

**Comments on EPA's Draft National Strategy to Prevent Plastic Pollution:
Request for Public Comment;**

Organization: Flexible Packaging Association (FPA)

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Environmental Protection Agency

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**Re: Draft National Strategy to Prevent Plastic Pollution: 88 Fed. Reg. 27502
(May 2, 2023); 88 Fed. Reg. 38869 (June 14, 2023)**

The Flexible Packaging Association (FPA) appreciates this opportunity to submit its thoughts and suggestions on EPA's Draft National Strategy to Prevent Plastic Pollution (Plastic Strategy). FPA was established in 1950 and is a national trade association comprised of manufacturers and suppliers of flexible packaging. The industry produces packaging for food, healthcare, and industrial products using coating and lamination of paper, film, foil, or any combination of these materials to manufacture bags, pouches, labels, liners, wraps, rollstock, and tamper-evident packaging for food and medicine, among other goods and services. Flexible packaging, a \$42.9 billion industry, employs roughly 85,000 people in the United States and is the second largest and fastest growing segment of the U.S. packaging market.

The benefits of plastic to our society are clear and abundant. Plastic's durable, flexible, and lightweight nature allows it to be used in the construction of many goods, such as automobiles and computers, that are essential to both modern and undeveloped economies. Plastics used as packaging are undeniably critical to the safety and preservation of foods, beverages, medicines, and medical devices. Plastics play a significant role in the U.S. economy with respect to both GNP and employment, and roughly 30% of plastics made in the U.S. are exported.¹ As discussed below, plastics are more environmentally friendly packaging materials than most alternatives, such as glass, which is not only heavy and breakable, but also water and energy intensive to make. Plastics also have far fewer direct and indirect energy and climate impacts than aluminum and other metals, and when handled properly, plastics have the potential to be part of the solution for climate adaptation and building a circular economy.

Despite our societal reliance on plastic, and particularly on plastic packaging, plastics and compostable post-consumer products are not managed efficiently—or at all—by many U.S. communities. This failure in management stems largely from America's collective lack of understanding of recycling and composting capabilities, not from a lack of desire to support

¹ [Flexible Packaging, Leading the Way in Packaging Innovation](#)

them. Further, the greatest impediment to recycling and composting is the lack of investment—at local, state, and national levels—in handling facilities that are capable of separating and sorting materials for reuse. Our national lack of both investment and understanding is well illustrated by a recent *Atlantic Weekly* article, in which it was observed that the rapid industrial substitution of compostable products for plastics in the packaging and food utensil market does not lessen the amount of materials that go into a landfill.² In fact, compostables are *more* likely to go into a landfill than plastics because far fewer community centers for compostables exist than plastic recycling centers.³

Creating infrastructure for managing post-consumer materials should be a key element in the Agency's Plastics Strategy. Small communities cannot manage such infrastructure on their own, and thus we encourage EPA's Plastics Strategy to map its development in a more measured and explicit manner. FPA believes that localities will welcome EPA's more active participation in guiding these activities.

FPA will continue to stress in the remainder of this comment that the Plastic Strategy should focus on recycling infrastructure development and education as an absolutely necessary tool to reduce plastic pollution. Innovative approaches or tracks for post-consumer plastics materials management are not currently evident in EPA's Plastics Strategy. Instead, the general goals of the Plastic Strategy focus on reducing plastics manufacturing and banning plastics from a series of uses, including those for which substitutions may not exist.⁴ In this regard, FPA also observes that the agency's current Plastic Strategy appears to be inconsistent with EPA's cited authority in Section 301 of the Save Our Seas 2.0 Act, (SOS 2.0), which is limited to post-consumer materials management and infrastructure.⁵ SOS 2.0 allocates \$55 million per year through 2025 to a new Post-Consumer Materials Management Infrastructure Grant Program. The grants, administered by EPA, enable state and local governments to implement new infrastructure and programs specifically tailored to preventing plastic pollution. According to law, grant applicants have to demonstrate how subsidized projects will reduce plastic waste generation and support quality of life in disadvantaged communities.⁶ The act also requires EPA to make a recommendation to the U.S. Congress by 2023 about whether to establish a new Waste Management State Revolving Fund similar to existing programs for drinking water and wastewater projects. Additionally, SOS 2.0 directs a combined \$30 million each year to support

