

The Case for Mandatory Recycled Content in Plastic Packaging

Since the Mobro garbage barge took its infamous voyage to nowhere in 1987, policy makers have discussed the use of mandatory content legislation as a way to ensure end markets for the recyclables collected by publicly initiated programs. This was particularly relevant for plastic packaging because it had little or no market infrastructure at that time. As a result, three states – California, Oregon and Wisconsin – passed content laws for rigid plastic packaging in the 1990s. The Oregon law is activated only when the recycling rate falls below 25%, a situation very unlikely to happen now that the Oregon deposit law has been expanded to include water bottles. The Wisconsin law allows the use of post-industrial material, diluting its impact on the market, while California's law has been hampered in recent years by lack of enforcement and a protracted regulatory process. Nevertheless, since its passage in 1991, the California law is credited with stabilizing market demand for post-consumer HDPE, and to a much lesser degree, PET.

It is time to revisit this concept in light of:

- Heightened awareness of product and packaging stewardship
- Increased scrutiny of the environmental impacts of plastic packaging
- The pressure on recycling programs to collect all rigid plastic packaging
- The increased exposure of existing reclamation investments, and the inability to secure funding for future facilities without a means of demonstrating a level of market stability

Currently, the business model put forward by post-consumer plastic reclamation plants can't legitimately go much beyond the simply stated: if we produce it (post-consumer resins), they will buy. On the surface, this seems acceptable in light of the many announcements made by consumer products companies with regard to their intended recycled content usage. However, these commitments are voluntary and have been repeatedly interrupted or delayed, resulting in serious market dislocation for the reclamation industry.

Therefore, in order to stabilize post-consumer plastic markets; level the playing field for those companies already using post-consumer resins; fully realize all of the inherent environmental benefits of recycled content; and promote job growth and investment, NAPCOR advocates the implementation of 10% minimum mandatory post-consumer content legislation for all rigid plastic packaging.