



July 31, 2023

Administrator Michael Regan
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Draft National Strategy to Prevent Plastic Pollution [Docket Number: EPA-HQ-OLEM-2023-0228]

Dear Mr. Regan:

The Sustainable Food Policy Alliance (SFPA), which includes global food companies Danone North America, Mars, Incorporated, Nestlé USA, and Unilever United States, is working to accelerate the pace of change in the food industry through individual company leadership and collaboration on policy solutions to issues facing our supply chain, employees, and customers. Our work together has also included a collective approach to packaging issues, including addressing plastic pollution.

The U.S. Environmental Protection Agency's (EPA) Draft National Strategy to Prevent Plastic Pollution continues the Agency's leadership on these issues, building on the National Recycling Strategy and other recent efforts to support a circular economy in the U.S. as well as answering Congress' directives from the Save Our Seas 2.0 Act. The Draft National Strategy clearly outlines collective strategies to reduce pollution during plastic production, improve post-use materials management, and prevent plastic pollution from entering the environment, which closely align with SFPA's own goals in this area.

SFPA member companies are working to make consumer product packaging more sustainable with a focus on recyclability and the circular economy. Individually and collectively, we are investing in improving recycling systems around the world, innovating our packaging design, and collaborating with suppliers, local communities, and retail customers to advance forward-looking solutions that help our consumers make a difference and impact the planet. In addition, SFPA member companies are committed to reducing unnecessary plastic packaging, testing reuse options, and reaching ambitious goals to integrate post-consumer recycled content (PCR) into our packaging. Together, we developed a set of [Packaging and Recycling Policy Priorities](#), which aim to shift away from the status quo and toward a waste and recycling future where companies like ours can set and meet ambitious packaging reduction and PCR integration goals, consumers are educated to better navigate their local recycling systems, and we can all be better stewards of the environment to reduce plastic pollution.

We understand that addressing plastic pollution in the U.S. will require a holistic approach spanning government, private industry, and consumers. In our work on packaging issues to-date, we have recognized that there is only so much progress that we can make as individual companies, and the reality is that our goals cannot be met without significant shifts in our

nation's waste management and recycling systems – similar to those laid out in the Draft National Strategy.

We are providing comments relating to the following questions:

- **Which actions are the most important and would have the greatest positive impact at the local, regional, national, and global level?**
- **What are the most important roles and/or actions for federal agencies to lead?**

Federal agencies are uniquely positioned to lead in a number of ways to support this Draft National Strategy. We discuss several specific ideas in our [Packaging and Recycling Policy Priorities](#), described generally above and more specifically here:

The federal government has key perspective and reach to establish consistent standards and enhance measurement related to packaging and recycling in the United States. The federal government can lead the way to boost recycling and collection and decrease contamination and plastic pollution by setting more consistent standards for accepted materials across regions and collecting, analyzing, and reporting data, key metrics, baselines and other indicators on U.S. recycling operations. Harmonization of these standards across jurisdictions can support clearer communication on recyclability to consumers. Together, these actions will improve sortation and capture across the board, provide important data to target investments, and accelerate the move towards a more circular economy for paper and packaging materials. In addition, the federal government can set and strengthen standards for related processes such as emissions standards for plastics manufacturing facilities or safety standards for reuse.

The federal government can transform waste management to a circular system through policy change. SFPA member companies support a nationally consistent, economy-wide approach to packaging life cycle management by establishing a public-private partnership that can make recycling infrastructure improvements to drive the transition to a circular economy. This program is commonly described as Extended Producer Responsibility (EPR) and has been adopted in countries around the world. In our proposed uniquely American system, funds would be derived from eco-modulated fees collected from brand owners and distributed toward recycling system improvements based on a quantitative analysis of community needs. It is our sense that this program is a key lever to reduce plastic pollution, and within it, eco-modulation – in which EPR fees reward materials and designs that take into account best-in-class environment protections and penalize the use of materials and designs that are less environmentally friendly – as another tool to reward source reduction and reuse.

Globally, SFPA member companies are supportive of discussions around a United Nations treaty to end plastic pollution. All four companies are members of the Business Coalition for a Global Plastics Treaty, which is an organization committed to supporting the development of an ambitious, effective and legally binding UN treaty to end plastic pollution convened by the Ellen MacArthur Foundation and World Wildlife Fund.

