

Testimony in OPPOSITION
to
House Bill 21
in
Maryland House Environment and Transportation Committee
on
January 29, 2021

The Flexible Packaging Association (FPA) is submitting testimony in opposition to HB21, “Recycling: Prohibition on the Chemical Conversion of Plastic,” which would ban the use of advanced recycling in the state. I am Alison Keane, President and CEO of FPA, which represents flexible packaging manufacturers and suppliers to the industry in the U.S. Flexible packaging represents \$33.6 billion in annual sales; is the second largest, and fastest growing segment of the packaging industry; and employs approximately 80,000 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, 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 take-out food containers and e-commerce delivery, which are increasingly important during this national emergency, 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 recycling of solid waste from packaging. We do not believe that HB21 will help to do that. Flexible packaging is in a unique situation as it is one of the most environmentally

sustainable packaging types from a water and energy consumption, product-to-package ratio, transportation efficiency, food waste, and greenhouse gas emissions reduction standpoint, but 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, however, end-markets are scarce. The other half can be used to generate new feedstock, whether through chemical recycling, pyrolysis, and gasification, but this infrastructure does not exist in the scale needed, and again, if there are no end markets for the product, these efforts will be stranded.

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; the Materials Recovery for the Future (MRFF) project; the Hefty® EnergyBag® Program; and the University of Florida's Advanced Recycling Program. All of these programs seek to increase the recycled content of new products that will not only create markets for the products but will serve as a policy driver for the creation of the collection, sortation, and processing of the valuable materials that make up flexible packaging. To increase recycled content in new products, reliable high-quality supply must be available and advanced recycling systems must be built.

FPA believes that a suite of options is needed to address the lack of infrastructure for non-readily recyclable packaging materials, and promotion and support of market development for recycled products is an important lever to build that infrastructure. Advanced recycling is an important emerging technology that helps eliminate packaging wastes, particularly plastic packaging waste, from the environment. Advanced recycling complements traditional (mechanical) recycling and enables us to recycle greater amounts and a wider variety of plastics, helping eliminate plastic waste. While successful recycling infrastructure is in place for plastics such as soda bottles and milk jugs, advanced recycling technologies focus on harder-to-recycle plastics, such flexible packaging. Banning this technology will only serve to increase the amount of plastic going to

landfills and potentially leaking into the environment and will strand what could be valuable material for recycled content back into packaging as well as a host of other products.

FPA, headquartered in Annapolis, does not believe that Maryland intends on being a state that distrusts science and technology. Nine other states have recently passed legislation encouraging advanced recycling technology in their states, not only to help eliminate plastic waste and to create markets for recycled content, but to drive green job growth and infrastructure development for their economies. And just last week, FPA supported Maryland HB164, which would require the Recycling Office of the Maryland Department of Environment promote and make recommendations to support market development for recycled products. This cannot be done without innovations like advanced recycling technologies. Thus, FPA believes this bill is misguided and simply reflects a misunderstanding of the technology.

For these reasons, FPA opposes HB21 and urges the Committee to not vote in favor. 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