

Beyond EPR – Packaging Policy’s Expansion in the U.S.

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PACK Expo 2024

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 inclusiveness.

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.

EPR - Global Activity

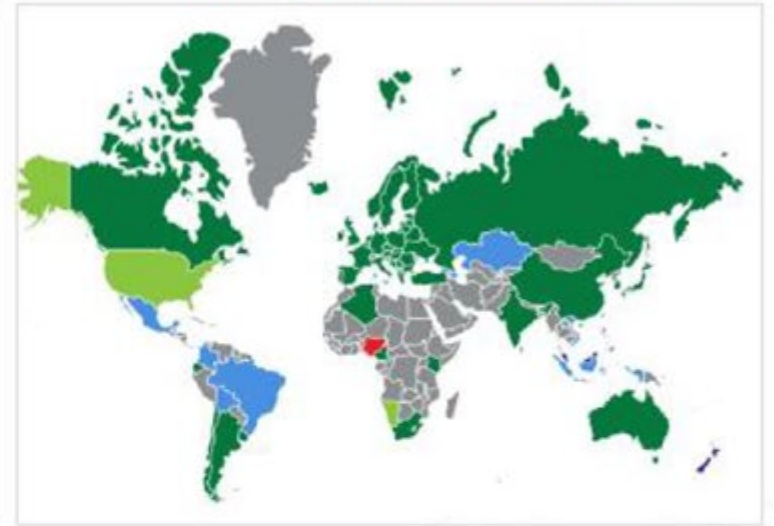
Packaging EPR in 2000