² Saahil Desai, "Compostable Plastic is Garbage," ATLANTIC WEEKLY (July 6, 2023)

³ *Id.*

⁴ (In this respect, we note that FPA's members are in the vanguard of companies developing compostable packaging materials, even though few communities have facilities for post-consumer management of these materials.)

⁵ [Public Law No: 116-224](#), 13_STAT. __, 116th Cong., 2nd Sess. (Dec. 18, 2020).

⁶ U.S. Congress Addresses Marine Plastics at Their Source, STORMWATER REPORT, (Feb 3, 2021); [U.S. Congress Addresses Marine Plastics at Their Source - Stormwater Report \(wef.org\)](#) (last viewed July 27, 2023).

projects by individual utilities, local governments, and nonprofit organizations that enhance microplastic-treatment capabilities in wastewater, drinking water, and stormwater systems. For stormwater managers, this may include new infrastructure that captures plastics and microplastics at stormwater inlets and outfalls before they reach waterways.⁷ FPA supported the Save Our Seas 2.0 Act and would like to support a National Plastic Strategy that is consistent with the authority granted the Agency under the SOS 2.0 Act.

This year, under the “Climate Act”⁸ and other appropriations, the U.S. Congress also conferred on the EPA unprecedented funding that may be utilized for things such as promoting education, fostering local plastics sorting and recycling centers, and joining outreach efforts in communities to promote waste separation and recycling to attain U.S. climate goals. These grants and actions can be utilized to partner with communities and other institutions to educate the public about the collection and processing of plastic (and compostable plastic), as well as the importance of recycling to keep waste out of our waterways.

FPA shares the EPA’s—and we are certain every commenter’s desire—to eradicate waste, contribute to a circular economy, promote sustainable uses of feedstocks, and save the ocean from harmful leakage of plastics. We all share responsibility. EPA, however, has a singular opportunity right now to restart its engines for good and set some simple priorities for managing plastics while we figure out the harder solutions for its repurpose. (Take, for example, that newsprint was stored for years before the industry found a way to de-ink and recycle it.)

As it stands, the Draft Strategy falls short in conveying any of the above-mentioned goals, much less engaging the public about dealing with problem-solving. Right now, public sentiment seems to be edge between confusion and despair, with critics of current recycling in the NGO community fueling that dispirited sentiment.⁹ Here are some beginning steps that the FPA believes that EPA should consider promoting when redrafting the Plastics Strategy:

1. Stop labeling “plastics” “BAD,” calling them “waste” and suggesting that their benefits are limited. Reframe the environmental and climate issues around plastics, and praise the many life-saving and enhancing benefits of plastics: their durability, versatility, and reliability; low-GHG profile (which includes their real potential for climate mitigation by extending the shelf life and refrigerant life of food); protection for medicine and medical devices as well as diagnostic equipment from tampering; and their use to create safe and environmentally conscious products that can be manufactured without the use of copious

⁷ *Id.*

⁸ The Inflation Reduction Act, Public Law 117-169, 136 STAT. 1818, 117th Cong. 1st Sess., (Aug. 16, 2022).

