The Association of Plastic Recyclers (USA)

Re: Comments on the potential areas for intersessional work to inform the work of INC-3

The Association of Plastic Recyclers (APR) is pleased to provide comments on the potential areas of intersessional work to inform the work of INC-3 (template B). APR participated in INC-2 as an accredited observer and was a chosen speaker for the Theme 10 panel on environmentally sound management of plastic waste on 1 June 2023.

The Association of Plastic Recyclers (APR) is a U.S.-based, international non-profit association and the only North American organization focused exclusively on improving the recycling of plastics. The membership of APR includes independent recycling companies of all sizes that process numerous plastic resins, as well as consumer product companies, plastic resin producers, packaging producers, equipment manufacturers, testing laboratories, organizations, and others committed to the success of plastics recycling. In short, APR members are the entirety of the plastics recycling industry from design to collection to recovery to remanufacturing. Plastics recycling is what APR members do every day. The APR understands the challenges facing the recycling industry and the solutions needed to scale recycling effectively as an essential component of the global strategy to reduce plastic pollution and waste and transition toward a more sustainable, circular economy.

The APR provides several industry-leading tools and services that are well established as global models for packaging design, testing, certification, and more to improve plastics recycling. These tools are already being used by companies around the world, and efforts are underway to harmonize across many regions. With many tools already recognized and used globally, the APR believes our resources can be effectively scaled and further replicated around the world to accelerate progress toward reducing plastic pollution through improved plastics recycling. The APR staff are available at your convenience to discuss these comments and share further technical, regulatory, and policy information upon request.

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<td>Name of organization</td>
<td>Association of Plastic Recyclers (APR)</td>
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<tr>
<td>Contact person and contact information for the submission</td>
<td>Kate Bailey, Chief Policy Officer</td>
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<td>Date of submission</td>
<td>15 August 2023</td>
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<td><a href="mailto:katebailey@plasticsrecycling.org">katebailey@plasticsrecycling.org</a></td>
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COMMENTS ON CONTACT GROUP 1
AREAS OF INTERSESSIONAL WORK

1. INFORMATION ON DEFINITIONS

The Ellen MacArthur Foundation (EMF) has developed a robust set of definitions used by the US Plastics Pact and other global plastics pacts.¹ These definitions are endorsed by hundreds of Pact activators including local and state governments, NGOs, private sector businesses, recyclers, consumer goods companies, institutions, and other stakeholders. Through the Pacts, companies have been using these definitions for reporting and metrics for several years. With broad support across robust stakeholder groups in multiple regions, it is suggested that the EMF definitions should be used as the foundation for UNEP definitions.

2A: CHEMICAL SUBSTANCES OF CONCERN

As noted in the UNEP Potential Options paper, the reduction and elimination of hazardous chemicals and polymers of concern can enhance the recyclability of plastics.² However, recyclers have little to no influence on the use of chemicals in product manufacturing. The work to reduce chemicals of concern must be focused on product design and manufacturing processes as the primary sources. Packaging manufacturers, suppliers, and brand companies make the decisions on which coatings, additives, processing agents, etc. to use, and hold the responsibility for disclosing this information and reducing chemicals of concern.

2C: DESIGN E.G. FOR CIRCULARITY, REUSE

Effective recycling of plastics, and all materials, must start with designing for recyclability. The APR strongly urges the UNEP to recognize and build upon the existing design for recyclability standards developed by APR’s technical member and staff experts as part of the global agreement, and to support the ongoing efforts to harmonize guidance between regions by APR and other leading recycling organizations. Design criteria and guidance should be included in national action plans and as a technical annex to the global instrument.

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The APR Design® Guide for Plastics Recyclability is the leading standard used by brand companies and packaging suppliers to assess products for their compatibility with plastics recycling. The APR Design® Guide provides a technical evaluation of all the design features and components, including labels, caps, adhesives, and size for their compatibility with recycling. The APR Design® Guide has been used by dozens of major consumer goods companies and packaging suppliers such as Nestle, PepsiCo, Unilever, Coca-Cola, Kraft Heinz, and Colgate-Palmolive and is globally recognized as a leading technical assessment of recyclability.

The APR Design® Guide assesses all packaging components, and the packaging as a whole, to determine compatibility with recycling.

APR is deeply involved with and invested in international efforts to harmonize plastic packaging design by working with Plastics Recyclers Europe (PRE) and partners across Mexico, Europe, South America, South Africa, India, and China. The APR Design® Guide has been available in Spanish for over five years, and the majority of the guide has been translated into Mandarin as well.

