

February 20, 2024

The Honorable Janet T. Mills
Governor of Maine
1 State House Station
Augusta, ME 04333

Dear Governor Mills,

The Flexible Packaging Association (FPA) is strongly opposed to LD 1660 due to its negative effects on innovation, the environment, and your constituents.

I. Background on FPA & Flexible Packaging

I am John Richard, Director of Government Relations at FPA, which represents flexible packaging manufacturers and suppliers to the industry in the United States. Flexible packaging represents \$42.9 billion in annual sales; is the second largest, and fastest-growing segment of the packaging industry; and employs approximately 85,000 workers across the country. 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. Thus, FPA and its members are particularly interested in solving the plastic pollution issue and increasing the recycling of solid waste from packaging.

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 current circularity options are limited compared to materials that have been around since the industrial age. 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.

If advanced recycling is not considered to be a broader part of the recycling system alone, it would stymie efforts to develop a true circular economy for a sustainable option of choice—flexible packaging. In addition, flexible packaging is heavily vested in food and health packaging; thus, without advanced recycling, options for post-consumer recycled content for these packaging types would be virtually impossible. Advanced recycling technologies are necessary to bring post-consumer plastic packaging back to a virgin-like state in order to be used again for food contact and sterile packaging. Banning these technologies will only increase the use of virgin plastic and the amount of packaging going to landfills.

II. What is Advanced Recycling?

Common advanced recycling technologies like pyrolysis, gasification, and depolymerization convert used plastics that would be considered waste into high-value materials using methods that are regularly deployed in other industries. Despite being a nascent industry compared to other materials that have had centuries to figure out how to design for a circular economy, our industry has voluntarily invested over \$7 billion which has led to a massive 21 billion pounds of plastic waste being diverted from landfills across the nation each year.¹ In time, we are confident that engineers and chemists will be able to definitively make the case for a circular plastics economy.

A common myth that our Association constantly must dispel is that advanced recycling is just burning plastic waste through incineration, when in reality, this type of recycling relies on cutting-edge technologies that purposefully operate with little to no oxygen (allowing for the recovery of material). Furthermore, advanced recycling produces emissions equal to or lower than similar facilities in other industries with the added benefit of no measurable lead or dioxin emissions.² All advanced recycling facilities are subject to the same Clean Air Act standards as mechanical recycling and often outcompete those facilities on environmental indicators.

III. Constituents Believe in the Science of Advanced Recycling

In compiling evidence for the FTC's Green Guides, which are developed to ensure truth in advertising, the American Chemistry Council's plastics division partnered with Heart + Mind Strategies to field an independent nationally representative survey that showed a staggering 88% of Americans consider advanced recycling to be recycling.³ Our members know that consumers view advanced recycling as an important part of fixing our nation's woefully inadequate recycling system and have been proactively developing the technologies to address the resulting waste.

Any ban on advanced recycling will result in more plastic in the environment, destroy valuable feedstock for our industry, create inflationary pressure on consumers, and go against prevailing consumer sentiment. The Flexible Packaging Association believes this confounds the legislative intent of this bill.

For these reasons, FPA and its members request that you veto LD 1660. Thank you for your consideration. We are happy to discuss any of these issues with you and your staff before the veto deadline. If we can provide further information or answer any questions in advance of your decision, please do not hesitate to contact me at (410) 694-0824 or jrichard@flexpack.org.

Respectfully,



John J. Richard
Director, Government Affairs
Flexible Packaging Association

¹ Ross Eisenberg & Craig Cookson, *Advanced Recycling: Remaking Plastics to Meet Sustainability Goals* (Washington D.C.: American Chemistry Council, 2023), 2-3.

² Eisenberg & Cookson, 3.

³ Matthew Kastner, *Advanced Recycling Is Recycling, 88% of Americans Say in Survey* (Washington D.C.: American Chemistry Council, 2023).