Plastic Policy Activity
2019 Legislative Session

NERC Fall Conference
Providence, RI

October 29, 2019
Global Drivers for Packaging Policy Action

- Population Growth
- Climate Change
- Ocean Plastics
- Recycling Export
- Market Restrictions
- Food Scarcity
- Fresh Water
- Availability
- Limited Farmland
- Deforestation and
- Habitat Loss
- Fossil Energy Use
With a Focus on…

Circular Matters
Government Response in the U.S.

- **States**
  - At Least 96 packaging-related bills Introduced in 28 States in 2019 Legislative Session
  - At least 95 plastic bag-related bills introduced in 2019

- **Local Governments**
  - Bans on some single-use plastics: focus on food service items, including straws, cutlery, stirrers, to-go containers (especially expanded polystyrene), cups, lids and retail bags

- **Federal**
  - Legislation introduced or pending that addresses marine debris, recycling market development, funding for recycling infrastructure, EPR, deposit legislation, recycled content and more
## Types of Plastic Bag, Packaging, Food Service Bills

<table>
<thead>
<tr>
<th></th>
<th><img src="image1.png" alt="Plastic Bag" /></th>
<th><img src="image2.png" alt="Packaging" /></th>
<th><img src="image3.png" alt="Food Service Bills" /></th>
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<tbody>
<tr>
<td><strong>EPR</strong></td>
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<tr>
<td><strong>Improve Recycling</strong></td>
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<td><strong>Bans/Restrictions</strong></td>
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<td><strong>Taxes/Fees</strong></td>
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<td><strong>Other Requirements</strong></td>
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<td><strong>Single Use Plastics</strong></td>
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<td><strong>Pre-emption</strong></td>
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<td><strong>Deposit System</strong></td>
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Plastic Bag Legislation – 95 Bills Introduced in 2019

- 8 states with single use plastic bag bans
- Some with fees on other bag types

Source: National Conference of State Legislatures
Bottom Line - Where have bag bans passed?

- Hawaii (by default, in each county, biodegradable only 2011 - 2015)
- California (2014)
- New York
- Connecticut
- Vermont
- Delaware
- Maine
- Oregon

Local Bans -- Large Cities (Examples)
- Boston
- Chicago
- Los Angeles
- San Francisco
- Seattle

Local Bans and Fees (Examples)
- Boulder, CO
- Montgomery County, MD
- New York
- Portland, ME
- Washington, D.C.

Source: NCSL
State Packaging Policy Action – Bills Introduced in 2019

About 96 bills introduced
Not Included in Bill Count

- Bills targeting non-packaging related single use plastics:
  - Straw and other food service item bans/restrictions
  - Carry out bag bans
- Minor beverage deposit bills
- Other materials management bills such as:
  - Special waste management (tires, batteries, HHW, carpet, paint, pharmaceuticals, etc.)
  - Organics/composting-related bills
Number of Packaging Bills Introduced by Type

- Establish Preemption
- Repeal Preemption
- Other Packaging Requirements
- EPR
- Single Use Plastics
- Improve Recycling
- Beverage Deposit
Current Disposition of Bills by Type

Note: “Dormant” refers to bills that will automatically be reintroduced in January.
Key Active and Passed Packaging Bills

- **CA**: Improve Recycling, SUP - VETOED
- **WA**: EPR for Packaging, Improve Recycling
- **TX**: Improve Recycling
- **VT**: SUP
- **ME**: EPR, EPR Framework
- **NJ**: Improve Recycling, SUP, Bev. Deposit
- **PA**: Bev. Deposit
- **MA**: EPR, Bev. Deposit, Improve Recycling, SUP

**Plus Hawaii - SUP study bill passed**

**Key:**
- Active
- Passed

SUP = Single Use Plastic
Plastic-Related PACKAGING Bills that Passed in NERC States

- **ME LD 1431** – EPR legislation to be drafted by DEP by Dec. 16, 2010.
- **VT S 113** – Single Use Product Working Group formed to find ways to limit waste/environmental impacts from single use products. Restricts use of straws to by request only at restaurants, bans use of single use plastic bags, expanded polystyrene food service ware, plastic beverage stirrers.
- **NH HB 617** – Recycling study.

