AdvaMed
The Medtech Association

1301 Pennsylvania Avenue, NW
Suite 400
Washington, D.C. 20004
P :: 202.783.8700
F :: 202.783.8750
W:: AdvaMed.org

August 27 2026

Mr. Chris Fredley
SWM Program Rule Coordinator
Washington Department of Ecology
Solid Waster Management Program
300 Desmond Drive SE
Lacey, WA 98503

RE: Comments on the Proposed Chapter 173-950 WAC – Recycling Reform Act

Dear Mr. Fredley,

On behalf of AdvaMed, the Medtech Association, I am writing regarding the Washington Department of Ecology draft rulemaking implementing the Recycling Reform Act.

AdvaMed is the largest medical technology association, representing the innovators and manufacturers transforming health care through earlier disease detection, less invasive procedures, and more effective treatments. Our nearly 650 members include the full spectrum of medical technology companies, including diagnostic and imaging tools to digital health technology companies.

AdvaMed appreciates the opportunity to provide comments on the Department's implementation of the Recycling Reform Act and, in particular, the exemption for medical devices and their packaging. We would like to thank Department staff for their responsiveness to concerns raised regarding the impact to medical device packaging in the proposed regulations.

The enacting legislation (SB 5284) explicitly exempts all packaging for products regulated as medical devices by the U.S. Food and Drug Administration (FDA). The law defines packaging as "a material, substance, or object that is used to protect, contain, transport, serve, or facilitate delivery of a product and is sold or supplied with the product to the consumer for personal, noncommercial use." The scope and merits of this exemption were thoroughly debated and resolved as part of the legislative process.

In an earlier draft of the regulations, the Department distinguished between primary, secondary, and tertiary packaging in a manner that raised questions regarding whether the statutory exemption for medical device packaging would be limited to primary packaging. We appreciate the Department's responsiveness to stakeholder feedback and its decision to remove those distinctions and instead define "packaging" as *"a material, substance, or object that is used to protect, contain, transport, serve, or facilitate delivery of a product and is sold or supplied with the product to the consumer for personal, noncommercial use."* We believe this revision better aligns with the legislative intent and preserves the full medical device packaging exemption established by SB 5284.

Maintaining the exemption as enacted is particularly important for medical devices and medical products, which operate within strict federal regulatory frameworks governing both products and their packaging. Packaging can play an important role in protecting product sterility, safety, and efficacy and in ensuring that medical devices reach patients and health care providers safely.

We appreciate the Department's thoughtful consideration of stakeholder feedback throughout this process and thank staff for working with AdvaMed and other stakeholders to address this issue. The revised approach provides greater regulatory clarity and appropriately reflects the medical device packaging exemption established by the legislature.

Thank you for your consideration and for the Department's responsiveness throughout the rulemaking process. We welcome the opportunity to continue engaging with the Department as implementation moves forward. Please feel free to contact me at dgottlieb@advamed.org with any questions.

Sincerely,

Darbi Gottlieb
Senior Director, State Government & Regional Affairs
AdvaMed