

July 31, 2023

The Honorable Michael A. Regan  
Administrator  
United States Environmental Protection Agency  
Washington, DC 20460

**Re: Draft National Strategy to Prevent Plastic Pollution; Docket ID No. EPA–HQ–OLEM–2023–0228**

Dear Administrator Regan:

The undersigned organizations appreciate the opportunity to provide comments on the Environmental Protection Agency’s Draft National Strategy to Prevent Plastic Pollution (National Strategy) (Docket ID No. EPA–HQ–OLEM–2023–0228). We have identified the proper high-level principles needed for a strategy under which the private sector can continue to drive business innovation, which is critical to the many solutions required to prevent plastic waste.

The Administration should leverage the expertise, technology, and best practices of the private sector and continue to foster public-private partnerships on these issues. The business community urges EPA to engage stakeholders in a meaningful discussion on important priorities and outcomes as it develops the draft National Strategy to ensure a framework that effectively addresses plastic waste, protects human health and the environment, and catalyzes business innovation.

Following is a summary of key principles from our conversations with the business community:

**Focus on meeting the responsibilities under Save Our Seas 2.0’s authorities.** The recycling infrastructure, education and awareness, and data collection requirements of Save Our Seas 2.0 illustrate strong guidelines for combating existing marine debris and preventing additional marine and plastic pollution. It is unclear whether EPA has authority outside of these areas. Additionally, as other environmental statutes continue to govern how communities and companies protect human health and the environment, the draft National Strategy should not duplicate—but leverage—such statutes.

**Promote innovation in plastic waste solutions.** EPA has a crucial role to play in promoting innovation of recycling technologies. The government should note the importance of federal procurement, recycling infrastructure programs, and other funding, which create additional demand signals for recycled content and encourage widespread uptake of recycled materials. Significant barriers to circularity, including consumer safety, exist in many industry segments (e.g., personal hygiene, medical devices, renewable energy, durables including

automotive and building and construction, and food). Innovation is essential for these sectors and products to safely and effectively be part of a circular economy.

Innovative technologies, including advanced recycling, can provide solutions for such industries and allow a greater and more sustainable flow of plastic waste feedstocks to manufacturers enabling higher amounts of high-performance recovered plastics. We support the use of EPA's Waste Management Hierarchy to determine the highest and best use of used plastic. Moreover, EPA should maintain the same standards of such activities as is applicable to other recycling, recovery, and manufacturing techniques.

EPA can play an important role in clearly articulating the regulatory requirements for recycling technologies. Recycling is currently regulated by a mix of state and federal laws rooted in the mindset that recycling is an alternative form of waste disposal. Transition to a circular economy requires a shifting of this mindset to one rooted in the manufacturing processes and intended end products. EPA should approach permitting decisions and other regulatory actions from a perspective of regulating the activity in the same way that similar manufacturing is regulated when using virgin materials.

We commend EPA for devising funding, research, and development mechanisms such as the REMADE Institute, and we encourage the agency to continue fostering such programs as it designs specific strategies and policy proposals. Namely, EPA can encourage research and development on the use of emerging breakthrough technologies such as artificial intelligence in waste sorting and biopolymers, including PHA.<sup>1</sup>

**Harmonize government and private sector efforts surrounding plastic waste.** A consistent and predictable policy landscape is essential for the business community to continue driving solutions. EPA has an opportunity to lead federal agencies and state government coordination for solving inconsistencies on legislation nationally, decreasing stakeholder confusion and improving recycling rates. EPA should coordinate closely with relevant stakeholders especially at the local level to determine and promote reasonable, clear, measurable, and science-based definitions and standards. Harmonization with sustainability reporting and risk disclosure processes to reduce the administrative burden on companies is equally important.

For example, we recommend collaboration with the Federal Trade Commission (FTC) to ensure harmonization across federal agencies. Action A2.2 of the draft National Strategy directs a review of ecolabeling and other product certifications, which coincides with the Federal Trade Commission's review of marketing claims.<sup>2</sup> We suggest that EPA collaborate with the FTC on areas of potential overlap regarding the Guides for Use of Environmental Marketing Claims (Green Guides).

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<sup>1</sup>Polyhydroxyalkanoates (PHA) are a class of biodegradable, biobased polymers.

<sup>2</sup>See *Environmentally Friendly Products: FTC's Green Guides*, <https://www.ftc.gov/news-events/topics/truth-advertising/green-guides>.

EPA is well positioned to ensure that approaches relating to environmental marketing practices are in alignment. Additionally, action B3.5 of the draft National Strategy discusses EPA evaluating degradability claims, utilizing the FTC “truth in labeling” efforts addressed in the Green Guides. Given that the Green Guides are currently under review, it is essential that EPA coordinates labeling efforts with the FTC so that developments do not become obsolete or contradictory.

Moreover, objectives established in EPA’s National Recycling Strategy, including stimulation of infrastructure development and a standardization of definitions, should guide the agency’s efforts and not be duplicated to help achieve the goals of the draft National Strategy. Likewise, EPA and other federal stakeholders should leverage the UN Global Plastics Pollution Agreement negotiation process to advance the U.S. position and elevate domestic private sector innovation to address this global challenge.

**Support material neutrality and flexibility for specialized industries.** The draft National Strategy should establish a materials neutral stance, employ a life-cycle assessment (LCA) approach to offer flexibility based on the materials’ total environmental impact and end-of-life benefits, use the best science, and not arbitrarily benefit one material over another. A cadence of near-, mid-, and long-term viable solutions should be understood and prioritized, in collaboration with business, to account for the severity of the issue and the substantial time and capital necessary to achieve full circularity.

