October 30, 2026

Mr. Casey Sixkiller
Director
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98504-7600
Submitted via online form - https://ecology.commentinput.com/?id=QbChArB7j

Re: Consumer Brands Association Comments on Washington's Preliminary Needs Assessment

Dear Director Sixkiller,

Consumer Brands Association ("Consumer Brands") is appreciative of the opportunity to submit comments regarding the Washington State Department of Ecology's ("Ecology") Preliminary Needs Assessment, conducted to inform the implementation of Washington's Recycling Reform Act ("RRA"). We are committed to supporting the goals of the RRA and welcome Ecology's stakeholder engagement in finalizing the Preliminary Needs Assessment. Our comments focus on ensuring that the Preliminary Needs Assessment will inform the development of a workable, well-designed program that achieves its lofty aspirations while remaining grounded in the realities of Washington's current recycling and composting systems.

The Consumer Brands Association champions the industry that makes the products consumers choose and the brands they trust. From household and personal care to food and beverage products, the consumer packaged goods (CPG) industry plays a vital role in powering the U.S. economy, contributing $2.5 trillion to U.S. GDP and supporting 22.3 million American jobs. The CPG industry's number one priority is delivering safe, affordable, and convenient products to consumers every day. But the industry also plays a crucial role in reducing packaging waste and increasing recycling in the U.S. According to recent data, industry-led source reduction efforts have decreased U.S. packaging volume by about five million metric tons between 2019 and 2024. Consumer Brands is also leading a broad-based coalition, the Recycling Leadership Council, committed to modernizing recycling standards and reducing plastic waste. Driven by innovation and collaboration, CPG companies are full-speed ahead on working towards a zero-waste, circular economy.

Consumer Brands commends Ecology's thoughtful process for establishing a workable and data-driven program for Washington, informed by this Preliminary Needs Assessment and the comprehensive Second Needs Assessment slated to be published in December 2027. While Consumer Brands is grateful for Ecology's thorough process in establishing a program that works for all Washingtonians, we have some concerns given the assessment's significance in informing the design and implementation of the RRA and its substantial data gaps, reliance on outdated and inconsistent datasets, and a lack of clarity on how the assessment's findings will inform the development of Washington's program. Consumer Brands believes the following are opportunities to improve the Preliminary Needs Assessment and support the consequential development of future assessments:

1. **Critical Lack of Clarity on How the Preliminary Needs Assessment Will Inform Washington's Program**

While the Preliminary Needs Assessment establishes an extensive descriptive baseline of Washington's existing recycling and composting systems, Consumer Brands is concerned that the assessment does not clearly distinguish which findings merely characterize current conditions and which will actually influence program design and implementation. For example, the assessment does not clearly explain how findings on material acceptance, processing capacity, cost estimates and responsible end market determinations will ultimately inform program design. Without this clarity, stakeholders lack a clear understanding of how the Preliminary Needs Assessment will shape the design and implementation of Washington's EPR program.

2. **Preliminary Needs Assessment Utilizes Incomplete, Insufficient and Often Outdated Data**

Although Consumer Brands appreciates the Preliminary Needs Assessment's acknowledgment of the limitations in data collection leading to substantial data gaps and a need to rely on outdated data in developing the assessment, we must reiterate and highlight these concerns, as their impact on the design and implementation of the RRA is paramount to the ultimate success of the program. The assessment acknowledges three distinct problems with data collection: missing data, nonrepresentative reported data, and data collected under inconsistent or inadequately defined reporting instructions. This is highly problematic, as the assessment still relies on this insufficient data to generate quantitative findings. For example, regarding the assessment's service cost findings, the assessment acknowledges that service costs data collection was quite limited: of the 125 registered service providers, only 44 provided both cost and tonnage data, and the supplemental mid-year surveys yielded relatively few additional data points. Further, the service provider registration forms and mid-year surveys did not define service categories in sufficient detail, meaning respondents may have used different definitions of covered services, included or excluded commodity revenues and reported either gross or net service costs. Yet, despite these acknowledged limitations, the assessment still uses the available, insufficient data to calculate recycling service costs, estimated at approximately $432 per ton, which the assessment characterizes as a "low confidence" estimate. Given that Washington's Full Needs Assessment will inform future service provider reimbursement methodology, Ecology should collect more complete, standardized cost data and validate these estimates before relying on them as a baseline.

Although Consumer Brands understands the difficulties of such robust data collection efforts and appreciates the assessment's acknowledgment of data collection limitations, we remain concerned that the assessment does not consistently establish how these data limitations affect the confidence in specific findings and, importantly, whether those findings are sufficiently reliable to serve as the baseline for Washington's Full Needs Assessment and subsequent program design.

3. **Preliminary Needs Assessment Lacks Alignment with Legislative Requirements**

Consumer Brands has serious concerns regarding the substantial misalignment between the data and findings presented in the Preliminary Needs Assessment and what the statute requires. RCW 70A.208.110, specifically subsection (3), paragraphs (a) - (k), clearly indicates what must be included in the Preliminary Needs Assessment to effectively inform the design and rollout of Washington's program, yet there are multiple instances in which the assessment fails to meet the statute's requirements.

RCW 70A.208.110, subsection (3), paragraph (k), requires the Preliminary Needs Assessment to include "*covered materials introduced by volume, weight, and covered materials types introduced by producers*." Yet the assessment acknowledges it lacks sufficient Washington-specific producer data and instead uses waste generation and collection estimates as an indirect proxy, listing "Washington-specific producer/PRO data" as an additional data need.

RCW 70A.208.110, subsection (3), paragraph (h), subparagraph (i) requires the assessment to include "*an estimate of the total annual collection and processing service costs based on registered service provider costs,*" grounding the assessment's cost estimate in real-world service provider costs. However, as noted, service provider cost data collection was extremely limited; yet, despite these serious data limitations, the assessment still presents an estimated per-ton recycling cost without clearly tying the estimate to sufficient service provider cost data. Further, the assessment presents the cost estimate as an average cost per ton, which is inherently different from an estimate of the "*total annual collection and processing costs*" as required in statute.

RCW 70A.208.110, subsection (3), paragraph (c), requires an evaluation of services currently being delivered "*in each county and city planning under chapter 70A.205 RCW.*" Although the assessment reviews all 281 incorporated municipalities and counties in Washington, it aggregates many findings on service availability and existing infrastructure and presents them at the statewide or regional level.

These examples of misalignment are not comprehensive of all the ways the assessment fails to align with the RRA's statutory requirements. The statutory requirements for the Preliminary Needs Assessment were well thought out and purposeful; by failing to align with these requirements, the assessment poses a serious risk to the ultimate success of designing an effective program in Washington.

Thank you for the opportunity to comment on Ecology's Preliminary Needs Assessment to inform the successful design and implementation of the RRA. Please do not hesitate to contact me if you have any questions regarding this request. I can be reached at ERaden@consumerbrandsassociation.org.

Sincerely,

Erin Raden
Senior Director of State Affairs
Consumer Brands Association