

Testimony in OPPOSITION
of
Senate Bill 2788
in
Rhode Island Senate Judiciary Committee
on
April 26, 2022

Dear Chair and Members of the Committee,

The Flexible Packaging Association (FPA) must **oppose, unless amended, Senate Bill 2788** – Relating to Health and Safety – Refuse Disposal, which would add advanced recycling as a definition for refuse disposal and establishes a standard for post-consumer recycled (PCR) content.

I am Sam Schlaich, Counsel, Government Affairs for FPA, which represents flexible packaging manufacturers and suppliers to the industry. In the U.S. Flexible packaging represents \$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 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.

Let me first say that FPA is generally supportive of advanced recycling and has advocated on behalf of a number of advanced recycling bills this legislative cycle. Advanced recycling technologies can process plastics that do not have strong end markets, thus enabling a more circular economy for plastics. In addition to benefiting the environment, advanced recycling provides important economic benefits. As the American Chemistry Council reports, more than \$7.5 billion in advanced recycling projects have been announced or are already operating in the United States, with the potential to divert 11.7 billion pounds of waste from landfills. And, while this technology may be new to Rhode Island, across the country, private companies are already manufacturing post-use plastics at a commercial scale into a versatile mix of valuable new products.

We believe that advanced recycling is a critical piece of solving the plastic pollution issue. Unfortunately, SB 2788 goes behind the scope advanced recycling and aims to establish arbitrary PCR requirements. The targets in SB 2788 are a great aspiration, but unlikely to be achievable, because there is simply not enough quality PCR resin available. The [latest data](#) from the Environmental Protection Agency (EPA) estimated **14.5 million tons** of plastic containers and packaging were generated in 2018, approximately 5.0 percent of material solid waste (MSW) generation. Overall, **the amount of recycled plastic containers and packaging in 2018 was almost 2 million tons or 13.6 percent** of plastic containers and packaging generated. This problem of scarcity is further compounded by externalities such as market volatility and disruption of supply chains, issues which producers have no control over. To achieve these goals of SB 2788, we need to invest in infrastructure and modernize Rhode Island's antiquated recycling system. Mandating presently unachievable PCR rates will likely result in harsher impacts on the environment and fail to accomplish the intent of SB 2788.

FPA believes that a suite of options is needed to address the lack of infrastructure for non-readily recyclable packaging materials, and promotion and support of advanced recycling development is an important lever. However, advanced recycling and PCR standards are complicated, separate

issues and need to be addressed accordingly. Thus, unless amended to remove the PCR mandate, FPA must respectfully **oppose SB 2788.**

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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