

Testimony in OPPOSITION
to
Senate Bill 2145
in
New Jersey Senate Environment and Energy Committee
on
October 6, 2022

Dear Chair and Honorable Members of the Committee:

The Flexible Packaging Association (FPA) is submitting testimony in **opposition to Senate Bill 2145**, which aims to prohibit the sale, distribution, and import of certain products marketed as recyclable, unless DEP determines that products are widely recycled.

I am Sam Schlaich, Counsel, Government Affairs of FPA, which represents flexible packaging manufacturers and suppliers to the industry in the U.S. Flexible packaging represents over \$39 billion in annual sales; is the second-largest and fastest-growing segment of the packaging industry; and employs approximately 75,000 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 have become increasingly important during the pandemic, are also heavily supported by the flexible packaging industry.

Thus, FPA and its members are particularly interested in solving the plastic pollution issue, increasing the recycling of solid waste from packaging, and creating a working, circular economy. Unfortunately, we do not believe that S 2145 will advance these goals and feel compelled to highlight our concern.

In today's modern economy, products are packaged, marketed, transported, and sold nationally. In applying its own specific labeling requirements for packaging, New Jersey is creating an onerous burden on businesses and directly interfering with interstate commerce. Additionally, if other states were to similarly follow suit in adopting their own requirements, companies would find themselves paralyzed by a complete inability to navigate and comply with a patchwork or conflicting state mandates. Furthermore, the proposed recovery rate requirements to be considered recyclable are likely unworkable for many materials that are in fact widely recycled. Such requirements will only serve to further strain the recycling system and frustrates the legislative intent of SB 2145.

SB 2145 also goes well beyond the scope of labeling requirements, including provisions with no relevance to the packaging recyclability. Primarily, criteria that will prohibit certain intentionally added PFAS from packaging if they want to be deemed recyclable. Not only is there no scientific basis for this, but the bill fails to identify specific chemicals which could be considered problematic. Instead, it targets the entire PFAS family which includes more than 4,700 chemicals.

For these reasons, **FPA opposes Senate Bill 2145**, but stands ready to assist in amending the provisions so that it supports meaningful recycling reform; increasing education and clarity on all packaging including flexible packaging, and addresses the evolving needs and concerns of New Jersey.

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

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