Packaging EPR in 2020



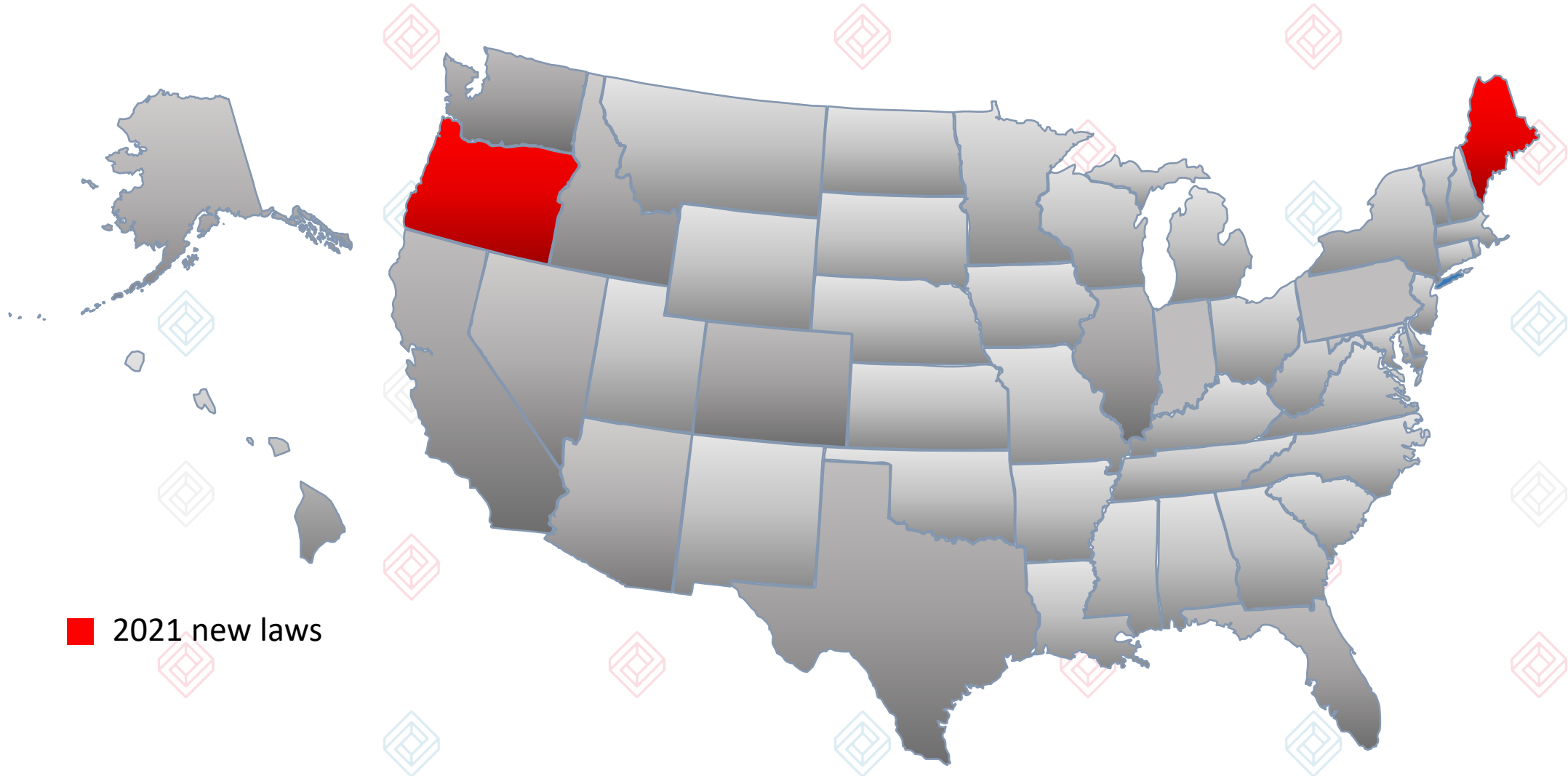
Packaging EPR in 2025



- Mandatory EPR
- Voluntary EPR
- Limited EPR
- EPR framework
- Emerging EPR framework
- Emerging EPR legislation

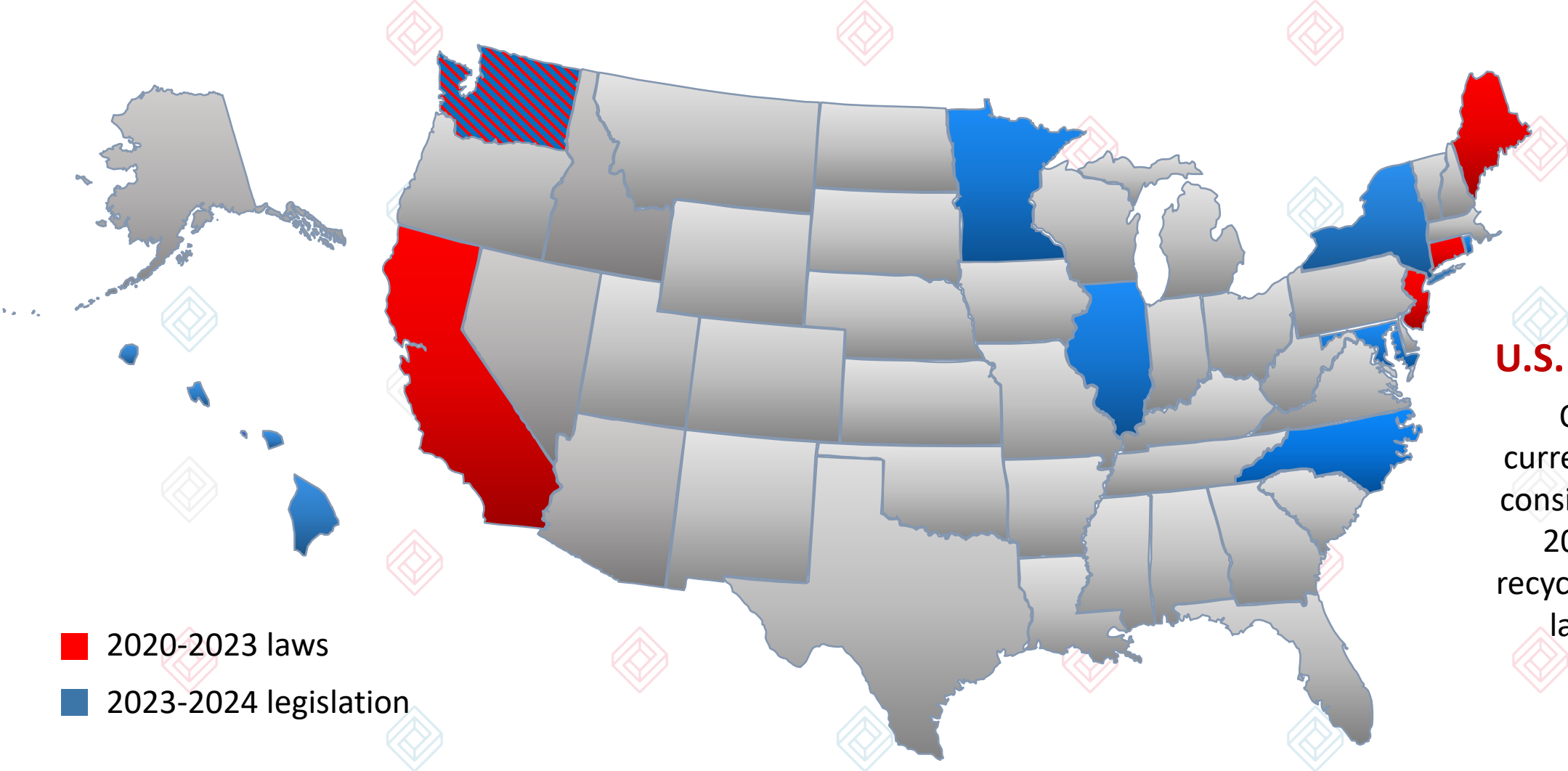
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U.S. Packaging Producer Responsibility Laws 2021



