

Testimony in OPPOSITION
to
Assembly Bill 1371
in
California Committee on Natural Resources
on
April 14, 2021

The Flexible Packaging Association (FPA) is submitting testimony in opposition to AB1371, which would ban plastic e-commerce packaging.

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 containers for e-commerce delivery, which are not only increasingly important during the COVID-19 pandemic, but in many cases more environmentally preferable than traditional packaging types. In fact, FPA just released a detailed study on e-commerce packaging, which is available here:

<https://www.flexpack.org/publication/RG93bmxvYWQ6NDY5> As more products are shipped via e-commerce, brands continue to look for ways to optimize the shipping, reduce costs, and reduce environmental impact, while offering consumers a positive experience. In an effort to achieve these goals, more brands and e-commerce providers are using flexible packaging as either the primary package due to its ability to withstand robust handling and limit leaks, or as the ecommerce delivery pack itself as a way to reduce the amount of packaging material and space utilized. This report looks at five different case studies and products to quantify the environmental impact of different flexible and non-flexible e-commerce packaging options, as well as the economic shipping impacts, based on dimensional weight charges versus billable weight. To quantify the environmental impacts, a streamlined Life Cycle Assessment (LCA) tool

(EcoImpact-COMPASS®) was used, along with calculations on overall material used, recycled, and disposed.

The results from many of the case studies show that flexible plastic packaging has more preferable environmental attributes for carbon impact, fossil fuel usage, water usage, as well as material disposed, when compared to other package formats. This is due to the efficient use of resources enabled by flexible packaging. Much of the flexible packaging used in e-commerce applications, including bubble dunnage or poly mailers are made of LDPE, which can be recycled with grocery bags as part of the grocery store drop-off program. These materials can qualify for the How2Recycle® store drop-off designation if they go through the certification process. Dunnage is a filler that is used to prevent a product from shifting during shipping, resulting in product damage. Dunnage may be either paper or plastic based, and includes crumpled paper, corrugated inserts, air pillows, and bubble wrap. An additional benefit of flexible packaging can include the robust nature of the material, which can help reduce leaks or package breaks, thus significantly improving consumer enjoyment of a product (and brand). This can be especially important in an e-commerce environment where the product is handled at least three times as often as is done within a traditional retail channel. Product damage contributes far more to solid waste and ultimately climate impacts than the packaging chosen to protect it.

FPA has prepared factsheets on all the LCA's, which can also be found through the link above. I will highlight just one example to illustrate the unintended environmental consequences of AB1371: mailers. While many e-commerce items ship in corrugated cases, there are a number of other formats in use, particularly for smaller items. The mailers include both polymer- and paper-based options, as well as hybrid options made from a combination of the two. For this LCA scenario, four alternatives for mailing items such as magazines, books, clothing, and many others were evaluated with a cradle-to-grave boundary – a poly mailer, a bubble mailer, a paper cushion mailer, and a paper board mailer. When it came to all the environmental attributes, including source reduction and disposal, poly mailers came out on top. The poly mailer, which has the lowest weight, also has the lowest overall fossil fuel consumption when compared to the other formats. The highest fossil fuel use comes from the paperboard document mailer, which weighs approximately 8X (139.07g vs. 17.33g) that of the poly mailer. Even with the paperboard mailer using a paper-based substrate versus the poly mailer, the production of paper still requires additional energy, which reflects the higher fossil fuel usage number (+139%). For GHG

emissions, the three lightest packaging options have the lowest impact. The poly mailer ranks the lowest by a wide margin, followed by the bubble mailer (+81.8%). The two paper-based options—the paper cushion mailer and paperboard document mailer—are by far the heaviest samples with the highest GHG emissions (+470% and +648%). Most plastic production, particularly flexible items like the poly mailer and bubble mailer, have low water usage in the material production and manufacturing stages. The paper cushion mailer (+837%) and paperboard document mailer (+497%) on the other hand, both contain a large amount of paper, which is generally a water-intensive production process. Flexible packaging offers the ability to source reduce, which is one of the most preferred methods of waste management, according to the U.S. EPA Waste Hierarchy. As a result, a major benefit of flexible packaging is the high product-to-package ratio that it offers. The poly mailer has the highest package to product ratio with only 14.8% accounting for the package and 85.2% accounting for the product. In contrast, the paperboard mailer was more than the product itself accounting for 58.2% of the entire ratio. And last, but not least, when it comes to disposal The paper-based mailers, while having a higher recycling rate than the poly-based mailers, use much more material and result in approximately 5X as much material going to landfill, based on current U.S. recycling rates. The results show that the poly mailer and bubble mailer use far less packaging than the other mailers. In fact, the total amount of packaging used for the poly mailer option equates to about ½ the amount of material recycled for the paper-based options, based on U.S. carton/paperboard recycling rates (25.6%).

FPA and its members are particularly interested in solving the plastic pollution issue and increasing the recycling of solid waste from all packaging. AB1371 will not achieve these outcomes and as detailed in the above example as well as the other four case studies – peanut butter, laundry detergent, shoes and cereal – we know that it will have a detrimental affect on the environment and actually increase solid waste. Flexible packaging is in a unique situation as 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. Developing end-of-life solutions for flexible plastic packaging is a work in progress and FPA believes that other policy drivers and solutions exist. Programs that seek to increase the collection and recycling of flexible packaging and increasing the recycled content of new products that will not only create markets for the products but will

serve as a policy drivers for the creation of new collection, sortation, and processing infrastructure for the valuable materials that make up flexible packaging are what is needed, not bans.

For these reasons, FPA opposes AB1371, but stands ready to assist California in building programs that allow for the right packaging for the product and the necessary investment in new infrastructure and markets for all packaging, including flexible plastic packaging. 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