⁹ See, e.g., Nat. Res. Defense Council, [“Chemical Recycling” Isn’t Actually Recycling. \(nrdc.org\)](https://www.nrdc.org/newsroom/press-releases/2022/05/chemical-recycling-isn-t-actually-recycling) (May 16, 2022) (last viewed July 27, 2023).

amounts of water, forest clear-cutting, and high GHG Intensity emissions. Examples for flexible plastic packaging alone, include:

- To transport unfilled packaging for the same amount of product requires 26 truckloads of glass jars, versus one truckload of flexible pouches. The savings on fuel and greenhouse gas emissions are dramatic.¹⁰
- 1.5 pounds of flexible plastic will package the same amount of beverage or liquid foods as 50 pounds of glass.¹¹
- Producing a flexible food service pouch requires 75% less energy than making a metal can for the equivalent amount of product, while generating only 1/10th of CO2 emissions in production.¹²
- The shelf life of cucumbers wrapped in flexible packaging was extended from three days to 14 days (in-store).¹³
- Bananas packaged in flexible packaging slowed the ripening process and prolonged shelf life (15-35 days).¹⁴
- Flexible packaging has the ability to package the most product in the least packaging possible, consequently lowering product warehousing and shipping costs while maintaining or improving product protection.¹⁵
- From 2002-2010, advances in materials and production processes reduced the weight of flexible packaging, some by 40 percent, and that work continues.¹⁶

2. Exercise deliberation when considering the terms “single-use” and “unrecyclable.” While portions of the Plastic Strategy target “single-use, unrecyclable, or frequently littered” plastic, these are terms that should not be used. It is important to recognize that no plastic *needs* to be “single-use” on a molecular level, and the Agency should recognize in the final Plastic Strategy that no plastic is technically “unrecyclable,” and further that no plastic should be littered to begin with. EPA must “rebuild” and/or “re-imagine” the nation’s Plastic Strategy to clarify sweeping statements and provide definitions. As an illustration, FPA would like to suggest replacing Objective A1, which currently states “Reduce the production and consumption of single-use, unrecyclable, or frequently littered plastic products.” Besides being inconsistent with SOS 2.0, as discussed above, the agency’s statement of objective carries the conclusion that any product meeting any one of these criteria should be eliminated or significantly reduced without any serious consideration of the implications and unintended environmental and health consequences.

¹⁰ [Flexible Packaging, Leading the Way in Packaging Innovation](#)

¹¹ *Id.*

¹² [Calculating CO2 emissions from the combustion of standard fuels](#)

¹³ [Packaging Cucumbers for a more sustainable food system](#)

¹⁴ [Extending the shelf life of Bananas with Cinnamaldehyde Impregnated Halloysite](#)

¹⁵ [Flexible Packaging, Leading the Way in Packaging Innovation](#)

¹⁶ *Id.*

In addition, several other proposed actions throughout mention “unrecyclable” items, but this also is confusing and misleading. Importantly, “recyclable” and “compostable” are terms whose respective definitions differ across state and local laws, including in national requirements to meet marketing claims in the Federal Trade Commission’s (FTC) Guides for the Use of Environmental Marketing Claims (“Green Guides”), which the Commission currently is updating¹⁷ Further, a plastic product considered “unrecyclable” due to current infrastructure or economic considerations outside of a producer’s control does not mean it is incapable of being recycled. We recommend that EPA reconsider these terms and how products necessary for sanitation, hygiene, safety, and advancing sustainability can be better characterized. These terms should not be used and replaced with the terms “reuse” and “reuse and refill” as well as recycle ready and other terms that signify that technically they can be recycled, it is only the lack of collection and sortation infrastructure to do so. This would be consistent with the “taxonomy” used in other national and international programs.

3. Establish EPA Regional, State, and Community leads on plastic collection through The Office of Land and Emergency Management (OLEM) regional and state waste office counterparts As Soon as Possible to carry out the strategy’s goals. (The EPA already funds State offices through federal environmental appropriation grants authorized every year by Congress.) EPA could keep an online web tracker of six or a dozen activities for tackling plastics-related issues.¹⁸ One may be a public list of addresses of available recycling and composting locations indicating days, hours, and requirements for use (e.g., a local address, driver’s license, etc.). Another could be a list of upcoming Requests for Proposals for grant money available to communities for locating a recycling or combustion material. A third could be an online flyer for communities with pictographs of what a post-consumer collection facility will accept.
4. Prioritize a national EPA effort through the EPA regional OLEM counterparts and State waste offices to bring some consistency to state plastics labeling efforts and centering plastic waste collection activities. A national crosswalk for State plastics legislative lingo might be a good place to start. Count state and regional “regulatory beans” and promote and award offices for their contributions. Also, accept that the perfect cannot be the enemy of the good, but we need to start somewhere, as some of these laws are highly inconsistent.