In addition, the APR Design® Guide is being used as a legal standard in leading US policies. The Guide was adopted by state law in California as part of the criteria to define when plastics packaging is considered recyclable. According to California’s SB343 labeling law, to be considered recyclable, “the plastic packaging is designed to not include any components, inks, adhesives, or labels that prevent the recyclability of the packaging according to the APR Design® Guide published by the Association of Plastic Recyclers.”³ Regulations in California are particularly relevant to the UNEP process for two reasons: 1) California has a significant impact on global markets and its regulations often affect a large share of businesses because it is the largest sub-national economy in the world;

and 2) California has a long history of leadership in environmental policy in the US and is often a bellwether for the nation.

**RIGOROUS TECHNICALLY DRIVEN UPDATES TO DESIGN GUIDE**
The APR Design® Guide is a dynamic tool based on a rigorous, technical evaluation and consensus-driven process to make continual updates based on innovations and changes in packaging design and recycling processes. The revision process is performed by APR Technical Committees, not APR staff, to ensure industry credibility. APR Technical Committees consist of 27 individuals representing all parts of the plastic packaging supply chain, from collection and reclamation to packaging designers, manufacturers, and brands. This includes representatives from material recovery facilities (MRFs) and reclaimers, which ensures endorsement of design standards by the recycling infrastructure and avoids many of the current challenges of packaging design decisions made without sufficient input from recycling operators and recovery systems.

The committee revision process follows these steps:

1. A project to revise the Design Guides or testing protocols can be suggested by anyone (Technical Committee member, APR staff, non-APR member, etc.) .
2. The Technical Committee agrees by majority vote to form a working group to examine the project. The working group consists of at least five volunteers (volunteers do not need to be Technical Committee Members) with at least 1/6th of the membership required to be reclaimers.
3. The working group develops a work plan to study the project which may include literature research, development, and execution of the experimental plan to ascertain the implications of the APR Design® Guide revisions or testing protocol revisions on the recycling process or recycled product.
4. The working group assembles a report to document their findings and presents the report to the Technical Committee.
5. The Technical Committee votes by majority to either support the revision, or if not supported, requests more information from the working group. If the Technical Committee votes in support of the revision, the revision is then taken to the APR Board for final approval.
6. The APR Board votes to support the revision for publication in the Design Guide or can send a recommendation for change back to the full committee for further review.
In short, APR’s transparent process to review and revise the Design Guide through consensus-based decisions by a technical committee in unrivaled in North America. This technical rigor is a model for design for recyclability criteria, as well as criteria for reusability or other circularity goals, that can be adopted and coordinated around the world to most effectively establish clear, globally harmonized dynamic guidelines.

SUPPORTING TOOLS FOR DESIGN FOR RECYCLABILITY
The APR Design® Guide is supported by many critical companion tools that also serve as global models to support the UN global agreement and to serve as implementation measures as part of national action plans, including:

TESTING PROTOCOLS: To support the APR Design® Guide, APR developed laboratory testing protocols to evaluate how a plastic package or component impacts the recycling process and the quality of the end product. APR test methods combine laboratory practices and measurements developed specifically by and for plastic recyclers with standard ASTM tests. Example tests include: (1) a sorting test to measure how much of the product is captured or lost at the recycling facility; (2) a screening test to evaluate how well a label separates from the bottle; and, (3) an additive test to detect discoloration in PET flake from an extrusion or injection molding heat history. These testing protocols are used globally and have been translated into Spanish and Mandarin.

TRAINING PROGRAMS: APR provides in-person and virtual training programs for small and large packaging and consumer goods companies. Major companies that have completed this program include: Nestle, General Mills, PepsiCo, Keurig Dr Pepper, Coca-Cola, Kraft Heinz, Mondelez International, Unilever, and many others. Most of the Design Guide training program customers have global reach, and employees attend from all over the world. While most program content is generally relevant globally, APR staff also highlight where there are differences mostly in collection services and consumer behavior.

RECOGNITION PROGRAM: APR’s Design® Recognition Program evaluates new packaging design innovations for their impacts on recycling, and approves and promotes those designs that enhance recycling, making it easier for companies to find approved solutions for more sustainable packaging. It is used by companies globally selling into the North American markets and is the only third-party engineering assessment of package design for recycling compatibility. APR has tested and approved well over a hundred design features as compatible with recycling across PET, PP, HDPE, and film applications.
DESIGN FOR RECYCLABILITY IN NATIONAL ACTION PLANS

While the APR Design® Guide, recognition program, testing protocols, and training programs have been used by many of the largest consumer goods companies, as with any voluntary program, its reach is insufficient to address the entire plastics recycling supply chain. National action plans must include policies to require compliance with design standards to increase the amount of plastics collected for recycling and the quality of the recycled output that can be used in new products. For example, the APR Design® Guide has been recognized as the industry standard in California’s “Truth in labeling” law for part of the compliance criteria as to how the state will determine if a product or packaging is recyclable. According to California’s SB343 labeling law, to be considered recyclable, “the plastic packaging is designed to not include any components, inks, adhesives, or labels that prevent the recyclability of the packaging according to the APR Design® Guide published by the Association of Plastic Recyclers.”4 With California being the largest sub-national economy in the world, these packaging regulations will have global implications for companies doing business both in California and far beyond its borders.