■ 2021 new laws

Packaging Recycled Content Mandates – U.S. Activity



■ 2020-2023 laws
■ 2023-2024 legislation

U.S. Congress

One bill currently under consideration in 2024 with recycled content language

Post-Consumer Recycled Content Mandates – U.S. Laws

	California	Connecticut	Washington	New Jersey	Maine
Signed Into Law	09/24/20 AB 793	06/29/23 HB 6664	07/05/21 SB 5022	01/18/2022 S.2515	05/07/2022 LD 1467
Effective	2022/2023	2027	2023	2024	2024/2026
Covered Products	Plastic beverage containers	Plastic beverage containers	Plastic trash bags Plastic household cleaning and personal care product containers Plastic beverage 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%	2027 – 25% 2032 – 30%	2023 – 15% 2026 – 25% 2031 – 50% (for plastic beverages)	2024 – 15% 2027 – 20% 2045 – 50% (for plastic beverages)	2026 – 25% 2031 – 30%
Registration	Began 03/01/2021	04/01/2026	Extended to 06/15/2022	07/17/2022	04/01/2024 – report
Adjustments/Waivers	Adjustments only	Waivers only	Adjustments only	Adjustments/waivers	Adjustments/waivers
Exemptions	Refillables and others	Small scale producers	Refillables and others	Food for 5 years	Non-deposit containers
Local Preemption	Yes	No	Yes	Yes	Yes

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State Recyclability Claims and Labeling Restrictions

Policy – restrict use of recycling symbols (i.e., chasing arrows, RICs) and statements to reduce contamination in recycling systems. Sometimes referred to as “truth in labeling”.

Covers – all packaging materials, but specific implications for plastics.