- **What are the key metrics and indicators that EPA should use to measure progress in reducing plastic and other waste in waterways and oceans?**
 - **What criteria should processes other than mechanical recycling meet to be considered “recycling activities” (e.g., “plastics-to-plastics outputs are `recycling’ if the output is a product that could again be recycled into another product or to extent that it can achieve viable feedstock for new plastic materials”)? How should health and environmental impacts be considered in these criteria?**

Advanced, chemical, or molecular recycling, includes a suite of technologies like pyrolysis and gasification that can process plastic waste to feedstock for new plastic.¹ These methods allow industries to capture and recycle certain plastics, such as mixed plastics, that were previously considered difficult or impossible to recycle, and result in less plastic in landfills. In some ways, advanced recycling is similar to the recycling process for cardboard, which involves breaking the cardboard down into pulp and rebuilding it. Advanced recycling is also recognized by the Food and Drug Administration (FDA), which describes tertiary recycling as a type of recycling in its guidance on the use of recycled plastic as a food contact substance.² Likewise, we ask EPA to recognize that advanced, molecular, or chemical recycling processes are considered “recycling” and result in “recycled content.”

We recommend EPA’s Draft National Strategy take into account the active innovation underway in recycling technology, given how crucial this technology is to recycling materials that cannot be recycled through mechanical recycling and providing recycled content that is safe for food packaging. To this end, we note our support for technologies that are available today to produce feedstock for recycled content, and look forward to future solutions as well. For example, as we look to create a fully circular economy, we understand that it will take multiple recycling technologies to make the systemic changes that are needed to address the recycling challenges in the U.S. We urge to EPA not to restrict the technologies that can reprocess material to deliver feedstock – not energy or fuel.

As noted in the Draft National Strategy’s A2.4a and A2.4b, we acknowledge that strong policy will include strong air quality regulation for pyrolysis and other advanced recycling facilities, similar to any other manufacturing operations, with a particular focus on specifically protecting disadvantaged populations and mitigating environmental impacts. In addition to implementing strong air quality regulations for these facilities, SFPA also supports thorough siting and permitting process for new and existing facilities – including opportunities for public comment – ensuring a comprehensive approach that takes environmental justice into account.

¹ Closed Loop Partners describes these technologies more fully in its November 2021 report: [“Role of Molecular Recycling Technologies in Addressing Plastic Waste.”](#)

² FDA outlines its approach to tertiary recycling in its document, [“Recycled Plastics in Food Packaging.”](#)

Last, with regards to measuring the impact of advanced recycling as described in A2.6 in the Draft National Strategy, we note that any lifecycle analyses (LCAs) for items constructed from materials created using advanced recycling should not be compared to items constructed from materials using mechanical recycling, but rather compared to items constructed from virgin plastic. In practice, the recycled content from advanced recycling will be used to displace virgin plastic rather than mechanically recycled plastic. The LCA comparison of advanced recycling to virgin plastic is reflected in the World Wildlife Fund Principles on this topic.³

- **Are there other actions that should be included in this strategy?**

The Draft National Strategy presents an expansion of current EPA activities. We would encourage EPA to consider additional focus in the following areas:

- Under B.1 in the Draft National Strategy, the EPA proposes studying the effectiveness of existing public policies and incentives, including programs like EPR. We are very supportive of this effort as studying existing policies, including the new state-level EPR programs that are currently being implemented, may illustrate a viable path forward on national recycling policies more broadly. In particular, within that study, we recommend examining the role and impact of eco-modulation within EPR programs to support reuse and material reductions.
- The EPA facilitates a number of public-private partnerships across the agency. Our sense is that it may make sense to consider how that model may be deployed to address these issues, such as potentially to encourage virgin plastic reduction commitments.

We recognize our responsibility to drive positive change for the people who use our products, the people who supply them, and the planet on which we all rely. We stand ready to serve as a resource to EPA as the Agency finalizes the National Strategy to Prevent Plastic Pollution and look forward to supporting the implementation process.

Sincerely,



³ WWF Released its "[Chemical Recycling Implementation Principles](#)" in January 2022.