¹⁷ [Green Guides | Federal Trade Commission \(ftc.gov\)](https://www.ftc.gov/guides).

¹⁸ See for example, a terrific agency website approach OLEM has developed for multiple solid waste and RCRA Issues that includes a map of the U.S. and toggles down to provide the user with detailed information about the adoption of certain waste programs, : “[Where is the 2018 Definition of Solid Waste Rule in Effect? | US EPA](#)

5. Prioritize labeling plastics for sorting trash. For example, if EPA would like to use the Mobius Symbol, make sure communities, school children, and institutions understand what the resin codes mean and how to sort them accordingly. In FPA's view, most people have a basic understanding of the Mobius label, so its use makes more sense than creating an EPA "safer" label which can unintentionally create various "greenwashing contentions" and more consumer confusion.
6. Award some of the very substantial existing grant moneys for environmental justice communities. Under the Presidential EJ40 initiative (not limited to the Climate Act appropriations), endow short-term projects to clean up waters and highways near EJ communities to collect, separate, and handle plastics and other recyclables including compostables and junk responsibly. Encourage colleges and privileged citizens to be part of the solution. Industry will also participate.
7. Assist state and regional office "leads" to advise and/or assist communities to locate safe drop-offs for certain types of plastics near schools, government buildings, utilities, or transportation centers. Some of FPA's members have sponsored packaging waste days for this purpose. Selected counties in Virginia and Florida, for example, offer recycling dumpsters at easy county centers and hazardous waste sites on certain days each month, if not on a 9-5 basis. Avoid placing drop-offs in environmental justice communities themselves unless community leaders suggest a location and agree that it makes sense.
8. Don't forget about grocery stores being excellent educational sources for the distribution of pamphlets on plastics disposals, as well as collection centers for items other than used grocery bags. Consider offering community outreach offices or in partnership with the SBA or DOE, sponsor contests for grocery chains designing recyclable shopping bags with information about sorting plastics and other recyclables.
9. Inject local manufacturing into all of these efforts through the regions and the states instead of punishing them or labeling them as bad industry. There's plenty of shame to go around on the "plastics issue," and that includes the government's efforts to continue to study the situation instead of act with alacrity on what we all can concede are some needed first steps.

RESPONSES TO EPA'S SPECIFIC QUESTIONS

In partial response to Question 3, the FPA would be happy to join a group of knowledgeable stakeholders on these issues and contribute further to certain agency – or community-led activities. Below are FPA's additional responses to specific questions that EPA poses in the Draft Strategy:

1. Which actions are the most important and would have the greatest positive impact at the local, regional, national, and global levels?

It is extremely difficult for local communities to maintain efficient recycling infrastructure without state or federal support, and no recycling infrastructure will be effective if it cannot be maintained on a local level. FPA believes that the following actions would have the most impact at local, regional, national, and global levels:

- Providing funding to local communities for recycling and composting facilities. This funding should be directed at all waste streams, not just the currently recycled.
- Decoding resin codes for the public's waste management activities. Make these codes visible and easy to read.
- Providing research dollars for the recovery of feedstocks from post-consumer plastics.
- Adding advanced recycling goals to EPA's strategy and improving and promoting these processes with national and community leaders.
- Highlighting innovative recycling efforts including programs such as the Hefty ReNnew™ program (discussed further below).¹⁹

2. What are the most important roles and/or actions for federal agencies to lead?

The role of federal agencies requires them to offer clarity, consistency, and support. The following actions are most important for federal agencies to lead in order to combat plastic waste and improve recycling infrastructure:

- Providing clear and accurate data to the public and the government and ensuring all government departments understand recycling and the circular economy to avoid banning plastics that play a critical role in society.
- Being consistent in definitions, strategies, and processes to be most effective and bring harmonization to the state and local governments overseeing recycling programs (FTC Green Guides).