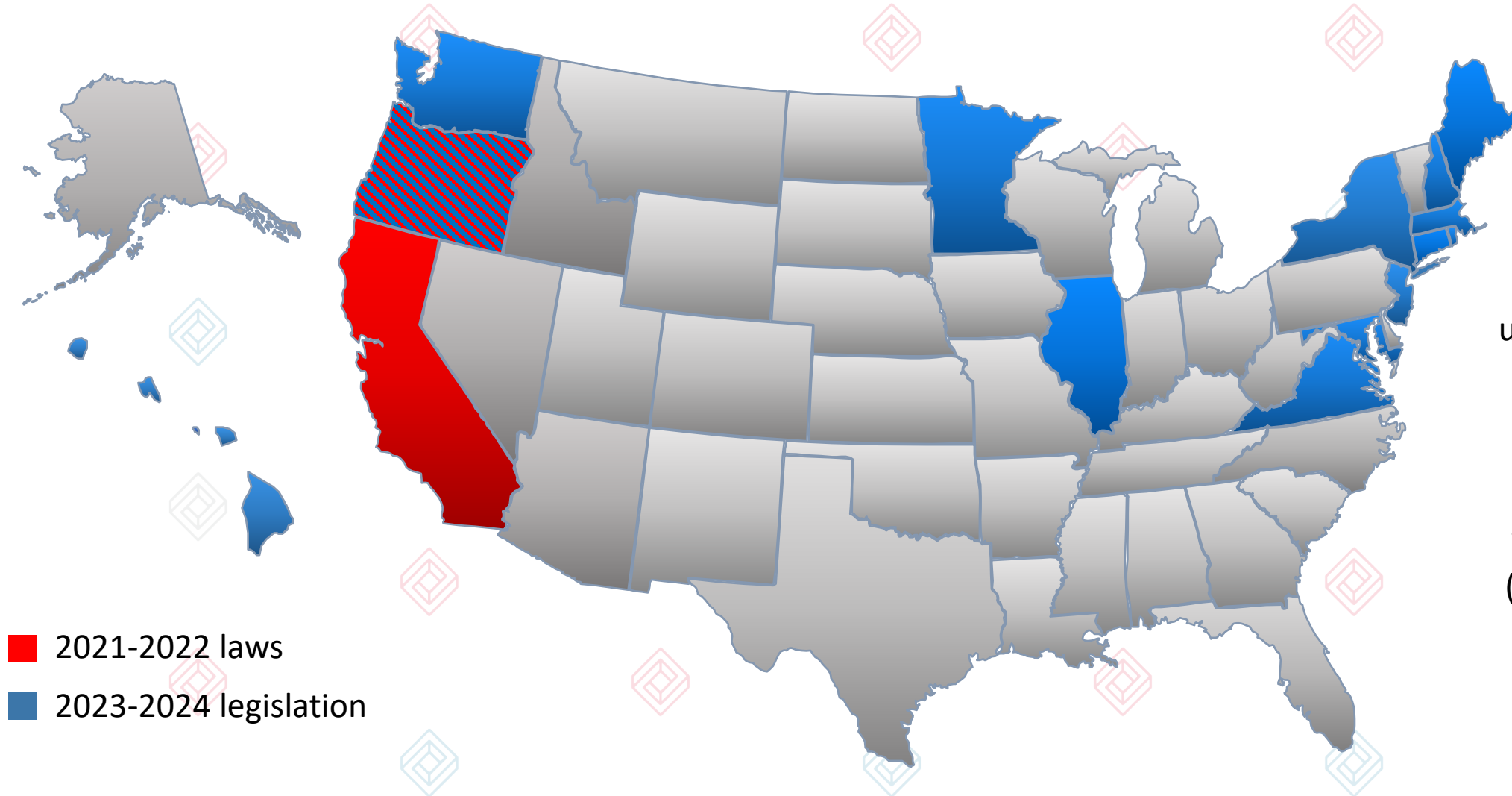
Impacts – primarily brand owners of products using packaging, but packaging manufacturers can be impacted too.

States – full law in California, taskforce recommendations in Oregon.

Timing – in full effect in California later in 2025 based on material characterization study to be completed in 2024 – **AMERIPEN** comments on preliminary study submitted April 2024.

