

February 8, 2022

The Honorable Thomas Carper
Chairman, 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), who is the voice of U.S. manufacturers of flexible packaging and their suppliers, I write to commend the Committee on Environment and Public Works for its continued efforts to improve recycling across the U.S. including the February 2nd hearing on *Legislative Proposals to Improve Domestic Recycling and Composting Programs*. FPA and its members are committed to supporting the improvement and expansion of recycling and, therefore, provide our input on this important topic. FPA's mission is connecting, advancing, and leading the flexible packaging industry. Flexible packaging represents over \$34.8 billion in annual sales in the U.S. and is the second largest, and fastest growing segment of the packaging industry. The industry employs approximately 78,000 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 the COVID-19 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 recycling of solid waste from packaging.

End-of-Life Management

FPA understands the importance of reducing and recycling solid waste to minimize litter and optimize landfill space and truly achieve a circular economy. However, 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. The other half can be used to generate new feedstock, whether through pyrolysis, gasification, or fuel blending. Developing other end-of-life solutions 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 Materials Recovery for the Future or MRFF

project; the Hefty® EnergyBag® Program; and the University of Florida's Advanced Recycling Program.

The mission of the MRFF project is simple – flexible packaging material is recycled and the recovery community derives value from it. The project piloted tweaks to the current material recovery facility (MRF) infrastructure to help establish methods and equipment protocol for flexible packaging. The MRFF project “wrapped” up its full-scale pilot program for flexible packaging this year. The MRFF consortium, of which FPA was a founding partner, released the pilot research report demonstrating the successful collection, separation and preparation for recycling of flexible packaging. The pilot, the first of its kind in the United States, was performed in partnership with J.P. Mascaro & Sons at the TotalRecycle Facility in Birdsboro, Pennsylvania, and underwritten by MRFF partners. The project will now transition to The Recycling Partnership (TRP), of which, FPA is a member. TRP is a leading, national non-governmental organization that exists to improve recycling in the U.S. TRP puts private dollars to work in communities to invest in sustainable recycling systems. TRP works through grants, technical assistance, and tools, as well as research, measurement, and best practices. Thus, the results of this pilot can now be used by MRFs across the country to mechanically recycle flexible packaging, particularly multi-material laminates. The project also worked on downstream uses for the materials generated through recovery and TRP will continue this research. Analyzing the economics of recycling flexible packaging is just as important as proving the technical capacity to separate and process this material.

Another program that is successful, and supported by FPA, as well as a host of manufacturers and consumer product companies, is the Hefty® EnergyBag® program. This program is making

strides in the collection and recovery of flexibles and utilizing energy recovery and pyrolysis solutions for end-of-life management for hard to recycle multi-laminates. Energy recovery often has a negative connotation, when in reality, it should be an option for any sustainable recycling system. One of the primary goals of recycling is to eliminate litter and reduce solid waste going to landfills, thereby reducing greenhouse gas emissions, all while deriving benefit from collected materials. As such, energy recovery solutions could be an immediate answer to end-of-life solutions for hard to recycle packaging materials until appropriate investment in infrastructure for recovery, recycling, and composting of these materials is made.

The first EnergyBag® Program was a pilot in California. In Citrus Heights, CA, the pilot proved the theory, with 1/3 of targeted homeowners participating, approximately 8,000 EnergyBags® were collected in three months, and 512 gallons of synthetic crude oil was produced. The second program, in Omaha, NE, launched in 2016 for 6,000 local households and has expanded across the Omaha area (189,000 households) to Bellevue (15,600 households), Louisville (550 households), Ralston (3,400 households – included within the Omaha City program), Papillion (7,500 households), and La Vista (7,100 households). Retail programs are also available in each community. As of September 2018, the Hefty® EnergyBag® Program collected more than 82,174 bags in the Omaha area and diverted 47 tons of plastic, the equivalent of approximately 225 barrels of diesel fuel, from landfills. The program then expanded to Boise, ID, where the City began distributing the first year's supply of Hefty® EnergyBag® orange bags to 73,000 households in April 2018. For the first time in a major metropolitan area, Cobb County, GA (Atlanta) began a program in late 2018 with 9,000 households registering in December alone. Keep America Beautiful is now participating in a Phase 2 launch with a grant

to add more households. The hard-to-recycle packaging will go towards making low sulfur fuel, oils, and waxes.

The message is simple, if you can recycle plastic material in your regular curbside recycling program, then continue to do so. If you cannot, rather than throwing that material in the trash, put it in your Hefty® EnergyBag® orange bags to be recovered as an alternative energy resource. You can include many plastic and multi-material items that cannot be recycled in your existing recycling program, such as:

- Potato chip bags and other snack bags
- Candy wrappers
- Granola bar and energy bar wrappers
- Plastic and foam cups, plates, and bowls
- Shredded cheese packages
- Salad bags
- Plastic pet food bags
- Frozen fruit and vegetable bags
- Pudding cups
- Stand-up pouches
- Squeezable baby food pouches
- Foam to-go boxes
- Packing peanuts
- Plastic utensils
- Plastic straws and stirrers
- Cake mix liners and other dry powder mix liners
- Plastic toothpaste tubes
- Condiment packets

Not only does the program divert packaging from the landfill and as a potential litter source, but the program also cuts down on contamination of other material streams by separating out the flexibles and hard-to-recycle packaging from readily recyclable materials at curbside. The program is set to expand again with grants to new interested communities as well as guidance for municipalities to mimic its success on their own.

