



RETAIL INDUSTRY LEADERS ASSOCIATION

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June 16, 2023

Mr. Barry Breen
Acting Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
1301 Constitution Ave, N.W. Washington, D.C. 20460

[Via regulations.gov \(EPA-HQ-OLEM-2023-0228\)](#)

Re: Draft National Strategy to Prevent Plastic Pollution, EPA-HQ-OLEM-2023-0228, 88 Fed. Reg. 27502 (May 2, 2023)

Dear Mr. Breen:

The Retail Industry Leaders Association (RILA) appreciates the opportunity to submit comments on the U.S. Environmental Protection Agency's (EPA's or Agency's) Draft National Strategy to Prevent Plastic Pollution (hereinafter Draft Strategy).

RILA is the US trade association for leading retailers. We convene decision-makers, advocate for the industry, and promote operational excellence and innovation. Our aim is to elevate a dynamic industry by transforming the environment in which retailers operate.

RILA members include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs, and more than 100,000 stores, manufacturing facilities, and distribution centers domestically and abroad.

RILA and its member companies strongly support the mission and goals of the EPA to protect human health and the environment, including the Agency's efforts to prevent plastic pollution and reduce, reuse, recycle, collect, and capture plastic and other waste. Retailers are at the forefront of innovation around waste reduction and promoting circular economy principles.

EPA's Draft Strategy is an important preliminary step in tackling the challenges and barriers to preventing plastic pollution in the U.S. EPA is well-positioned to convene and collaborate with plastic and recycling stakeholders, including retailers, to provide data, tools, and information to state and local governments to aid their efforts to reduce production and consumption of single-use plastic products, improve post-use materials management, and prevent plastics from entering waterway.



RILA's comments are intended to aid the Agency in that effort. RILA has addressed below some of the key questions and issues the EPA has raised for comment in the Draft Strategy.

1. Question: Of the proposed actions, which are the most important and would have the greatest positive impact at the local, regional, and national level?

Comment: Education and Consumer Outreach

With vastly differing capacities across recycling infrastructure and systems nationwide, there is broad consumer confusion about what materials are recyclable and what specific recycling mechanisms are available in their local region. Outreach strategies at the local, regional, and national levels need to account for the unique capabilities of local regions beyond educating consumers just about those materials that are "always recyclable."

Comment: Increasing Understanding of Available Recycling Infrastructure and Needs

EPA has outlined several potential activities in its Draft Strategy aimed at preventing plastic pollution and increasing circular models, including conducting a study on effectiveness of new and existing policies, increasing solid waste collection, increasing public education and participation, and conducting research on new technologies. These are areas where federal action and support are most critical and useful. EPA is uniquely positioned at the federal level to gather and consolidate data and information that will benefit planning and efforts on-the-ground at the state and local levels. RILA recommends that EPA examine opportunities to support and incentivize accelerated development of technologies that support recycling and reuse, which are found to be most promising through its research.

2. Question: What are the most important roles and/or actions for federal agencies to lead?

Comment: Implementation of National Policy & Standardization

Federal agencies are best positioned to gather and consolidate data and information, launch education campaigns that create standardized messaging across the U.S., and make policy recommendations to standardize solutions for plastic recycling and reuse.

Many states and localities are looking to reduce the volume of plastic packaging that ends up in landfills after its intended use. To advance these efforts, communities have pursued and/or enacted laws and regulations aimed at improving the recyclability of plastic packaging. While RILA members recognize that these efforts by state officials are well intentioned, however, retailers caution against one-off efforts to develop a single state solution to the national and global challenge of plastic waste because of the high potential for unintended and unnecessary consequences. A patchwork of differing state rules will drive up recycling costs, create unnecessary complexity and increase the likelihood of failed programs that do not address the shared public and private interests in driving improved environmental outcomes. RILA supports a robust dialogue with local, state, and national policymakers

along with affected industries throughout the supply chain with the goal of establishing a national extended producer responsibility (EPR) policy to implement uniform solutions to the challenge of plastic recycling.

Many EPR systems benefit from a supplemental beverage container program (i.e., deposit return system (DRS)). The ultimate objective of this program is to motivate consumers via a refund to return plastic beverage bottles and cans back to the collection point to ensure proper recycling and increase the recycling rates. Any recommendation for DRS must provide retailers with flexibility to manage common risks experienced in DRS systems in which retailers are mandated to participate, which include safety and hygiene concerns for our customers and associates as well as lack of space in retail locations for collection bins. In these systems, retailers also assume considerable cost burdens for security, infrastructure, and management. Many high performing DRS systems around the world provide retailers flexibility enabling them to provide consumer drop off locations for cans and bottles but in a manner that enables them to manage risks.