Think About – understanding how recyclable your packaging is at curbside and/or through alternative collection methods (i.e., store drop off) in California, participation in national claims and labeling programs like How2Recycle, if/how California interacts with other states and with Federal Trade Commission (FTC) Green Guides.

State Recyclability Claims and Labeling Restrictions



■ 2021-2022 laws
■ 2023-2024 legislation

U.S. Congress
One bill currently under consideration in 2024 with labeling language **and** process for review of Federal Trade Commission (FTC) Green Guides formally began in December 2022.

California Recyclability Claims and Labeling Law

Senate Bill 343 – signed by Governor October 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.

Recyclable list will be finalized by CalRecycle from material characterization study – data gathered from some solid waste facilities throughout state. If material type is not on list in final study, there will be an 18-month grace period to sell or distribute packaging in California.

Preliminary study published December 2023 – public comments deadline was April 2, 2024.

Definitions and material characterizations under SB 343 have implications for SB 54 (EPR) implementation, including Covered Material Category (CMC) lists developed.

California Recyclability Claims and Labeling Law

Concerns with California Approach

State-specific restrictions on recyclability claims, including those that appear on labels, has potential to unravel uniform national labeling, further confusing consumers and resulting in more packaging being landfilled or discarded versus recycled.

May force producers to reconfigure national labeling protocols to conform with California, thereby undermining recycling at national level and causing conflict with other state laws.

Strategies to Mitigate

Oppose California approach in other states.

Support national gradual phase-out of mandated use of chasing arrows with RICs.

Support codification of uniform national standard for recyclability claims, along with promotion and education, to allow consumers to understand better how and what to recycle.

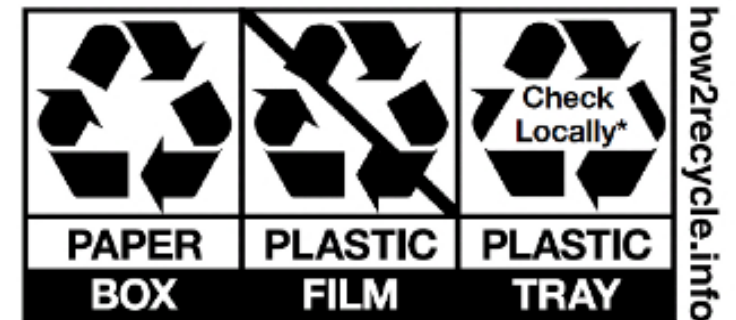
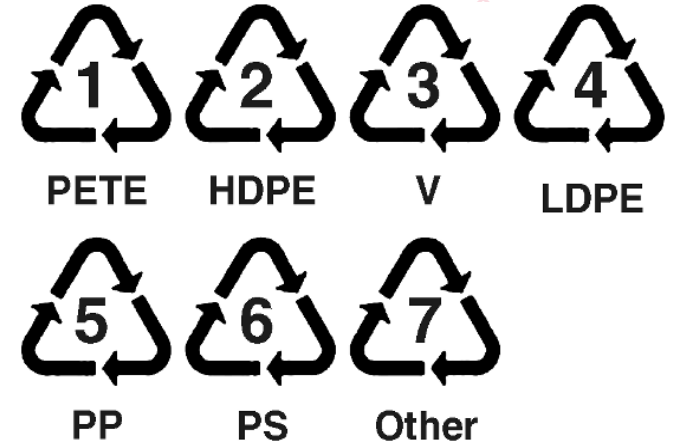
State Resin Identification Code (RIC) Mandates

Mandates RIC with Chasing Arrows

Alaska	Mississippi
Arizona	Missouri
Arkansas	Nebraska
Colorado	Nevada
Delaware	New Jersey
Florida	North Carolina
Georgia	Ohio
Hawaii	Oklahoma
Illinois	Oregon
Indiana	Rhode Island
Iowa	South Carolina
Kentucky	South Dakota
Maryland	Tennessee
Massachusetts	Texas
Michigan	Virginia

