

June 5, 2024

The Honorable Thomas Carper
Chair, Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member, Committee on
Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the Flexible Packaging Association (FPA), I write to commend the Committee on Environment and Public Works (EPW) for its continued efforts to improve recycling across the U.S., including the May 22, 2024, hearing on Efforts to Improve Reuse and Recycling. FPA and its members strongly agree with Senator Capito's sentiment during her opening statement that "The lack of consistent and clear labeling on everyday products is due to great variation in existing infrastructure and local recycling requirements across the country." To this end, FPA remains committed to supporting the improvement and expansion of recycling and composting and provides our input on this important topic.

The Flexible Packaging Industry & FPA

I am Alison Keane, President and CEO, of FPA, which represents flexible packaging manufacturers and suppliers to the industry in the United States. Flexible packaging represents over \$45 billion in annual sales; is the second largest and fastest-growing segment of the packaging industry; and employs approximately 85,000 workers in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products.

These are products that you and I use every day—including hermetically sealed food and beverage products such as cereal, bread, frozen meals, infant formula, and juice, as well as sterile health and beauty items and pharmaceuticals, such as aspirin, shampoo, feminine hygiene products, and disinfecting wipes. Even packaging for pet food uses flexible packaging to deliver fresh and healthy meals to a variety of animals. Flexible packaging is also used for medical device packaging to ensure that the products packaged, like diagnostic tests, IV solutions and sets, syringes, catheters, intubation tubes, isolation gowns, and other personal protective equipment maintain their sterility and efficacy at the time of use. Trash and medical waste receptacles use can liners to manage business, institutional, medical, and household waste. Carry-out and takeout food containers and e-commerce delivery, which became increasingly important during the pandemic, are also heavily supported by the flexible packaging industry. Thus, FPA and its members are

particularly interested in solving the plastic pollution issue and increasing the reuse, recycling, and composting of solid waste from packaging.

Flexible packaging is unique in that it is one of the most environmentally sustainable packaging types from water and energy consumption, product-to-package ratio, transportation efficiency, food waste, and greenhouse gas emissions reduction standpoint; however, circularity options are limited. There is no single solution that can be applied to all communities when it comes to the best way to collect, sort, and process flexible packaging waste. Viability is influenced by existing equipment and infrastructure; material collection methods and rates; volume and mix; and demand for the recovered material. Single-material flexible packaging, which is approximately half of the flexible packaging waste generated, can be mechanically recycled through store drop-off programs, but end markets are scarce. The other half can be used to generate new feedstock, whether through pyrolysis, gasification, or fuel blending.

Developing end-of-life solutions for flexible packaging is a work in progress and FPA is partnering with other manufacturers, recyclers, retailers, waste management companies, brand owners, and other organizations to continue making strides toward total packaging recovery. Some examples include The Recycling Partnership (TRP); the Materials Recovery for the Future (MRFF) project; the Hefty® ReNew® Program; the University of Florida's Advanced Recycling Program; and the Flexible Film Recycling Alliance (FFRA). All of these programs seek to increase the collection and recycling of flexible packaging. Increasing the recycled content of new products will not only create markets for the products but will also serve as a policy driver for the development of a new collection, sortation, and processing infrastructure for the valuable materials that make up flexible packaging.

Flexible Packaging is the Sustainable Material of Choice

Flexible packaging refers to a diverse set of highly engineered package types that tailor their chemistries to best protect a given product. These unique chemistries help preserve food and extend its shelf life through, for example, the use of modified atmosphere packaging (MAP) so that less food is lost or wasted, while also lowering the greenhouse gas footprint of that loss and waste. A report by the Oregon Department of Environmental Protection on the role of packaging and food waste found for meat, for example, the average carbon footprint of food production was almost 12 times that of the carbon footprint of the processing and packaging. Similar ratios were found in all food categories.

There is a reason why only about 50% of flexible packaging is mechanically recyclable—as 50% of flexible packaging is single-material. The rest are multi-material laminates. Multiple materials are required to provide the appropriate barrier protection to prevent contamination, extend freshness, and ultimately protect the product by providing puncture, tear, and burst resistance and strength. When assessing sustainability or examining the full life cycle of packaging, flexible packaging wins hands down. Flexible packaging uses fewer resources, generates fewer emissions, and creates less waste. This is because flexible packaging starts with using fewer materials and resources than other packaging types and can package the most product in the least amount of packaging possible, reducing energy

use, water use, and greenhouse gas emissions in the manufacturing and transportation of the package and product.

