

Packaging Policy Update

**Pet Food Institute – Quarterly Membership Call
December 14, 2022**

**Rob Keith
Membership & Policy Director – AMERIPEN**



Informed Packaging Decisions Start Here™

About AMERIPEN



AMERIPEN – the American Institute for Packaging and the Environment – is the only trade association focused exclusively on public policy for the entire U.S. packaging industry in order to promote the best use, benefits and functions of packaging.

We develop and advocate positions on issues related to packaging and the environment, using sound science and a philosophy of material neutrality.

Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies and end-of-life materials managers.

VISION: Packaging is recognized for all its benefits, including preventing waste and driving a circular economy.

MISSION: Be the leading voice for the packaging industry, using science to inspire, create and advocate for sustainable solutions for the packaging value chain.

Extended Producer Responsibility (EPR)

Shifts some level of the economic burden of managing products at end-of-life (EOL) (collection, recycling, disposal) from local government and taxpayers to product producers.

Producers required to take partial (shared) or full financial and/or physical responsibility of their products at end-of-life (EOL).

May or may not incentivize changes to product's environmental (e.g., reduce, reuse, recycle) and/or health (e.g., toxics) attributes over its life cycle.

Common state extended producer responsibility (EPR) programs in U.S. include for hard-to-recycle (HTR) products include carpet, mattresses, mercury thermostats, paint – sometimes also referred to as **product stewardship**.

Packaging producer responsibility has existed in other jurisdictions (e.g., Canada and European Union) for decades – **and officially arrived here in the U.S. in 2021.**

Who Pays and Who is a “Producer?”