Mandates RIC Only

California
Kansas
Louisiana
Maine
Minnesota
Washington
Wisconsin



*Not recycled in all communities

Federal Claims and Labeling Policy

Federal Trade Commission (FTC) Guides for the Use of Environmental Marketing Claims

- Issued in 1992, revised in 1996, 1998, and 2012.
- Provides guidance on specific claims – including compostable, recycle and reusable.
- Not regulations – illustrates how FTC interprets Federal Trade Commission Act, Section 5.
- Does not preempt state consumer protection, green claims and other laws.
- Green Guides currently under review for potential revisions:
 - First public comment closed in April 2023 – **AMERIPEN** submitted extensive comments.
 - Recyclable claims workshop in May 2023 – **AMERIPEN** submitted follow up comments.
 - Nothing yet official from FTC but some intelligence indicating formal proposed revisions may be released soon – **AMERIPEN** is monitoring and will engage.

State Compostability Claims and Labeling Restrictions

Policy – regulates use of compostability labeling, symbols and statements for packaging and other products to reduce contamination in recovery systems.

Covers – generally geared towards compostable plastics, but not exclusively.

Impacts – primarily brand owners of products using packaging, but packaging manufacturers can be impacted too.

States – legacy, expansion and new laws in California, Colorado, Maryland, Minnesota and Washington State.

Timing – Maryland 2018; California, Colorado and Washington 2024; Minnesota 2025.

Think About – certifications to meet compliance with law requirements, look-alikes, if/how laws interact with other states and with Federal Trade Commission (FTC) Green Guides.

Toxics in Packaging – Bans and Restrictions

Policy – ban or restrict use of certain chemicals in packaging. Being associated more and more with EPR proposals even if chemicals are not directly impacting packaging recovery and recycling.

Covers – sometimes all packaging materials, but often focused more precisely on food packaging. Primarily focused on PFAS but seeing proposals expanding significantly to other substances and U.S. Plastics Pact Problematic Materials list (e.g., bisphenols, phthalates, antimony, cobalt, hexavalent chromium, perchlorate, PETg, PVC, PVDC, toluene, etc.).

Impacts – primarily brand owners of products using packaging.

States – specific to PFAS, primarily in food packaging, currently at least 11 states have restrictions on PFAS in packaging – California, Colorado, Connecticut, Hawaii, Maine, Maryland, Minnesota, New York, Rhode Island, Vermont and Washington State.

Timing – several PFAS laws already in effect over 2022-2023, several more go into effect over 2024. We expect to see significantly more legislative proposals in 2024, and well beyond PFAS.

Additional Policies Under Consideration

Deposit Return System (DRS)

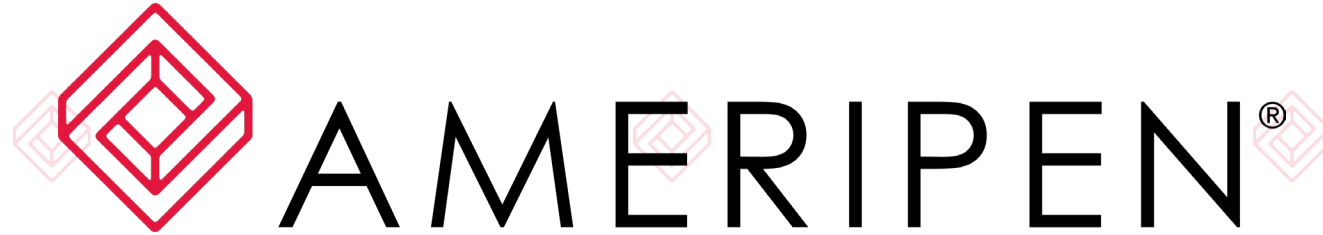
Single Use Packaging Bans

Material and Product Taxes

Chemicals in Packaging (PFAS in particular)

Advanced Recycling (aka chemical or molecular recycling)

Harmonized/Standardized Definitions



THANK YOU!

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