APR Training Programs Have Been Used by Packaging Suppliers and Consumer Goods Companies Serving Global Markets

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3. PROBLEMATIC AND AVOIDABLE POLYMERS AND PRODUCTS

The APR is a member of the US Plastics Pact and supports the work of the Ellen MacArthur Foundation (EMF) and U.S. Plastics Pact to identify problematic plastics. The US Plastics Pact developed an evaluation criteria and decision matrix that can serve as both national and global models. The UNEP work should focus on adopting evaluation criteria, and a process for reviewing and revising the criteria, as a more important element than specifying a list of problematic products. An evaluation matrix, compared to a static list, better reflects the dynamic nature of packaging design, and the current and future investments in recycling policies and innovations. The next 5-10 years are poised to significantly shift the recycling and packaging landscape through sweeping global regulations and voluntary commitments. For example, the state of California requires all packaging to be 100% recyclable or compostable by 2032, and the European Union is advancing the same goals by 2030. These targets also align with the voluntary goals set by the U.S. Plastics Pact, which accounts for more than one-third of plastic packaging on the U.S. market. Given the massive infrastructure and policy investments coming in the near future, the evaluation of problematic packaging must be dynamic and evolve with new innovations and systems.

COMMENTS ON CONTACT GROUP 2:
AREAS OF INTERSESSIONAL WORK

1: SCIENTIFIC AND TECHNICAL BODY

The composition of this proposed body should include recycling facilities, plastics reclaimers, and similar experts with operational experience in recycling collection, processing, and remanufacturing of plastics. First-hand knowledge of recycling technologies, and their economic readiness, are critical to helping the committee understand the current challenges, technical feasibility of solutions, economic conditions affecting investments in new technologies, and more. Most importantly, input from recycling operators can contribute greatly to the actions needed to accelerate the

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The collection of plastics for recycling. The US recycling facility are not running at full capacity, and the US could recycle 50% more plastic bottles today using existing infrastructure if more plastics were collected for recycling. Improving collection programs is one of the most actionable, accessible impacts ready to scale all around the world to reduce both plastic waste and greenhouse gas emissions.

It is important that the group find ways to collaborate with existing stakeholder work and technical review bodies. Utilizing their expertise and existing platforms to support the UNEP work may be more effective than trying to bring experts to another committee or duplicating efforts. Existing stakeholder work and technical review bodies include but are not limited to:
- Recycling organizations around the world, such as the APR, Plastics Recyclers Europe, ECOCE (Mexico), the Chinese Scrap Plastics Alliance and Asia-Pacific Sustainable Plastics Alliance, and others;
- 14 Plastic Pacts led by EMF; and,
- National laboratory programs such as the NREL BOTTLE Research Consortium and other academic experts to help identify opportunities and gaps in both technical analyses and R&D, and to connect with complementary national initiatives to reduce GHG emissions.

2. POTENTIAL SCOPE OF AND GUIDANCE FOR NATIONAL ACTION PLANS

National action plans should include the following elements to effectively scale plastics recycling as part of the solution to end plastic waste:

1. **Design for recyclability and circularity criteria.** Successful recycling depends on products designed to be truly recyclable. While the APR Design® Guide and APR’s recognition program, testing protocols, and training programs have been used by many of the largest consumer goods companies, as with any voluntary program, its reach is insufficient to address the entire plastics recycling supply chain. National action plans must include policies to require compliance with design standards to increase the amount of plastics collected for recycling and the quality of the recycled output that can be used in new products. (*INC2 Options Paper Possible Core Obligations: 15 a-c and 16 b (iv)*)

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2. **Public policies to increase collection of recyclables.** Extended Producer Responsibility (EPR) has been recognized as “the only proven and likely pathway to ensure dedicated, ongoing, and sufficient funding at scale” for recycling collection and processing, and a “necessary and vital part of the solution.” The APR supports EPR for packaging and paper, and recycling refunds (bottle deposits) as the most effective public policies to increase recycling rates and material quality. National action plans must include EPR policies or other direct approaches to provide dedicated, adequate, and sustained funding to recycling collection, sorting, and processing. *(INC2 Options Paper Possible Core Obligations: 14 d (iii))*