The University of Florida's Advanced Recycling program is in its infancy, but the goal of the program is to present a unique solution using plasma gasification to achieve a true circular economy for ALL packaging waste (sorting and traditional recycling optional, depending on demand for materials). To scale up this technology, which already exists for hazardous waste, selection and investment in infrastructure is needed. FPA supports this goal as the benefits of achieving such would include:

- Reduction/elimination of landfills and associated harmful emissions
- Reduced greenhouse gas (GHG) emissions
- Reduced reliance upon fossil fuel feedstocks
- Reduction/elimination of ocean and terrestrial litter
- Continued realization of benefits from packaging without compromise
- Simple household waste disposal that does not require sorting (single-stream waste collection and treatment)

FPA believes that a suite of options is needed to address the lack of infrastructure for non-readily recyclable packaging materials, and investment in that infrastructure is necessary before new mandates and unrealistic goals are set for both manufacturers and consumers.

Sustainability

There is a reason why only about 50% of flexible packaging is mechanically recyclable – as 50% of flexible packaging is single material. The rest is multi-material laminates. Not all flexible packaging is created the same, just as not all plastics are created the same. Different products require different types of protection. 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. 1.5 pounds of flexible packaging will package the same amount of beverage or liquid as 50 pounds of glass. Advancements in materials and production processes have reduced the weight of some flexible packaging by up to 50%. A recent 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 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 the Environmental Protection Agencies' EcoImpact-COMPASS® lifecycle assessment tool. These case studies can be found at flexpack.org.

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 new innovations that could solve for both source reduction and recyclability/reuse.

Consumer Engagement

FPA also believes that all policy options must have a robust consumer engagement component. Ultimately, any program hinges on the consumer actually utilizing it and doing so correctly. Thus, consumer engagement, not just for flexible packaging, but for ready recyclable packaging materials as well, is needed before additional regulations and the addition of any mandates on municipal governments for recycling of new solid waste materials are put in place. For all

packaging types, we need consumer engagement and programs like the Sustainable Packaging Coalition's "How2Recycle" label to inform residents of the opportunities to recycle and where to recycle. We also need clear directions for consumers on what is not yet recyclable, to eliminate the significant contamination currently rendering many ready recyclable packaging formats unacceptable for recycling and instead destined for landfill disposal. The recent spate of recyclability labeling proposals, including AB343 that passed in California is particularly concerning as it purports to label for consumers per state and in some cases, municipal jurisdictions. Product producers and their packaging manufacturers cannot be expected to produce a 50+ state labeling solution. 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 and jurisdictions will be disastrous – we need a federal solution.

In addition, most grocery stores and other retailers provide receptacles where consumers can easily deposit plastic bags, dry cleaning bags, bread bags, protective pillows and films, and other product wrappings that most consumers do not know about. Educating and encouraging consumers to make environmentally-conscious decisions about single material flexible packaging is a practical solution and one that could make a big dent in reducing the amount of solid waste packaging material going to landfills and increasing the amount going for recycling before any new mandates are put in place. Similarly, any program must address the litter issue. Policies should provide incentives for consumers to utilize the existing infrastructure and any new infrastructure put in place. Putting all the onus on manufacturers and retailers to change consumer behavior is unrealistic. Any policies purporting to fix the problem of waste in the environment and plastic pollution, in particular, should contain provisions for fines and

enforcement of not only outright litter but of consumers not utilizing the recovery and recycling infrastructure at all or incorrectly.

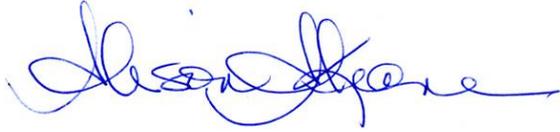
Conclusion

Flexible packaging manufacturers are responding to key issues and industry pressures affecting their customers as well as the demands of consumers and retailers. Safety and product protection; prevention of food waste and contamination; freshness and extended shelf life; consumer convenience; ease of transportation, storage, and use; and source reduction and sustainability are all issues manufacturers are designing for. Policies for the reuse, reduction, recycling and ultimately the reform of the U.S. solid waste system for plastic pollution as well as all other types of pollution should recognize all of these issues and not only focus narrowly on recyclability. They should promote policies and programs that look at the entire life cycle of packaging and give credit to packaging with a lower environmental footprint (regardless of end-of-life management options); that recognize energy recovery and chemical recycling as viable options; and that promote 21st century infrastructures, such as store drop-off programs, MRFF, Hefty[®] EnergyBag[®], and the Sustainable Packaging Coalition's consumer labeling program.

FPA looks forward to seeing the Recycling and Composting Accountability Act, which would improve EPA's ability to gather data on our nation's recycling systems and explore opportunities for implementing a national composting strategy as well as the Recycling Infrastructure and Accessibility Act, which would help improve recycling services in underserved areas. We believe these are important areas that will help modernize the U.S.

recycling infrastructure and assist in full packaging circularity for the future. We look forward to continuing our work with Congress to address these challenges and opportunities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alison Keane". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alison Keane, Esq., CAE, IOM
President & CEO