For example, producing a flexible foodservice pouch requires 75% less energy and generates just 1/10 of CO₂ emissions during production than a metal can for the equivalent amount of product. One and a half pounds of flexible packaging will package the same amount of beverage or liquid as 50 lbs. of glass. Advancements in materials and production processes have reduced the weight of some flexible packaging by up to 50%. A study by the Natural Resources Defense Council shows that up to 40% of food in the U.S. is wasted; wasted food is the single biggest source of greenhouse gas emissions from solid waste in the U.S. Flexible packaging reduces this waste by preserving the shelf life of food—bananas last 36 days in perforated polyethylene bags versus 5 days unpackaged, and the shelf life of beef is extended from 4 days to 30 days when vacuum packed in oxygen barrier film. These are just two of the numerous examples where flexible packaging is helping to reduce food waste. Flexible packaging does the same for brick-and-mortar retail and e-commerce—by protecting and preserving the product during shipping and transportation with the least amount of packaging necessary, less waste and returns are generated.

Even when disposed of, flexible packaging has the advantage of having less waste than other packaging types. When comparing coffee in a steel can with a plastic lid versus a stand-up multi-material pouch, the recycling rate for the steel can (one of the most recycled products in the U.S.) would need to increase from **71%** to **93%**, and the plastic (LDPE) lid would need to go from **21%** to **75%** for the steel coffee can to have the same amount of landfilled material as the stand-up flexible pouch (assuming a **0%** recycling rate for the pouch). This is just one of six case studies FPA commissioned using Trayak's EcoImpact-COMPASS® lifecycle assessment tool. These case studies can be found at flexpack.org.

Finally, if the coronavirus pandemic taught us anything, it is the need to preserve sterile packaging for food, health and hygiene products, personal protective equipment, and medical and pharmaceutical goods. Therefore, all policy options must take into account the very real environmental and health benefits of today's packaging outside of its potential for recycling and composting alone. Banning these products could have serious unintended negative environmental and health consequences as substitutions and alternatives used may have a much larger environmental footprint. The picking of winners and losers, like banning materials and packaging, or setting arbitrary fees based solely on recyclability, discounts climate change, food safety and security, and potential innovations that could solve for both source reduction and recyclability/reuse. Instead, the U.S. recycling system must be modernized to collect, sort, and recycle or compost today's packaging.

Labeling for Recyclability

FPA agrees with the Ranking Member's comments that consumers need clear directions for what is and is not yet recyclable to eliminate the confusion and contamination currently rendering many ready recyclable packaging formats unacceptable for recycling and instead destined for landfills. Product producers and their packaging manufacturers cannot be expected to produce a 50+ state labeling solution (and in some schemes, municipal-level

requirements). We manufacture goods for the entire U.S., and in some cases, North America and globally. The environmental impacts and excess waste created by labeling products for individual states will be disastrous. In addition, critical goods will often not be able to travel across state lines due to differing labeling requirements, making a federal solution necessary to mitigate mass supply chain disruption. As the Ranking Member stated, "The federal government's role should reflect the well-established spirit of cooperative federalism that the regulation of waste management is based upon," and labeling for recyclability is a prime example of where that federal oversight is needed.

Similarly, the two bills already passed by the Senate and awaiting House action, as the Chair and Ranking Member reference, are also well positioned as federal instruments in the waste management space. FPA supports the Recycling Infrastructure and Accessibility and Recycling and Composting Accountability Acts, which would see federal grants used for investment in mechanical and advanced recycling systems and access to the collection, sortation, and reprocessing of all packaging, including flexible packaging. And, just like the investment needed to modernize our traditional recycling, investment in industrial composting systems that take packaging along with proteins, and access to collection and composting on a broad scale for U.S. consumers is needed. Federal grants under these two bills would be used to attract and jump-start this investment.

FPA appreciates the opportunity to engage in the Committee's initial foray into federal EPR legislation. In advance, thank you for your consideration. If we can provide further information or answer any questions, please do not hesitate to contact me at (410) 694-0800 or akeane@flexpack.org

Sincerely,



Alison Keane, Esq., CAE, IOM
President & CEO
Flexible Packaging Association