3. **Public policies to increase use of recycled plastics in new packaging and products.** Using post-consumer recycled (PCR) content in plastic packaging is one of the most effective ways to reduce the environmental impact of the packaging. Using PCR also helps build and stabilize recycling markets, level the competitive playing field, and provide an environment for end market investment, innovation, and growth. This, in turn, can support the expansion and stability of community recycling programs. Minimum recycled content regulations, such as those in place in California, Washington, and New Jersey, and the EU proposed recycled content mandates, are the most effective policy solutions to be included in national action plans. *(INC2 Options Paper Possible Core Obligations: 15 e)*

4. **Strong procurement guidelines for governments.** In addition to minimum recycled content standards, procurement policies can help reduce the economic barriers to recycling and stimulate greater market demand for recycled products. A **2020 US Government Accountability Office (GAO) report** identified stronger procurement as a key recommendation for how government can improve recycling. In addition, federal procurement standards can be a model for local and state procurement, as well as private sector corporations. *(INC2 Options Paper Possible Core Obligations: 14 d (i))*

5. **Market-based mechanisms to favor recycled plastics over virgin plastics.** A **2023 United States National Academies of Sciences study** concluded there are not **

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functional market drivers to solve the challenges in plastics recycling, leading to a strong need for policies to address market failures.\(^\text{12}\) The economics must shift in favor of recycled plastics, and away from virgin plastics, in order for meaningful change toward the circularity of plastics. While recycling generates substantial environmental benefits, it is first and foremost a business and competes in the global marketplace against virgin resource production and landilling and incineration. It is challenging for recyclers to invest more toward improving and expanding plastics recycling with price instability in recycling markets and the low costs of virgin plastic production. Recent news releases in the U.S. and internationally have raised alarm that low prices for virgin plastics and wide-spec plastics are undermining recycling markets.\(^\text{13}\) Market-based mechanisms, in combination with other policy levers to improve recycling design, collection, and supply, are critical to the transition to a circular economy. (INC2 Options Paper Possible Core Obligations: 10 c and 14 d (iv))

6. Certification for recycled content plastics to improve transparency. The APR endorses third-party certification to authenticate the use of post-consumer recycled content in new products to support both regulatory and voluntary programs. Third-party certification helps companies to comply with requirements, ensures full accountability across the supply chain, and supports consistent demand for recyclable products to stabilize and expand recycling markets. APR developed a third-party certification program that can serve as a model and is already incorporated into law in the state of California to increase accountability.\(^\text{14}\) (INC2 Options Paper Possible Core Obligations: 16 b (iv))

7. Coordination with climate action plans. Improving recycling has been consistently identified as one of the most important near-term, ready to implement solutions to reduce greenhouse gas emissions. For example, Local Governments for Sustainability, a global network of more than 2500 local and regional governments, recognizes recycling and composting as some of the most cost-effective actions

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\(^\text{14}\) CA SB54 requires companies to use APR certification to claim credits for PCR use in plastic packaging and CA AB270 requires APR PCR certification for recycled plastic bags.
Recycling PET and HDPE plastics can save 75% to 88% of the energy used to make virgin plastics and reduce GHG emissions by 70%. National action plans should recognize the multitude of benefits from improved recycling to both reducing GHG emissions and reducing plastic waste. (INC2 Options Paper Possible Core Obligations: 14 d (v))

8. Strategies to increase circularity and manage non-packaging plastic products. The lifecycle impacts of plastic production cannot be addressed without considering all the uses of plastics in our economy. More than 55% of plastics are used in construction, transportation, medical equipment, technology and other applications. Increased recycling of these materials will increase the amount of recycled content available to offset the need for new fossil-based plastic production. Global and regional work is needed to develop strategies to address textiles, carpets, automotive parts, construction materials, and other non-packaging applications to increase the circularity of all plastics. (INC2 Options Paper Possible Core Obligations: 14 a (i))

MOVING FORWARD

The APR looks forward to continued engagement with UNEP and all participating stakeholders to accelerate plastics recycling as an essential part of a global agreement to end plastic pollution. The APR staff are available at your convenience to discuss these comments and share further technical, regulatory, and policy information upon request. Please contact Kate Bailey, Chief Policy Officer, at katebailey@plasticsrecycling.org.

Sincerely,

Kate Bailey, Chief Policy Officer
Association of Plastic Recyclers (APR)

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