

Testimony in OPPOSITION
to
Senate Bill 5658
in
Washington Senate Environment, Energy and Technology Committee
on
January 18, 2022

The Flexible Packaging Association (FPA) is submitting testimony in opposition to SB5658, “Concerning the recyclability of products and packaging,” stands to establish an onerous definition of “recyclable” that will have far reaching impacts on all future legislation related to the development of a circular economy and recycled content mandates.

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 SB5658 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 pyrolysis, gasification, or fuel blending, but 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.

SB5658 provides that a product or packaging that displays a chasing arrows symbol, among other symbols, statements, or directions to be a deceptive or misleading claim unless the product or packaging is considered recyclable pursuant to statewide recyclability criteria and is of a material type and form that routinely becomes feedstock used in the production of new products or packaging. This will negatively affect the ability of the state to reach their recycling goals and severely hinder the state's ability to adopt and implement a



comprehensive circular economy solution to packaging. In limiting options, SB5658 will have a chilling effect on recycling and ultimately cause more materials to end up in landfills.

FPA is committed to a circular economy for flexible packaging – designing the right package for the product and utilizing less water and energy to do so; emitting less greenhouse gases in the manufacture and transportation of the package; using the least amount of packaging, plastic or multi-materials, necessary for the protection of the product; and creating less waste in the first place®. As Washington moves forward towards that goal, future Extended Producer Responsibility (EPR) efforts will undoubtedly find themselves in conflict with SB 5658.

While noble in its intent, SB 5658 is underdeveloped and shortsighted in its current form. Additionally, due to the complex nature and impact any proposal of this kind impliedly has upon the people of Washington, the legislature needs to take more time to evaluate, reflect upon, and rework this legislation before ratifying it into law. It is for these reasons that we oppose the bill and respectfully request a negative report of SB 5658.

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,



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President & CEO, FPA