Brand Owner



Brand Trademark Licensee or Owner



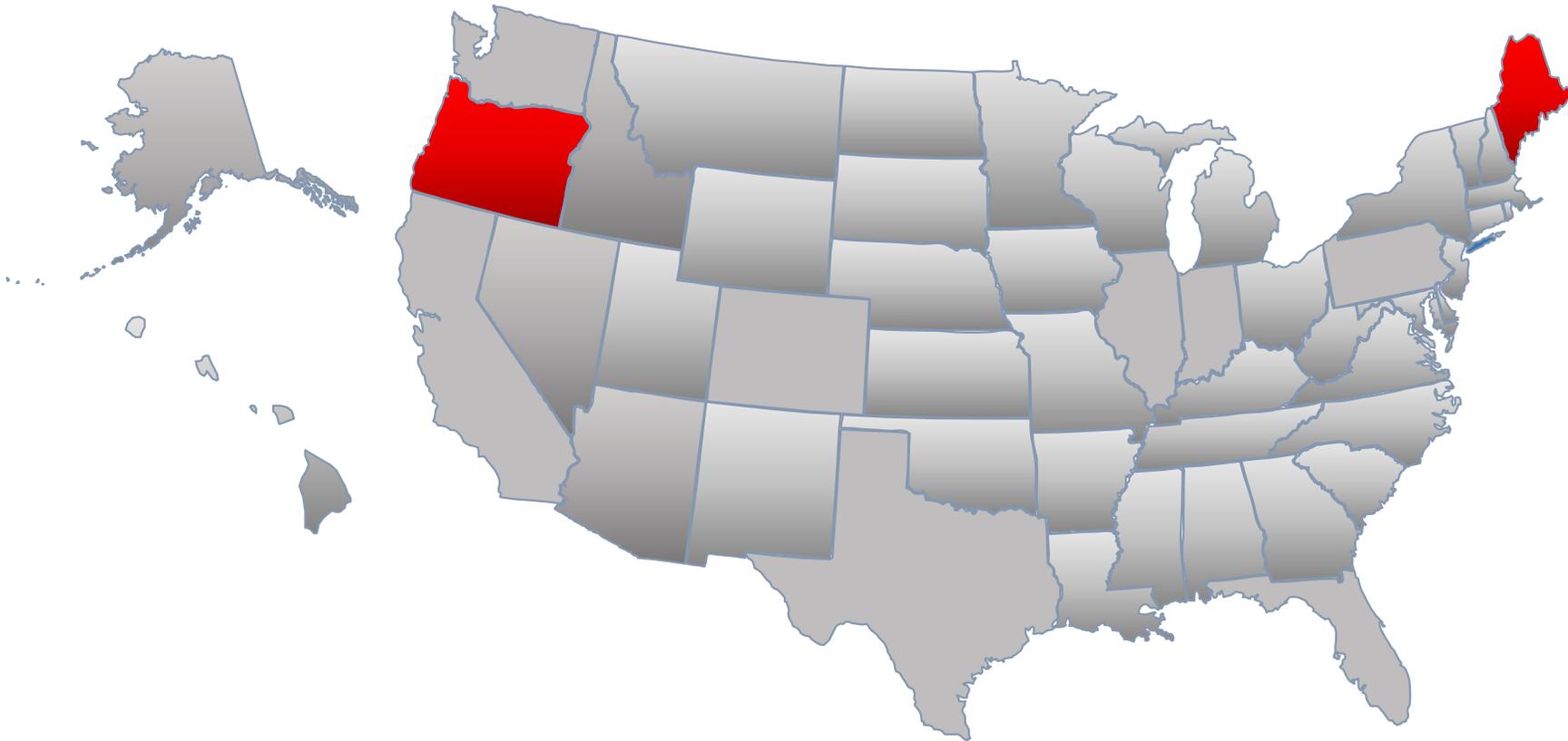
First Importer into State

Substrate/Weight Fee?

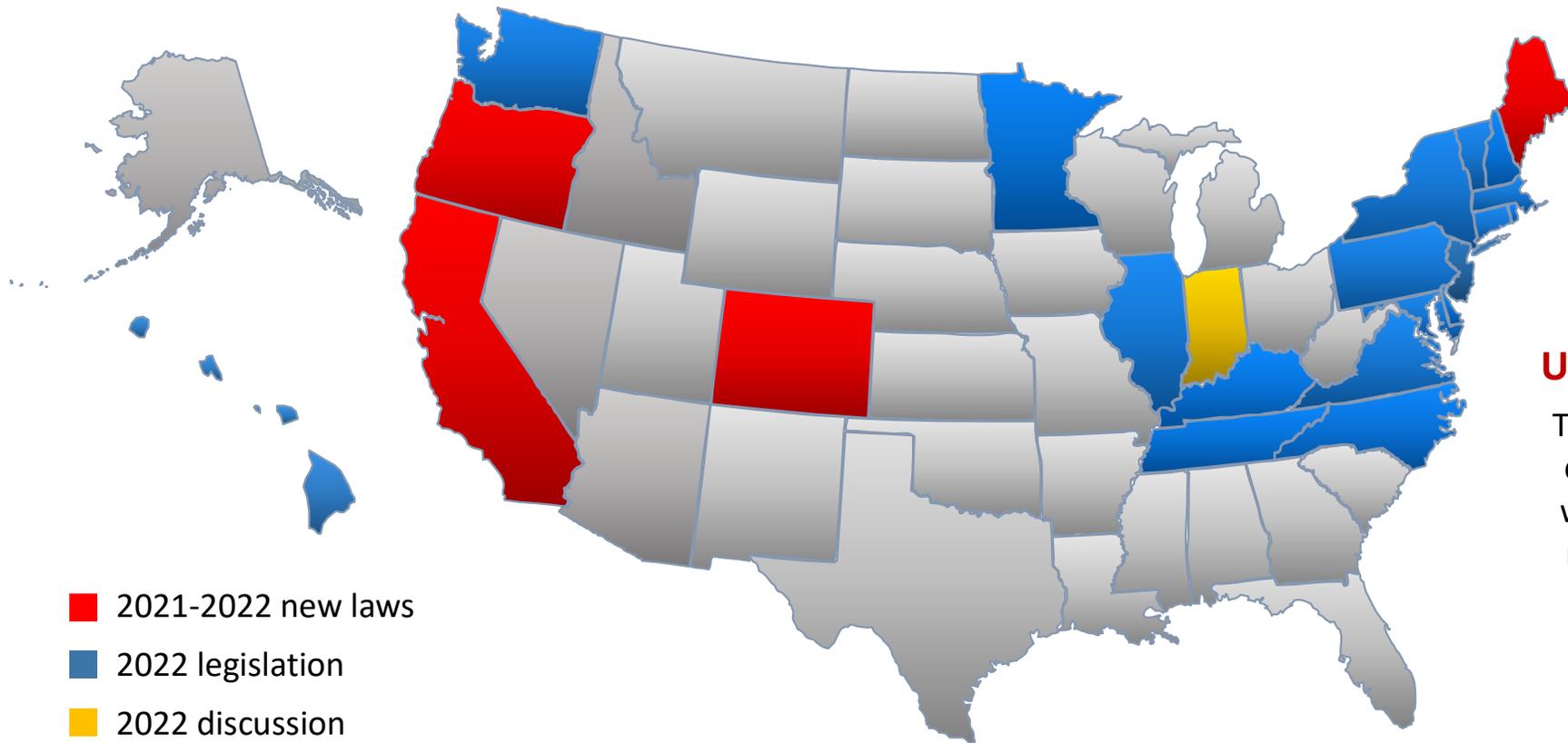
Per Item Fee?

