

June 24, 2026

Washington State Department of Ecology
Solid Waste Management Program
Attention: Chris Fredley
Post Office Box 47600
Olympia, Washington 98504-7600
Submitted online via: <https://ecology.commentinput.com/?id=HBuQZ3h6t>

RE: Request for Information to Develop Statewide Recycling Lists and Needs Assessment

Dear Mr. Fredley,

The Flexible Packaging Association (FPA) respectfully submits the following comments in response to the Department of Ecology's (Ecology) Recycling Reform Rulemaking under Chapter 173-950 WAC. We appreciate the opportunity to engage during this initial comment period and hope these recommendations will assist Ecology in developing a practical, inclusive, and effective extended producer responsibility (EPR) framework for Washington State.

About the Flexible Packaging Association

The Flexible Packaging Association is the leading voice of U.S. manufacturers of flexible packaging and their suppliers. FPA's mission is to connect, advance, and lead the flexible packaging industry. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of those materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products.

Flexible packaging is the fastest-growing and second-largest segment of the U.S. packaging industry, representing \$51.5 billion in annual sales and approximately 98,000 workers nationally. In Washington State specifically, our industry supports more than 2,000 employees at flexible packaging manufacturing facilities, representing a total economic impact of nearly \$2.7 billion.

Section 173-950-030 — Selected Definitions

1. Definition of "Alternative Collection Program"

The proposed definition describes an alternative collection program as "the collection of a distinct material, packaging, or product type through collection methods other than commingled residential collection or public place collection." FPA requests that Ecology provide additional

clarification within this definition, as the current language does not adequately distinguish among the various collection modalities that exist in practice.

Specifically, the definition raises the following unresolved questions:

- Would retail store drop-off locations be classified as "public place collection"?
- How would private subscription services — such as Ridwell, a Washington-based recycling subscription company operating across the State — be categorized and accommodated within this framework?

Without further clarification, regulated entities and existing service providers may face uncertainty about whether their programs satisfy statutory requirements or qualify for compliance credit.

FPA Recommended Language:

"Alternative collection program" typically refers to collection systems operating outside of traditional curbside recycling programs. Such systems may include, but are not limited to:

- *Drop-off locations (e.g., retail take-back programs, collection kiosks);*
- *In-store collection (retailer take-back programs);*
- *Mail-back or subscription pickup programs; and*
- *Municipal or Producer Responsibility Organization (PRO) depot collection.*

2. Definition of "Covered Materials" — Multi-Material Products

FPA notes that the current definition of covered materials includes the following language: *"Multimaterial products that are composed of at least 50% paper by volume."* We do not believe this threshold is required by the enabling legislation, and we are concerned that this restriction does not reflect the full diversity of multi-material packaging formats in commercial use.

Many flexible packaging formats are composed entirely of non-paper materials — for example, combinations of plastic and aluminum, or two or more distinct plastic resins bonded together. As currently drafted, the 50% paper threshold risks inadvertently excluding multi-material packaging formats from coverage in ways the Legislature likely did not intend, potentially creating compliance gaps and inequitable treatment across packaging types.

FPA Recommended Language:

(viii) Packaging that is composed of two or more different material types that are typically bonded, laminated, or otherwise joined together.

Section 173-950-100 — Producer Duties

Data Reporting Requirements — Section 1(iii)

The proposed rule states that, upon request, each producer must make available "*all data, documents, and records related to the calculation and payment of fees, recycling rates, collection rates, post-consumer recycled content rates, and any other materials necessary for Ecology to determine compliance.*"

FPA acknowledges that it is reasonable to require producers to maintain and report data directly within their operational control — including fee calculations and the post-consumer recycled content percentages of their own packaging. However, recycling rates and collection rates are not typically tracked at the individual producer level. This data is generally aggregated and reported at an industry or system level by trade associations, labeling organizations such as How2Recycle, or the PRO itself.

Imposing an obligation on individual producers to provide system-level data that they do not independently collect or control will create an undue and impractical compliance burden, and may result in inconsistent or duplicative reporting.

FPA Recommends:

- Remove the obligation for individual producers to report recycling rates and collection rates; **or**
- Add express language clarifying that producers may satisfy this requirement by directing Ecology to the PRO or other authorized reporting body for such system-level data.

Section 173-950-2XX — Alternative Collection Program Requirements

FPA strongly believes that alternative collection systems (ACS) are an essential and complementary component of any comprehensive statewide recycling strategy — particularly for materials such as flexible packaging that are not currently compatible with most curbside collection systems.

Community curbside programs frequently decline to accept new material types until stable end markets have been established. Alternative collection programs help build those markets by providing source-separated material with minimal sortation requirements, thereby demonstrating end-market viability and laying the groundwork for broader material acceptance over time.