**Still Active:**
- **MA** – Bottle bill expansion, EPR, Improve recycling (w/container fee), Single use plastics bill.
- **PA** – Bottle bill
- **NJ** – Improve recycling bills, Recycled content plastic containers,
Maine LD 1431 – Resolve, To Support Municipal Recycling Programs

- Directs Maine DEP to prepare draft EPR for Packaging Bill by Dec 16, 2019
- Lays out general structure
- Shared responsibility; municipal reimbursement
- Fee structure with incentives and disincentives for producers
- Transparency and accountability
California Circular Economy & Plastic Pollution Reduction Act – AB 1080 / SB 54

- CalRecycle to adopt regulations by January 1, 2024
- Producers of single use packaging and priority single use plastic products to minimize packaging to greatest extent feasible
- All single-use packaging to be recyclable/compostable by January 1, 2030.
- Achieve 75% reduction in waste from packaging by 2030 by source reduction, composting, recycling.
- Evaluate policies that encourage in-state use of recovered materials.
- Department develops checklist of source reduction measures.
- Producers must report data necessary to determine compliance.
- Whether recyclable, compostable, to be determined by CalRecycle criteria.
- CalRecycle to consider EPR, deposit returns, mandatory recycled content, and more.
States that Introduced Plastic Straw/Food Service Bills

Including EPS ban bills in: HI, MA, PA, RI

Over 70 bills in 28 states + Washington, D.C.
What Do Food Service Packaging Bills Call For?

- Single-use plastic straw bans/restrictions
- Ban on EPS items
- Bans / restrictions on other single-use plastic Items

Alternatives to PFAS-coated food packaging

- Allow only reusable, compostable or recyclable items
What Stuck (so far) for Food Service Packaging/Items?

- HI - Single Use Plastic Study Bill
- OR - Straws upon request
- VT - Straws upon request, EPS Food service ware ban, plastic bag ban
- ME - EPS and pl stirrer ban
- PA - Study on SUP and possible fee on EPS
- WA - EPR for plastic packaging
- MD - EPS Ban
- DE - DRA Resolution

## Overview of Bag, Food Service Bills Introduced, Passed in NERC States

<table>
<thead>
<tr>
<th>State</th>
<th>Plastic Bag</th>
<th>Plastic Straw</th>
<th>Other Food Service</th>
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<tbody>
<tr>
<td>Connecticut</td>
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<td>Delaware</td>
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<tr>
<td>Rhode Island</td>
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<td>✗</td>
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<tr>
<td>Vermont</td>
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<td>✔</td>
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</tbody>
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### Key
- Introduced, Failed: ✗
- Introduced, Passed: ✔
- Introduced, Carryover: □
- Introduced, Active: ☐
Plastic-Related FOOD SERVICE and PLASTIC BAG Bills that Passed in NERC States

- **ME LD 1431** – EPR legislation to be drafted by DEP by Dec. 16, 2019.
- **ME HB 1115** – Ban on single use plastic bags, non recycled paper as of April 22, 2020. Fees on other bags of at least 5 cents.
- **ME HB 213** – Prohibits the use of EPS food containers and plastic stirrers.
- **MD S 285/H 109** – Prohibits sale/distribution of EPS food service products as of July 1, 2020.
- **VT S 113** – Single Use Product Working Group formed to find ways to limit waste/environmental impacts from single use products. Restricts use of straws to by request only at restaurants, bans use of single use plastic bags, expanded polystyrene food service ware, plastic beverage stirrers.
- **CT H 7424** – 10 cent fee on plastic bags, banned as of June 30, 2021.
- **DE H 130** – Large retailers that provide plastic carryout bags must provide recycling for them.

Still Active:

- **MA** – Food service ware must be compostable/biodegradable, straw ban/restriction
- **PA** – Straws upon request only, ban use of polystyrene food service ware
- **NJ** – Single-use plastic food service (and straws), recycled content plastic containers, Compostable, recyclable, reusable carryout bags only, fee on bags;
Washington, D.C. also has a straw restriction, and a straw restriction is under consideration in the City and County of Honolulu, HI.
Federal Legislative Activity – Bills Introduced

- **Zero Waste Act** - Could provide funding for local governments for waste management and minimization
- **FY 2020 Interior-Environment Funding Bill** – Encourages strengthening of local recycling programs
- **US H 3969 – Marine Debris Combat Efforts** – Establishes Marine Debris Foundation
- **US S 2260 – Domestic Infrastructure Improvement** – Aims to improve recycling through:
  - Enhanced harmonization
  - Education
  - Recycling market development
  - Studies on microplastics, addressing barriers to recycling
  - Study regarding economic incentives to spur new markets for plastics
Proposed Legislation - To Be Introduced this Fall

- Udall/Lowenthal Sponsored Legislation – Announced July 18, 2019; comments received through Aug 21:
  - EPR
  - Federal funds from fees and deposits
  - National beverage container deposits
  - Carryout bag fee
  - Selected plastic product bans
  - Labeling and min recycled content requirements
  - Recovery goals

- The RECOVER Act: “Realizing the Economic Opportunities and Value of Expanding Recycling” – Creates EPA grant program for recycling enhancements. Promoted by multi-stakeholder group including plastics industry stakeholders
Emerging Policy Trends

- EPR: Producers share responsibility for end-of-life management of packaging, other costs
- Tethered closure requirements
- States may adopt their own definition of “recyclable”
- Fines/fees/taxes/bans on certain packaging and food service items
- Recycled content requirements
- Harmonization
- Acceptance of emerging technologies as > disposal
Thank you!

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