Revenue Based Fee?

Packaging Producer Responsibility – 2021 Laws



Packaging Producer Responsibility – 2022 Activity



U.S. Congress

Two bills under consideration with producer responsibility language

Packaging Producer Responsibility Laws



	Maine	Oregon	Colorado	California
Signed Into Law	07/12/2021 – LD 1541	08/06/21 – SB 582	06/03/2022 – HB 1355	06/30/22 – SB 54
Covered Products	Packaging	Packaging, printed paper, food serviceware	Packaging, printed and other paper	Single use packaging, plastic food service ware
Producer Responsibility Organization (PRO)	Single under state contract	Multiple possible immediately	Multiple possible after 2028	Multiple possible after 2030
Producer Funding of System	100% current/expanded	30% expanded	100% current/expanded	100% expanded?
Producer Fees	Developed by state	Developed by PRO	Developed by PRO	Developed by PRO
Eco-Modulation	Allowed – PRO develops	Allowed – PRO develops	Allowed – state develops	Allowed – PRO develops
E-commerce	Included – undefined	Included – defined	Included –undefined	Included – defined?
Recycling Goals	State develops	In law for plastic	PRO develops	In law for plastic
Source Reduction	Not specifically	Not specifically	Not specifically	In law for plastic – 25%
Producer Compliance	Fall 2026	July 2025	July 2025	January 2027
Is it EPR?	No	Yes – but not ideal	Yes – but not ideal	Yes – but not ideal

Post-Consumer Recycled (PCR) Content Mandates

Possible policy lever to increase demand and supply for recycled content and drive end market development.

Subject to market economics and may cause unintended consequences if not done thoughtfully.

