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AMERIPEN
American Institute for Packaging and the Environment
Senate Bill 581
Oregon Senate Committee on Energy and Environment
February 23, 2021

Chairman Beyer and Members of the Senate Committee on Energy and Environment,

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to testify on Senate Bill 581 that would restrict the sale or distribution of products in Oregon if the product is not accepted for collection by a majority of recycling collection services in the state or the product is not labeled in accordance with certain labeling standards established by the Oregon Environmental Quality Commission. We understand that the proponents of the bill are seeking to lower contamination in the waste stream, but SB 581 as currently drafted is not the best path forward and we are therefore opposed to it. We would like to continue to work with the stakeholders and address contamination and labeling issues in a more feasible way.

AMERIPEN is a coalition of packaging producers, users and end-of-life materials managers dedicated to improving packaging and the environment. We are the only material neutral packaging association in the United States. Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies and end-of-life materials managers. We focus on science and data to define and support our public policy positions and our comments are based on this rigorous research rooted in our commitment to achieve sustainable packaging and efficient recycling policies. We have several members with facilities in Oregon, and many more who import packaging materials and products into the state.

AMERIPEN recognizes the health of a recycling system is critical and there is a responsibility that packaging producers can play in improving that system. SB 581, as currently drafted, would restrict the use of a chasing arrows symbol or a chasing arrows symbol surrounded by a resin identification code or other symbol or statement indicating a product is recyclable if the product does not meet certain requirements. We have had extensive and productive discussions with the proponents of SB 581 and others who seek to change product labels on packaging, but remain concerned that it will be very difficult, if not impossible, for members to comply with the labeling standards in the bill as currently drafted to make their products available in Oregon. Following below is additional information about current national labeling standards and our concerns with SB 581.

ASTM Resin Identification Code (RIC)

The ASTM Resin Identification Code was developed 1988 to meet the needs of recyclers and manufacturers for a consistent, uniform resin identification coding system that can be applied worldwide. Originally intended to assist waste recovery facilities in the quality sorting of plastics products prior to recycling, the RIC system has today become a vital foundational tool used by

municipalities, scrap brokers, recyclers, manufacturers, consumers and others for managing the end-of-life of plastics materials.

How2Recycle Labels

How2Recycle is a nationally recognized product labeling system that began in 2008 as a project of the Sustainable Packaging Coalition. The goal of the How2Recycle label is to reduce consumer confusion with a clear and consistent recycling label and corresponding informational website. It provides companies with a way to ensure compliance with the Federal Trade Commission (FTC) “Green Guides” while using nationwide recyclability data. The label informs consumers on the proper way to recycle regularly purchased items.

Concerns with Labeling Restrictions

The labeling provisions in the current version of SB 581 are extremely problematic for AMERIPEN members that follow the ASTM Resin Identification Code (RIC) standard and voluntarily use the nationally standardized How2Recycle labels with the chasing arrows symbol on their products. AMERIPEN doesn’t support state by state labeling requirements. We believe that SB 581 as currently drafted will prohibit these commonly used labels identifying a package or product as recyclable under ASTM standards and that are currently required by Oregon and many other states, unless that package or product includes the Oregon specific labeling requirement or the producer using the label can show that the packaging is actually being recycled in a “majority” of recycling collection services in Oregon.

Conclusion

If Oregon restricts the use of these symbols, while other states mandate their use, its likely to increase customer confusion and recycling rates will likely drop. Producers will have to develop packaging exclusively to meet Oregon requirements, which will increase costs for Oregon consumers, or alternatively, producers won’t sell their products in Oregon, which will limit consumer choices. AMERIPEN encourages this committee and other interested stakeholders to engage in further discussions with packaging brand owners and manufacturers on this issue to determine what, if any, labeling language and requirements might be workable with the confines of SB 581. We look forward to a continued dialogue with you and DEQ on this topic.