

July 25, 2022

Attn: Caroline Hoskinson
Director, Office of Resource Conservation and Recovery
United States Environmental Protection Agency (EPA)
Federal eRulemaking Portal
Docket ID No. EPA-HQ-OLEM-2022-0375

RE: Bipartisan Infrastructure Law: Solid Waste Infrastructure for Recycling Program (SWIFR)

Dear Ms. Hoskinson,

The Flexible Packaging Association (FPA) respectfully submits these written comments in response to the Environmental Protection Agency's (EPA) Request for Information (RFI) on the Solid Waste Infrastructure for Recycling Program (SWIFR).

FPA represents flexible packaging manufacturers and suppliers to the industry in the U.S. Flexible packaging represents \$34.8 billion in annual sales, is the second-largest and fastest-growing segment of the packaging industry, and 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.

Our comments respond to a single question based on the specific questions posed and comments made by the EPA.

What projects or activities should the EPA consider eligible for funding under this grant that will help address current needs of the recycling system?

1. Advanced Recycling.

The flexible packaging industry 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. The other half can be used to generate new feedstock, whether through advanced recycling technologies such as pyrolysis, gasification, or fuel blending.

Advanced recycling technologies can process plastics that do not yet have strong end markets, thus enabling a more circular economy for plastics. These proven technologies allow for difficult

to recycle materials to be broken down into extremely pure, high-quality feedstock to be used in new products. Not only does this reduce the need to use virgin plastic resin, creating new plastic material, but it helps create a steady source of post-consumer recycled (PCR) content. Many companies have set ambitious goals for source reduction and increased use of PCR content in the coming years in addition to several states passing PCR mandates. Many of these goals will be exceedingly difficult or unfeasible to accomplish without investment in advanced recycling because there simply will not be enough high-quality PCR content available.

Two programs that have shown measurable success in utilizing advanced recycling technologies are the Hefty® EnergyBag® program and The University of Florida's Consortium for Waste Circularity (CWC) program. The EnergyBag® program collects previously non-recycled plastics and converts them into feedstocks that can be refined into high-grade fuels or converted back into plastics. Fuel blends are used as alternative energy sources through unique pyrolysis technology. This process not only creates energy used to power homes and cars but also achieves a 31% reduction in Global Warming Potential (GWP) over landfilling. In addition, aggregate material can be used for concrete blocks, plastic lumber, and other building products as well as new plastic products such as park benches or chairs. In parallel, the CWC employs a robust gasification process that is capable of converting otherwise "difficult to recycle" and multi-layer materials into synthesis gas (syngas). This syngas can then be transformed into eco-methanol and new plastic products, accomplishing a truly circular loop. Furthermore, as methanol is the primary feedstock component for many types of plastic, this creates new streams of PCR content and offers a pathway for companies to achieve their sustainability goals.

2. Material Recovery Facilities (MRFs).

MRFs are a critical part of the recycling system. MRFs use a combination of equipment, machinery, and human labor to receive, separate, and prepare recyclable material into bales so that they may be sold and processed. Unfortunately, many of the MRFs active today were built in the 1980s. These facilities are outdated and employ obsolete technologies, which regularly result in lower quality bales from contaminated streams.

Grant funding should be available to build new facilities but also for the modernization of existing MRFs. "Modernization" should mean investments that increase throughput, improve bale quality, update/upgrade existing equipment and machinery, and the installation of new technology and machinery which improve sortation and provide an onramp for more recyclable materials. Projects which focus on sortation, including robotic technologies, should be given priority.

One notable initiative is the Materials Recovery for the Future (MRFF) program. MRFF was launched in 2015 by a broad coalition of vested stakeholders and recycling advocates to examine how existing mechanical recycling infrastructure could be harnessed to capture flexible plastic packaging. After exploring multiple methods of collection, sortation, and capture of flexible plastic packaging, MRFF created the first single stream recycling facility in the nation to accept flexible plastic packaging in its recycling program. MRFF's recycling facility, TotalRecycle, in Birdsboro, PA continues to demonstrate that it is both possible and profitable for a curbside single stream recycling program to bring in flexible plastic packaging.

3. Harmonization.

One of the largest hurdles in the current recycling system is a lack of consistency in what is considered readily recyclable in one place versus another. Differing capabilities in collection and

sortation led to large scale confusion about what is recyclable and contributes heavily to the contamination of waste streams. We would encourage the EPA to undertake an analysis of existing MRFs and our current recycling infrastructure; analyzing collection and sortation methods, what materials are processed, and what end-markets exist. Funding can be prioritized towards upgrading the lowest performing areas. Bringing lower performing areas in line with nearby higher performing areas will allow for regionally established baseline standards, thus, greatly reducing the confusion and contamination and harmonization of the current system overall.

4. Leverage Existing Programs

Developing a truly circular economy is a work in progress and FPA has already partnered with manufacturers, recyclers, retailers, waste management companies, brand owners, and other organizations to continue making strides toward total packaging recovery. As stated for materials, such as flexible packaging, where collection, sortation, and processing does not exist in many communities, FPA and its partners have pilot programs that work. This includes the MRFF project, the Hefty® EnergyBag® program, and the CWC. In addition, for the 50% of polyethylene packaging that is readily recyclable, the Wrap Recycling Action Program (WRAP) and How2Recycle (H2R) programs are widely accepted. H2R provides a clear, easy to understand, nationally harmonized label that helps companies convey to consumers exactly how to recycle a package and offers member companies insights on how to increase the recyclability of their packaging. Similarly, WRAP has had great success focusing on increasing the recycling rate of plastic films through store-drop off, education, and a nationwide public outreach campaign that has reached more than 70 million people in the U.S. since 2014. Flexible films and packaging collected through the WRAP program are processed back into bags and durable plastic decking, like Trex®.

These programs seek to increase the collection and recycling of flexible packaging and increase the recycled content of new products that will not only create markets for the products but will serve as drivers for the creation of a new collection, sortation, and processing infrastructure for the valuable materials that make up flexible packaging. When considering projects for grant funding, we would strongly encourage the EPA to build upon these already established programs with a record of success to expand and improve upon them.

Conclusion

FPA believes that a suite of options is needed to address the lack of infrastructure and modernization of the U.S. recycling system for the collection and processing of all of today's packaging types, including flexible packaging, as well as the promotion and support of market development for recycled products, is an important lever to build that infrastructure. We believe that investment should be focused on advanced recycling technologies, increasing the availability of high-quality PCR materials, upgrades to current MRFs and mechanical recycling facilities, and the harmonization of collection and sortation capabilities across the U.S. A thorough assessment of the current system and future needs is an important first step.

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 SSchlaich@Flexpack.org.

Respectfully,
Sam Schlaich
Sam H. Schlaich, J.D.

Government Affairs Counsel, FPA