



**PLASTIC FORMING ENTERPRISES' STATEMENT ON EXTENDED PRODUCER RESPONSIBILITY
TO MAINE'S DEPARTMENT OF ENVIRONMENTAL PROTECTION**

March 28, 2023

Thank you for your invitation and the opportunity to address this body on the important sustainability topic of Packaging Extended Producer Responsibility, and more specifically on the matter of identifying, understanding, and declaring what forms of consumer packaging materials should be classified as "Readily Recyclable" in the state of Maine.

INTRODUCTION

I am Steve Navedo, Sustainability Director for PLASTICS FORMING ENTERPRISES (PFE), an independent, full-service polymer testing, and R&D facility, located in Merrimack, NH. PFE has served the plastics, packaging, recycling, and consumer products industries worldwide since 1984. Along with a fully staffed analytical laboratory, PFE maintains an in-house plastic recycling pilot facility to reproduce the processing plant's industrial floor environment.

PFE is the principal testing facility validating plastic packaging technologies' compatibility with North American recycling conformity with the Design Guide Protocols established by the Association of Plastic Recyclers (APR), and the Sustainable Packaging Coalition's (SPC) HOW2RECYCLE package recycling identification program. PFE is the first U.S. testing facility to achieve accreditation to perform RecyClass testing, Europe's recyclability testing standards. We are the only laboratory globally to be accredited to perform testing in all four product categories, polyethylene terephthalate (PET) rigids, high density polyethylene (HDPE) rigids, Polypropylene (PP) rigids, and polyethylene (PE) flexibles.

"READILY RECYCLABLE"

Determining if plastic packaging materials in Maine are "readily recyclable" incorporates more than the analytically scientific characteristics of the packages themselves, and how they process through traditional mechanical recycling systems within the state. Post-consumer plastics are national and international commodities. Just as packaging is imported into Maine, the post-use plastic packaging collected is exported to other states and beyond. Otherwise, much of Maine's post-consumer plastics would be relegated to landfills or incineration.



The two main determining factors for the recycling of plastic packaging are:

- The **“material”** used for the package/container itself, as classified by the Resin Identification Code on the container; 1-PET, 2-HDPE, 3-PVC, 4-LDPE/LLDPE, 5-PP, 6-PS, 7-Other.
- The **“package/container design”**, e.g., bottle, thermoform/clamshell, film, pouches, and other flexible packaging.

Supplementary design features of a plastic package that impact the recycling process, the subsequent value of the recycled material, and ultimately the eco-modulated fee attached to each plastic package include, but not limited to:

- Color
- Multi-material construction
- Labeling

Variations of these and other plastic packaging characteristics determine whether a plastic package can be classified as “readily recyclable” or “not readily recyclable”; as well as the “hierarchy of recyclability” that will determine Maine’s producer fee structure. Accordingly, in deciding whether “other criteria” should be used to determine “readily recyclable”, in the instance of plastic, the most complex of the recycled commodities, the answer is a resounding “Yes”.

This is a very dynamic period for the plastics recycling industry. The fact that we are here deliberating EPR legislation speaks for itself. At PFE we are validating the recyclability of new material designs daily. Variations of PET, the most basic resin, and other biodegradable resins that look identical to PET, are being introduced in consumer packaging today. Billions of dollars are currently being invested into new chemical recycling technologies in an effort to keep up with the new plastic packaging materials on store shelves and still in development. Consequently, it is imperative for Maine, and every other state, to review and update “readily recyclable criteria” at a minimum on an annual basis.

POST-CONSUMER CONTENT

Increased post-consumer recycled (PCR) content in packaging material, along with the use of less virgin resins, has been a public commitment for virtually every consumer packaged goods (CPG) company, regardless of its size. Although, many public PCR percentage targets set for 2025 have already been



repositioned to 2030, the US PLASTICS PACT (USPP), consisting of 117 members as of October 2022, still posts its target to achieve an average of 30% recycled content or responsibly sourced, bio-based content by 2025.

As the US representative of a global circular economy movement initiated by the Ellen MacArthur Foundation to mitigate fossil fuel exploitation and plastics pollution, the USPP's 30% recycled content target is reasonable. However, to accommodate a PCR plastics market currently fueled by a plastics bottle recycling rate that hovers below 30% and has been stagnant since 2015, it would seem more realistic to move the 30% recycled content target to 2030, as some have already revised.

Transparency in all sustainability activities is critical in controlling both intentional and inadvertent greenwashing. Therefore, third-party certification of recycled content and post-consumer recycled content data is a must. There are numerous certifying authorities available for producers to access, such as SCS Global, UL Solutions, Intertek, Et al.

CONCLUSION

As one of the few bottle bill states in the US, Maine has standing as a recycling advocate. You have now spearheaded packaging EPR in this country, and you should be commended for being the first state to step-up in support, not only of the recycling industry, but of fossil fuel conservation, and the mitigation of plastic pollution. Most notably you have paved the way for the fair shifting of responsibility and cost for managing packaging waste away from municipalities and constituents to the packaging producers, who now have genuine motivation to design for recyclability moving forward.

PFE is grateful, as a fellow New Englander, and stands to support your efforts and those of all packaging producers seeking verification on the recyclability of all their plastics packaging.

Respectfully submitted,

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