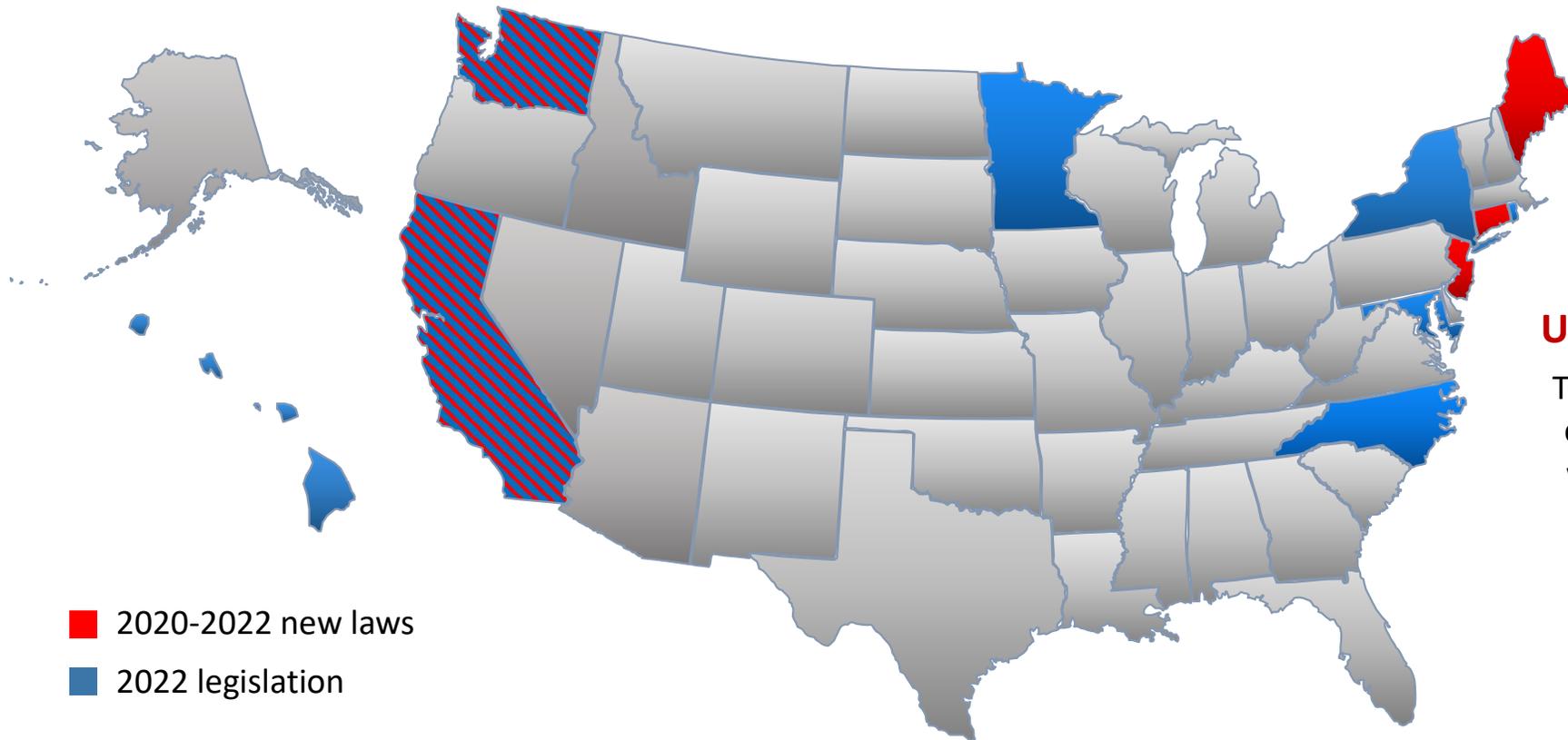
Highest and best use of recycled content and limitations for certain applications (e.g., food contact) must be considered.

Should be coupled with consumer education and contamination reduction efforts.

Regional – ideally national – uniformity is preferred.