Consideration should also be given to industries with specialized packaging and materials needs, including manufacturers of delicate and high-value equipment and specialized food producers, as they face higher packaging production standards and more vulnerable supply chains. For specialized food products in particular, the packaging materials must withstand processing and heat treatment conditions while maintaining product integrity and nutrient levels throughout the product’s shelf life. Multilayer containers used today for specialized food products are not part of closed-loop recycling processes and are limited in their ability to incorporate post-consumer recycled content because of concerns surrounding material instability, contaminant migration, and lack of approval for safe food contact use.

Given the many important packaging considerations and challenges for industries with specialized packaging and materials needs, flexibility is needed when establishing a National Strategy for these categories. Plastics are lightweight and efficient materials that allow us to do more with less material, decrease water usage and food spoilage, and help drive down greenhouse gas (GHG) emissions. This [blog](#) post from the U.S. Chamber of Commerce’s Global Energy Institute offers examples of the practical and innovative plastics solutions that are reducing GHG emissions and providing benefits for our climate. New technologies are developing to address high performance applications and circularity, and consideration should be given to optimize outcomes.

**Embrace data collection to promote a holistic understanding of the waste system.** Several innovative technologies and business networks being driven by the private sector can

help eliminate plastic waste, particularly in collecting and utilizing data. While LCAs will remain a sound tool for considering the total impact of a potential material, additional data should be collected to provide actionable information on the existing waste management system. Data throughout the life-cycle process, including product design, waste recovery, waste management, and recycling and leveraging digital technology, can improve waste data collection over time. This could accelerate tracking materials, processes, and recyclability of products through the value chain, recording and ensuring progress over time.

**Advance research, development, and deployment of key solutions.** Several important knowledge gaps persist within the continuum of plastic waste management. EPA should consider employing a microplastics research framework like the International Council of Chemical Associations’ [Microplastics Advanced Research and Innovation Initiative \(MARII\)](#). The agency could also accelerate product safety testing on microplastics and additives to support continued safe use, leveraging resources from industry, national laboratories, and academia.

Moreover, EPA should collaborate with the Food & Drug Administration (FDA) to review the safety of using Post-Consumer Resin (PCR) and bioplastics in food packaging and understand the regulatory requirements of the food industry that prioritizes food safety. There are many factors that must be considered when a manufacturer chooses food packaging to ensure a food’s safety, protect its nutrient content, and provide consumers access to a variety of shelf-stable products. Thus, coordination between EPA and FDA is critical in addressing potential concerns related to changes to FDA-regulated product packaging.

**Review plastic resin identification codes.** We support draft National Strategy action B5.3 to assess the impact of plastic resin identification codes that use “chasing arrows” on consumer confusion. Resin identification codes (RIC) that use chasing arrows, created for use at recycling processing centers, are overwhelmingly interpreted as providing recycling guidance to consumers.<sup>3</sup> The problem is compounded by inconsistent and occasionally conflicting state legislation. The use of RIC on certain types of packaging is required by law in 39 states, and some of these states explicitly require RIC to appear within a chasing arrows symbol. Meanwhile, California prohibits the use of RIC within a chasing arrows symbol even in an inconspicuous location unless the product meets California’s definition of “recyclable.”<sup>4</sup>

It is important to note that RIC will continue to be essential for recyclers to identify and sort recyclable plastics, however their design should be reexamined to reduce confusion around the recyclability of plastic products. RIC are meant to aid recyclers and the use of RIC on a manufactured plastic article does not imply that the article is recyclable in all situations. We encourage the agency to utilize B5.3 to address the problem created by RIC and believe that

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<sup>3</sup> “Reduce, Reuse, Confuse” Consumer Brands Association, 2019, [https://consumerbrandsassociation.org/wpcontent/uploads/2019/04/ConsumerBrands\\_ReduceReuseConfuse.pdf](https://consumerbrandsassociation.org/wpcontent/uploads/2019/04/ConsumerBrands_ReduceReuseConfuse.pdf).

<sup>4</sup>California Senate Bill, SB-343 Environmental advertising: recycling symbol: recyclability: products and packaging § (2021), [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB343](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB343).

there needs to be further evaluation on the use of chasing arrows as opposed to incorporating by reference the more recently updated ASTM standard.<sup>5</sup>

Plastic pollution in the U.S. is a challenge that all stakeholders must come together to meet, including industry, government, the environmental community, and consumers. We believe a successful and effective national framework will be based on innovation and collaboration that supports the protection of human health and the environment, promotes the reuse of valuable resources, and encourages free market solutions to build a circular economy.

The business community stands ready to assist EPA's efforts and looks forward to further collaborative opportunities throughout the development of the draft National Strategy.

Sincerely,

Air-Conditioning, Heating and Refrigeration Institute

American Fuel & Petrochemical Manufacturers

Communications Cable and Connectivity Association

Consumer Brands Association

Council for Responsible Nutrition

EPS Industry Alliance

Plastics Industry Association (PLASTICS)

PRINTING United Alliance

The Vinyl Institute

U.S. Chamber of Commerce

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<sup>5</sup>See Standard Practice for Coding Plastic Manufactured Articles for Resin Identification, [D7611/D7611M Standard Practice for Coding Plastic Manufactured Articles for Resin Identification \(astm.org\)](https://www.astm.org/standards/D7611).