

Plastics News

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Focus on recycled content prompts search for best way to hit targets



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Shredded material at the Lindner display booth at Fakuma 2021 in Friedrichshafen, Germany.

Interest is growing in recycled content mandates for plastic packaging. But what makes for an effective law? A webinar took a look.

One thing that gets wide agreement now in the plastics waste debate — from American Chemistry Council policy papers to the Break Free from Plastic Pollution Act in Congress — is that the U.S. needs more government mandates for recycled content.

Such laws, the thinking goes, would support markets for recycled plastic, help cities and towns pay for better curbside collection and be a no-brainer to help make plastics more circular.

But Mark Murray, a veteran of 30 years of work on several California plastic recycled content laws, has words of caution: Think carefully to get the policies right.

"We've had some successes, we've had some failures and we've had a lot of false starts," said Murray, who heads the Sacramento-based environmental group Californians Against Waste.

He spoke in a Jan. 6 webinar with representatives from government and industry on how to design effective recycled content laws, a policy area that he and other panelists said is

generating much more interest in state governments.

One of his main arguments to the more than 600 participants on the webinar is that industry needs to get serious about recycled content in plastic products, and to be successful any new laws should have set stretch goals that push market development.

He pointed to a [2020 California law](#) requiring recycled content in plastic beverage bottles, starting at 15 percent this year and rising to 50 percent in 2030, with financial penalties of 20 cents per pound on the shortfall of recycled materials for companies that don't comply.

"My message to the beverage industry is, I think you're in a recycle or die moment," Murray said. "We are seeing public support, policy maker willingness, to ban plastic products. We're seeing the willingness to do that in one or two or three years from the date these policies are being implemented."

He said previous laws passed in California, including what's called the RPPC law from the 1990s, have not proven to be effective because they had too many carveouts, like exempting food containers, and not enough enforcement.

"The classic example of that was California's Rigid Plastic Packaging Container recycling law, which is still on the books, but I think at this point contributes zero value to recycling, market development, recycling funding and producer responsibility," Murray said.

Some other states are also looking at recycled content for plastic packaging.

Washington state [adopted a law last year](#) requiring it, New Jersey lawmakers are seriously considering their own version, and legislation for national mandates have been introduced in Congress.

As well, the idea's getting more support within industry. The [ACC last year released a policy proposal](#) that backed a 30 percent recycled content requirement for plastic packaging by 2030.

And the groups organizing the webinar, the [Northeast Recycling Council](#) and the Northeast Waste Management Officials' Association, [unveiled their own model state legislation](#) for recycled content in plastic products on Jan. 4 and are accepting public comments until Feb. 11.

"Among the 11 Northeast states [in NERC] there is a great deal of interest in recycled content laws, including states that have seen legislation filed in recent years," said Lynn Rubinstein,

executive director of NERC. "With increased international attention to plastic and plastic markets it seems reasonable to anticipate that states will be considering this route."

So clearly there's [a lot of interest](#) in the idea.

But Murray said not every state is going to adopt California's ambitious policy, and he said politics will likely play a larger role than policy design.

"Frankly, design of the policy is probably not going to be the barrier to implementation," he said. "I think we all recognize that politics, political will, is going to be the likely barrier."

Unintended consequences of mandates

Murray

A representative from the Oregon state government warned about "unintended consequences" of laws mandating post-consumer resin (PCR) mandates for plastics, and presented an alternative approach based on extended producer responsibility.

"I'm going to point out some of the limits of PCR mandates, and I do this in part so that other states that love to mandate PCR use go in with their eyes wide open and design their mandates in a way that avoids unintended consequences," said David Allaway, a senior policy analyst in the Oregon Department of Environmental Quality.

Mandates in a large state like California can create market demand that boosts the collection of plastics within its borders, but for a smaller state like Oregon, recycled materials may be imported from other states and that means mandates may have little impact on local markets, he said.

He also questioned whether, in some cases, recycled content mandates for packaging could cannibalize other markets, like durable goods, that also can use the recycled materials.

Allaway suggested, for example, that recycled HDPE from milk bottles may have a better environmental outcome if used in pipes, rather than directly back into containers.

And he presented an example of recycled glass bottles being used in cement manufacturing and said that can do more to reduce greenhouse gas emissions than mandating that the recycled content be used again in glass bottles, known as closed-loop recycling.

"I've suggested that closed-loop recycling is not necessarily better for the environment than what is pejoratively called down cycling," Allaway said. "There's a lot of popular wisdom around down cycling but these two case studies suggest the popular wisdom might not be consistently supported by evidence."

He suggested as an alternative, that states adopt an extended producer responsibility system for plastic packaging like one that Oregon lawmakers passed in 2021.

Oregon and Maine became the first U.S. states to pass EPR for packaging last year, but Allaway said Oregon's model put joint responsibility throughout the system, in contrast with what he called a "municipal reimbursement" model in Maine's law or a system like British Columbia's that puts more obligations on producers.

He said Oregon state officials spent two years devising their system of shared responsibility, which they see as driving recycled materials to markets without what they see as the negatives of recycled content mandates.

"The Oregon act makes the delivery of materials to responsible end markets a joint liability that is shared by the processors and the producers," he said. "This allows commodity markets to continue to function as markets and avoids the unintended consequences of PCR mandates.

"So long as the material flows to a responsible market, one that delivers environmental benefits, the state is fine," Allaway said.

A representative from the plastics recycling industry told the webinar that more work needs to be done boosting supply of recycled plastic.

Steve Alexander, the president and CEO of the Association of Plastic Recyclers, said APR has supported mandated content since 2006, but he said focus also needs to be directed to increase supply.

"It's incredibly important, we must generate more good supply," he said. Alexander did not go into detail on APR positions on specific mandated content legislation but said the group wants to use the current interest in recycling to push good policy.

"What we don't want is policy that is passed that sort of, kind of gets at it but doesn't really solve the issue and then we move on to something else and we've lost our opportunity," Alexander said.

Inline Play

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