¹⁹ See Hefty ReNew™

- Supporting advanced recycling technology and other technology that will allow for innovation. Educating the consumer on these technologies and the importance and critical factors in reusing materials. See, for example, Amcor's AI waste analytics²⁰ and the Blue Bin 100% recycled plastic wine bottle.²¹
- Prioritizing the importance of the U.S. General Services Administration's purchase of recycled plastics and proper collection and recycling of those materials. Publicize specific agency's programs (e.g., what does EPA HQ do with the collection and disposal of plastics?) Leading by example, as the agency knows, is terrific, and the cafeteria at its RTP, NC Office of Air Quality, Planning, and Standards could be used as showcases.

3. Is your organization willing to lead an action or collaborate with others to implement the actions? What factors would your organization consider when determining whether to lead an action?

FPA remains willing and eager to collaborate with others to eliminate plastic waste from the environment and is committed to providing leadership and supporting effective solutions to improve post-consumer materials management and infrastructure. FPA members continue to redesign and find alternative materials to make packaging lighter, compostable, recyclable, and reusable. Companies have partnered with suppliers and recyclers to better identify new technologies and other ways to recycle and reuse materials.

One good example is how companies have partnered with Hefty to form the Hefty ReNew™ program. This program currently collects plastic waste from over 800,000 households curbside and at drop-off sites in the counties served. The plastic collected are chip bags, candy wrappers, Styrofoam (peanuts and large blocks), wraps, and any plastic bag from food or healthcare products.²² This is a true public/private partnership that could be replicated across the United States and FPA could help facilitate this.

4. What are the potential unintended consequences of the proposed actions that could impact communities considered overburdened or vulnerable such as shifts in production or management methods?

FPA is concerned that reducing plastic production under Proposed EPA Objective 1 will not reduce the demand for plastic and could diminish achieving other agency goals on the handling of post-consumer plastics, including the importance of partnerships with

²⁰ [Amcor Lift-Off winner, Greyparrot, to advance AI-powered waste analytics for circular economy | Amcor](#)

²¹ [Why BLUE BIN Believes the future of The Wine Industry Rests on Bottle Packaging](#)

²² See Hefty ReNew™

manufacturers. Additionally, if EPA's misguided ideas of eliminating the manufacture of plastic and plastic packaging in the United States, jobs will be lost and the materials and packaging will come from other countries that do not have stringent regulations for GHG emissions, waste handling, food contact, and toxics strategies. Further, eliminating single-serving plastic packaging, and particularly plastic packaging that promotes food storage, can lead to:

- Increases in food waste due to lessened shelf life (and increase associated greenhouse gas emissions). Flexible packaging has demonstrated a capacity to reduce such waste,²³ which a recent study by the Natural Resources Defense Council asserts amounts to up to 40% of food in the U.S.
- Increases in consumer and environmental costs if less affordable and less sustainable alternatives are used instead (e.g., hospitals, nursing homes, and schools typically use single serving containers for health and safety reasons, and the elderly also rely on this packaging to save money and reduce waste).
- Decreases in accessibility to fresh foods in both urban and rural areas not co-located with farming produce or in certain seasons.
- Increases in greenhouse gases if alternatives to plastic are used instead, which typically produce methane in landfills under biodegradation or anaerobic conditions and other garbage "volume."

5. What key metrics and indicators should EPA use to measure progress in reducing plastic and other waste in waterways and oceans?

