

September 2, 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: Recycling Reform Act Rulemaking Comment Period #2

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.

173-950-030 Definitions:

In our previous comments to comment period 1 FPA noted a lack of clarity around the definition of alternative collection. In this new draft there appears not to be a definition for Alternative Collection. We believe this term is important to clarify as it informs collection lists, recyclability, and reimbursement.

FPA Recommends:

Adding a definition for alternative collection that considers the following:

"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.*

Section 173-950-200: Producer Responsibility Organization

1. Producer Responsibility Organization Duties

The proposed data retention timeline is significantly longer than those of peer EPR programs in Oregon and Colorado. While additional time to collect, and deliver, data to the state has value, the proposed timeframe for document delivery also diverges from practices in other states. For example, Colorado allows only 10 working days for document delivery. Harmonizing requirements across EPR programs, where possible, would help reduce administrative costs and workload for producers and PROs operating across multiple states.

FPA Recommends:

- Amending the record retention requirement from 7 years to 5 years.
- We remain neutral on whether the document delivery timeline should be 10 working days (as in Colorado) or 15 days (as outlined in the draft rule).

2. Annual Reporting

While we appreciate the flexibility given to PROs in developing their annual plans, we believe additional specificity regarding required content would be beneficial. Our recommendations here are also aimed at supporting harmonization across EPR reporting requirements in different states.

FPA Recommends:

- Requiring that annual reports be submitted as an electronic, searchable file. This is a common practice across existing EPR regulations and would significantly improve the ability of stakeholders and Ecology staff to efficiently locate needed data.

We also note several elements that are common in other states' program plan requirements but appear to be absent from the current proposed regulations. We recommend Ecology consider adding requirements for:

- Defined metrics tied to state goals, rather than solely narrative descriptions of efforts
- A list of participating producers
- Financial information, including payments made, reserves, and administrative fees
- A list of depots for alternative collection systems, along with performance metrics comparing alternative collection systems (ACS) to curbside collection

3. Individual Producer Plan vs. Coordinating Body

While Section 173-950-200 outlines expectations for an Individual Producer Plan, the requirement to coordinate with peer organizations toward a single, unified statewide plan does

not appear until Section 173-950-220 (Coordinating Body). We recommend clarifying this expectation earlier in the rule.

FPA Recommends:

- Adding a sentence under Individual Producer Plan responsibilities noting that individual producers must coordinate their plans with a coordinating body to develop one unified statewide plan, consistent with the requirements outlined in Section 173-950-220.

Conclusion

FPA appreciates Ecology's commitment to developing a thoughtful and effective EPR framework for Washington State. The flexible packaging industry remains committed to supporting recycling infrastructure development and welcomes the opportunity to collaborate with Ecology, producers, PROs, and retailers to help 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)