Post-Consumer Recycled (PCR) Content Mandates Activity



U.S. Congress

Two bills under consideration with recycled content language

- 2020-2022 new laws
- 2022 legislation

Post-Consumer Recycled (PCR) Content Laws



	California	Washington	New Jersey	Maine
Signed Into Law	09/24/20 – AB 793	07/05/21 – SB 5022	01/18/2022 – S.2515	05/07/2022 – LD 1467
Effective	2022/2023	2023	2024	2024/2026
Covered Products	Plastic beverage containers	Plastic trash bags Plastic household cleaning and personal care product containers Plastic beverage containers	Rigid plastic containers Glass containers Paper and plastic carryout bags Plastic trash bags	Plastic beverage containers
PCR Rates and Dates	2022 – 15% 2025 – 25% 2030 – 50%	2023 – 15% 2026 – 25% 2031 – 50% (for plastic beverages)	2024 – 10% 2027 – 20% 2036 – 50% (for RPCs)	2026 – 25% 2031 – 30%
Registration	Began 03/01/2021	Extended to 06/15/2022	07/17/2022	04/01/2024 – report
Adjustments/Waivers	Adjustments only	Adjustments only	Adjustments/waivers	Adjustments/waivers
Exemptions	Refillables and others	Refillables and others	Food for 5 years	Non-deposit containers
Local Preemption	Yes	Yes	Yes	Yes

Recyclability Claims and Labeling Mandates

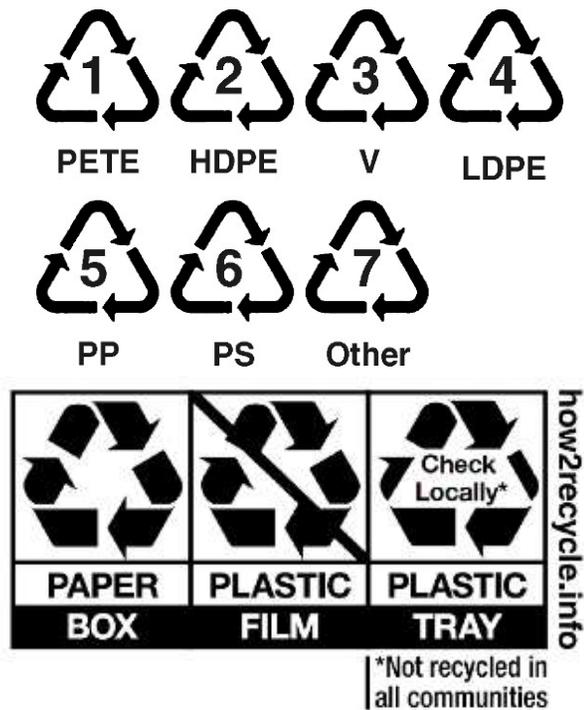
Questionable policy lever to restrict use of recycling symbols and statements in effort to reduce contamination in recycling systems.

Will cause unintended consequences if not done thoughtfully and uniformly over time.

