in America, and paper recycling rates in the U.S. have consistently increased in recent decades. The supply-based recycling rate in 2024 for **paper is 60-64%** and **cardboard is 69-74%** according to AF&PA's 2024 U.S. Recycling Rates. It is unfair that, as one of the most recyclable materials in the marketplace, paper has extra burdens and obligations placed on it and could lead to a reversed incentive structure to increase plastic, rather than paper, to avoid onerous EPR fees and compliance mandates. This is not aligned with the plastic source reduction goals of the RRA.

As currently written, 173-950-030(a)(viii) also raises questions about enforcement, as regulators cannot reasonably enforce and the PRO cannot reasonably oversee obligations on thousands of products or producers for materials they did not place on the residential market.

We encourage Ecology to explicitly state which products meet the exemption for "paper that could reasonably be anticipated to become unsafe or unsanitary to handle" under RCW 70A.208.020(26). The exemption should apply to all paper products that, through the normal and intended course of use, become unsafe or unsanitary. Fiber-based tissue, towels, napkins, cleaning wipes, facial/body wipes and similar absorbent products are routinely used in ways that result in contact with bodily fluid, food residues, cleaning agents, and other contaminants. Once used, these products are not suitable for recycling or composting and are routinely rejected by material recovery facilities and composting facilities due to safety, sanitation, and quality concerns. Explicitly ensuring that such products fall within the exemption will help prevent their inadvertent inclusion in the program and avoid compromising the quality of recovered fiber streams.

Additionally, we encourage Ecology to explicitly state in regulation that greeting cards should be considered within the scope of archival-grade paper products exempted under RCW 70A.208.020(26). The proposed classification of greeting cards as low-grade paper products in the Candidate Material List Draft is not accurate as there are many differences between the intended use and waste profiles of low-grade paper and greeting cards. Greeting cards are functionally equivalent to archival-grade products that are exempted under the law because they are purchased with the intention of being retained and preserved.

The state should provide further definition or require, as part of its assessments, that composting and recycling facilities specifically list items that they reject and why they reject them (i.e., hygiene issues, antimicrobials, interference with current recycling streams due to material, moisture, etc.). This will help producers clearly identify and understand which paper-based items are accepted for recycling and composting in Washington.

Producer Duties

We support the ability of producers to use “prorated” national data if state-specific data is unavailable in 173-950-100(1)(a)(ii). As the trade association for pulp and paper mills, we have a robust statistical program that collects and aggregates data at a national level. This could be utilized by Ecology to reduce reporting burdens on producers.

The information that producers must provide in sections 173-950-100(1)(a)(iii) and (b)(iii) is overly burdensome and has no protection for confidential business information. We suggest that the scope be limited to “data reasonably necessary for compliance verification” with the inclusion of a process to aggregate reporting if possible.

More information is needed on the process to comply with 173-950-100(4) that “noncompliant producers may not sell into the state.” We recommend adding graduated enforcement steps, such as warnings, fines, restrictions, and an appeals process for disputes.

Individual Producer Plan Requirements

We look forward to reviewing a more robust version of Section 173-950-110. Throughout, there are many references to “Section XXX”. Without knowing what “Section XXX” details, it is difficult to provide informed and constructive feedback on the individual producer plan requirements section.

Alternative Collection Program Requirements
The “one drop-off collection site located in each county” required by 173-950-2XX(1)(c)(i) is not appropriate for low-volume materials. We recommend that this should instead use a needs-based siting framework. A hub and spoke collection model could reduce duplicative facilities and unnecessary spending.

The provision that the PRO or alternative collection plan must be “exclusively responsible for management of the covered material covered by the plan” in 173-950-2XX(3)(a) requires further refinement. It is important that the PRO and alternative collection plan do not compete with each other or displace existing infrastructure. More clarity is needed on if a producer can be a part of both an alternative collection program and registered with the PRO. It is highly likely that a producer may have one packaging type in their portfolio that is more appropriate for alternative collection, but the rest of their portfolio is better suited for management by the PRO. Clear guidelines are needed for how producers should navigate that scenario.

As currently written, the “compensation for siting” required by 173-950-2XX(4) may result in duplicative facilities, unnecessary spending, and inflation in infrastructure upgrade costs. The implementation of a spending cap would help ensure that the RRA is not economically burdensome on low-income consumers.

Service Provider Duties
The requirement in 300(g) that service providers must pass along savings to customers is too vague. This could distort current contractual agreements and recycling markets. Clear definitions and a methodology are needed to calculate and distribute these “savings” equitably. We recommend potentially removing this provision and instead relying on the already existent competitive markets, rather than distorting current market flows.

Exclusion Petition
There is an extremely high burden of data required to apply for an exclusion petition. This section requires more details on how long this exclusion may last for the producer, group of producers, or PRO and if this exempts the producers from compliance with meeting recycling rate requirements, fees, or both.

<u>Conclusion</u>
Thank you for your consideration of our comments. We appreciate the ongoing collaboration between AF&PA and the Washington Department of Ecology to advance a sustainable recycling system. We remain available to discuss the feedback herein in greater detail and look forward to your response. Please contact Shoshana Micon, Manager, Recycling and Packaging

Sustainability, at Shoshana_Micon@afandpa.org or Nate Pelczar, Senior Manager, Government Affairs, at Nate_Pelczar@afandpa.org if you have any further questions.

Sincerely,

Mark Pitts
Interim Vice President, Industry Affairs
American Forest & Paper Association