First, the agency needs to determine what endpoints it will measure, and to do this, we believe that the EPA needs to work with the stakeholders to understand the industrial and waste industry's metrics for measuring and collecting such data, particularly for creating metrics for reuse and recycling.

FPA is willing to collaborate with stakeholders to determine these metrics – it is critical that the metrics are consistent. Other EU nations such as Switzerland and Norway have models that may be worth emulating, which many FPA members operating abroad can share insights and practices.

6. What criteria should "processes" other than mechanical recycling meet to consider "recycling activities" (e.g., plastic to plastics outputs are recycling if the output is a product that could again be recycled into another product or to the extent that it can achieve viable feedstock for new plastic materials)? How should health and environmental impacts be considered in these criteria?

²³ [Flexible Packaging, Leading the Way in Packaging Innovation](#)

FPA supports the inclusion of advanced recycling technologies in the EPA waste hierarchy and defines “advanced recycling” as a process that encompasses any compositional transformation technology to convert plastics into a purified form or a feedstock that can be used in the production of new polymers, monomers, intermediates, or other materials. It is also known as chemical, molecular, tertiary, or feedstock recycling, with examples including but not limited to depolymerization, purification, solvent extraction, gasification, and pyrolysis. Advanced recycling is a necessary and essential complement to mechanical and organic recycling. EPA’s role is not to “disallow” such processes but instead to steward how they can be utilized safely. EPA should also consider incentives for innovation, especially to separate, as part of the potential for advanced recycling. Without advanced recycling technologies diversion from virgin plastic for food and medical grade plastic packaging will be impossible on any grand scale.

7. Are there other actions that should be included in the Strategy? Should EPA expand the scope of the strategy to include sea-based sources? Should specific types of plastic products be targeted for reduction or reuse in this strategy?

The sea is the beneficiary of a better National Plastics Strategy. As FPA previously emphasized, EPA needs to focus on post-consumer management and infrastructure as the SOS 2.0 Act prescribes. Specific types of plastic products should not be targeted for reduction or elimination in this strategy.

Therefore, EPA must focus on managing post-consumer waste and recycling to prevent damage to U.S. waters, which include adjacent wetlands, while the National Oceanic and Atmospheric Administration oversees plastics in the oceans, a huge task that could easily dwarf a national strategy on post-consumer plastics—but one which also will benefit greatly from EPA’s ultimate plastics and life-cycle strategies.

8. Do you have any additional information or recommendations for EPA regarding the other proposed actions in the draft strategy?

FPA recommends that EPA:

- Develop common messages about waste reduction, reuse, and composting, especially for targeted priority materials, such as single-use, unrecyclable, and frequently littered materials. Additionally, promote consistent recycling standards across U.S. communities, working with waste haulers to make it easier/simpler for consumers to correctly recycle.
- Promote/incentivize and contribute to the purchase and placement of more recycling receptacles across the U.S. so that more plastic can be recycled vs. go into landfills or litter.

- Develop educational programs for the public, including children (for instance, the now-defunct EPA Children's Office once had wonderful coloring books and posters on recycling and other plastic-related issues). The Administrator's Office of Public Outreach and OLEM's own office of public outreach also should be involved, offering education materials, outreach to grocery stores, and internships and grants on this issue.

FPA and its members emphasize our shared goal of keeping plastic waste out of the environment and the tremendous opportunity before the EPA. It is disappointing that the draft strategy lacks focus on post-consumer materials management and infrastructure, as directed by Congress, and fails to recognize that the use of essential materials is not mutually exclusive with tackling environmental challenges.

We look forward to continued opportunities to work collaboratively with EPA and other stakeholders to achieve mutual goals in reducing plastic waste, preventing plastic pollution, and keeping plastics in a circular economy. We are willing to work with any task group, stakeholder meetings, or support group formed to work with EPA on the development of a new/revised strategy. Please contact us if we can provide additional information.

Respectfully Submitted,



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