The flexible packaging industry has collaborated with retailers to operate film and flexible packaging take-back programs for more than 30 years. These programs represent one of the most well-established alternative collection infrastructures in the United States:

- In 2024, store take-back programs nationwide collected 114,000 tons of residential film — eleven times the 10,000 tons collected through municipal curbside systems.¹
- Store drop-off programs deliver materially cleaner feedstock at significantly lower cost: \$250–\$550 per ton, compared to approximately \$3,000 per ton for curbside collection.²
- The national How2Recycle program maintains a dedicated "Store Drop-Off" label, recognizing retail take-back as a distinct and validated recycling pathway.³
- PlasticFilmRecycling.org received more than 200,000 unique visitors within its first year of operation. Washington State consistently ranks among the top five states by user traffic to the film drop-off directory, and Seattle ranks among the top three cities nationally.⁴

Private subscription services such as *Ridwell* — a recycling business headquartered in Washington State — have also made significant infrastructure investments to enable residential collection of materials that curbside programs cannot currently accommodate. Subscription-based models achieve meaningful recycling rates in part because source separation reduces contamination, producing higher-quality recycled material bales that command stronger market demand. These services also alleviate operational concerns at municipal recycling facilities, where flexible films are known to cause equipment damage. Consumer participation in these services remains strong, notwithstanding the associated fees or scheduling requirements.

Concerns with the Current Regulatory Draft

FPA is concerned that, as currently drafted, this section does not clearly establish the role of existing alternative collection programs within the regulatory framework — and may inadvertently undermine or displace these long-standing and successful efforts. We respectfully request that Ecology consider the following:

1. **Access and geographic coverage:** How will Ecology assess compliance with access requirements for private businesses — such as subscription services or retail operators — that must make service-area decisions based on commercial viability and population

¹ Eunomia for APR (2024) "[How to Scale the Recycling of Flexible Film Packaging: Modelling Pyrolysis' Role in Collection, Quantity and Costs of a Comprehensive Solution](#)"

² Navigate (2025) "Unlocking Curbside Recycling for Flexible Films: What Must Be True" Presentation to SPC Impact (Seattle, WA)

³ <https://how2recycle.info/about-the-how2recycle-label/store-drop-off-us-only/>

⁴ <https://plasticfilmrecycling.org/> Data points come from email dialogue based upon internal data

density? Applying county-level population thresholds designed for PRO-operated depot systems may not be appropriate or workable for privately operated programs.

2. **Program coordination and governance:** The current draft implies that one entity would bear responsibility for developing an alternative collection plan. Does Ecology intend for retailers and private enterprises to form an independent PRO or join forces with one to coordinate their efforts? If so, this would represent a significant structural that is significant different from how existing programs operate.

Relevant Precedent from Other States

FPA notes that other states with enacted EPR frameworks have adopted more flexible approaches to alternative collection:

- **California** permits alternative collection programs and requires reporting to the State on volumes and recycling rates, without prescribing how that reporting is channeled. This approach allows private subscription services, retail drop-off programs, and PRO-managed depots to operate and report independently, preserving existing program diversity.
- **Oregon**, while directing the PRO to operate flexible film collection through depot facilities, continues to permit retail drop-off and subscription services, provided that collected material can demonstrate it has been directed to a responsible end market.

FPA encourages Ecology to consider a similarly flexible approach that preserves existing program infrastructure while ensuring accountability and transparency through consistent reporting.

On Protection of Existing Programs:

FPA strongly recommends that Ecology also include explicit anti-displacement language to ensure that a PRO, or coordinating body, cannot exclude or discontinue a pre-existing alternative collection service without documented, substantive justification. There is a legitimate concern that a PRO, in the interest of operational simplicity, may seek to replace established retail drop-off or subscription programs with its own depot infrastructure. Ecology should guard against this outcome, as it would eliminate proven, cost-effective recycling pathways and reduce consumer access

FPA Recommends:

FPA acknowledges that Item 5 of this section appears to contemplate store drop-off through alignment with a PRO or group of producers. We recommend that Ecology add clarifying language to:



- Specify what services or collection modalities would be recognized under this provision with consideration to subscription and depots (both retail but also other formats);
- Clarify that existing operators offering recognized alternative collection services are not required to independently satisfy all PRO-level criteria, but rather may contribute to and be incorporated within an overall alternative collection plan;
- Provide protections to existing businesses and operations to ensure a PRO-controlled ACS program does not displace these existing mechanisms

Conclusion

FPA appreciates Ecology's commitment to developing a thoughtful and effective EPR framework for Washington State. The flexible packaging industry is committed to supporting recycling infrastructure development and welcomes the opportunity to work collaboratively with Ecology, producers, PROs, and retailers to achieve the State's recycling goals.

We welcome the opportunity to discuss any of these recommendations in greater detail and are happy to provide supplemental information or technical resources at Ecology's request.

Respectfully,



Kyla Fisher
Director of Regulatory Affairs and Sustainability
Flexible Packaging Association (FPA)