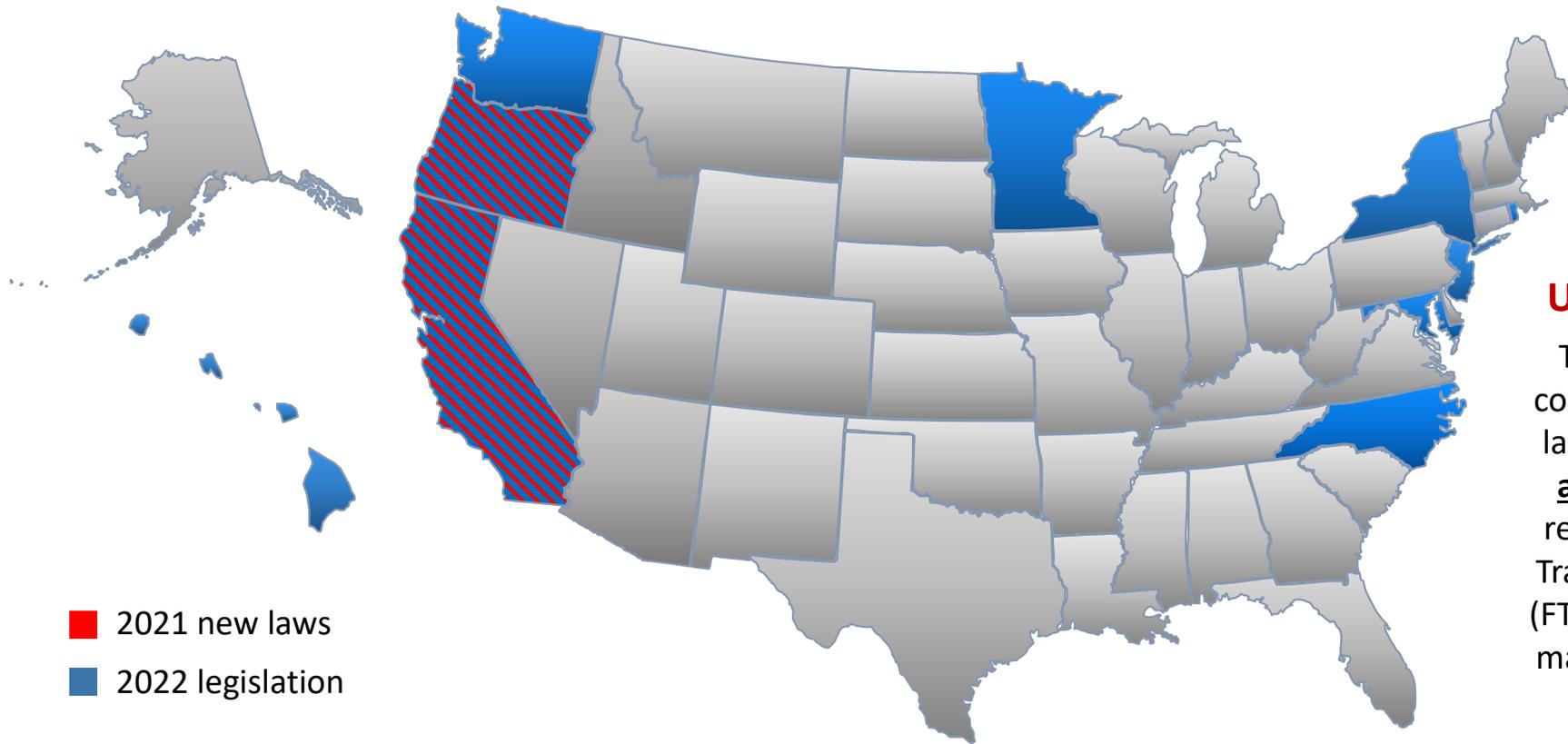
How recyclability is defined is critical and should help increase – not decrease – recycling.

Must be coupled with consumer education and contamination reduction efforts.

Regional – ideally national – uniformity is critical – state by state requirements will not work.



Recyclability Claims and Labeling Mandates Activity



U.S. Congress

Two bills under consideration with labeling language **and** process for review of Federal Trade Commission (FTC) Green Guides may begin in 2022

Packaging Recyclability Claims and Labeling Law

SB 343 – Recyclability Labeling

- **Signed by Governor on October 5, 2021.**
- Restricts use of chasing arrows symbol if product contained in packaging or packaging material is determined not “recyclable” under California “recyclable” criteria:
 - 60% access and markets for curbside collected materials.
 - 60% recycling rate for non-curbside/store drop-off materials – 75% after 2030.
- List will be created by CalRecycle from material characterization study gathered by data from solid waste facilities throughout state – must be published by January 1, 2024.
- If material type is not on list, there is 18-month grace period to sell or distribute packaging in California.
- **Exempts CRV containers.**

Additional Policies Under Consideration

Deposit Return System (bottle bills)

Material and Product Taxes

Single Use Packaging Bans

Toxics in Packaging

Advanced Recycling (aka chemical or molecular recycling)

Harmonized/Standardized Definitions

THANK YOU!

Rob Keith, Membership & Policy Director
(651) 366-6087
robk@ameripen.org



Informed Packaging Decisions Start Here™