As part of any national EPR policy, federal agencies should establish supplementary elements that would improve recycling rates and achieve strong environmental outcomes. These should include a national labeling standard accompanied by robust, industry-led consumer education campaigns to improve the quality of the recycling stream and improve consumer awareness. Any national recycling policy should establish clear performance standards for service providers that would ensure that collected plastics are recycled and not diverted to landfills.

3. Question: Is your organization willing to lead an action or collaborate with others to implement the actions?

Comment: Areas Ripe for Retail Collaboration

There are several proposed activities under the Draft Strategy where RILA and its members are well-positioned to collaborate with the EPA and other stakeholders. Overall, the retail industry and the broader private sector have a desire to work alongside the federal government to advance recycling, reuse, and other plastic pollution reduction measures. The following are some of the actions listed in the Draft Strategy where EPA could leverage and collaborate with RILA and its members:

A1.3: Create an innovation challenge program to develop alternatives to single-use, unrecyclable, or frequently littered plastic products.

Many RILA members have developed or partnered with key stakeholders on innovations for alternative materials. Highlighted in RILA's resource on *Sustainable Packaging Strategies and Considerations: LDPE Film*¹ are case studies from several of our members including Lululemon, REI, VF Corporation, Wegmans, and more who have developed and/or piloted alternatives to single-use, unrecyclable, or frequently littered plastic products. Fashion for Good

¹ See, RILA, "Sustainable Packaging Strategies and Considerations: LDPE Film," available at <https://www.rila.org/retail-compliance-center/sustainable-packaging-strategies-and-consideration>.

recently launched the Home-Compostable Polybag Project² in partnership with C&A and Levi’s Strauss & Co., to test alternatives to conventional single-use polybags, find alternative end-of-use for landfill-bound materials, and to provide an at-home option for consumers who do not have access to municipal composting programs. Retailers like Walmart³ and REI⁴ have created sustainable packaging guidance, to help aid decision makers in the transition to more sustainable packaging. All of these are just some of the many examples of how retailers are leading efforts and innovative projects tackling plastic waste challenges.

RILA can aid in sharing information about any future EPA innovation challenge program with its members to encourage increased retailer participation. RILA can also provide EPA input on where these innovations align with retail industry’s needs and interests.

A1.4: Identify effective policy tools and approaches to reduce production of single-use, unrecyclable, or frequently littered plastic products.

As a representative of a key stakeholder – national and regional retailers – RILA should have the opportunity to provide input on any EPA recycling policy considerations. Many of our members have success stories and lessons learned on reduction strategies of single-use, unrecyclable, or frequently littered plastic products that could provide insight and information to the Agency during its deliberation and planning process. For example, REI has been able to eliminate individual polybags for most REI branded apparel by switching to one single outer bag (master polybag) per large shipping box from the apparel factory to their distribution centers. To maintain packing efficiency, they implemented a “roll-pack” packaging method for individual products, meaning that products are loosely rolled and secured with a small twist of FSC-certified undyed paper. Columbia Sportswear and prAna have similar “roll-pack” programs to eliminate individual polybags. Additional reduction strategies from some of our members can be found in RILA’s resource on *Sustainable Packaging Strategies and Considerations: LDPE Film*.

A2.2: Review, develop, update, and use sustainability standards, ecolabels, certifications, and design guidelines that decrease the environmental impacts of plastic products across their life cycle.

RILA and its members are well-equipped to provide input on any new or updated standards, certifications and/or guidelines. As mentioned in RILA’s discussion of innovative retail-led plastic waste reduction efforts (see A1.3), many of our members have partnered with key stakeholders to develop sustainable packaging guidance. Walmart’s Sustainable Packaging Playbook includes design recommendations and mentions as a leading practice to work with partners like the Sustainable Packaging Coalition and Association of Plastic Recyclers. RILA and its

² See, Fashion for Good, “Fashion for Good Launches the Home-Compostable Polybag Project,” *available at* https://fashionforgood.com/our_news/fashion-for-good-launches-the-home-compostable-polybag-project/ (Last accessed, June 12, 2023).

³ See, Walmart, “Sustainable Packaging Playbook,” *available at* <https://cdn.corporate.walmart.com/c0/02/c8b62e684567bb16e0877d6614de/new-wm-packagingplaybook.pdf> (Last accessed, June 12, 2023).

⁴ See, REI, “REI Sustainable Packaging Guidelines,” *available at* <https://www.rei.com/stewardship/rei-sustainable-packaging-guidelines.pdf> (Last accessed, June 12, 2023).

members have also provided comments to the Federal Trade Commission (FTC) as it endeavors to update its Guides for the Use of Environmental Marketing Claims (see B3.5 below). EPA should consult with RILA and its members, as it looks to develop and/or update any sustainability standards, certifications, guidelines etc.

B2.1: Provide funding to communities to create and implement plans to facilitate reuse that have a greater need for support.

Many retailers offer community-based solutions such as reuse or refill centers in their stores. As noted above, retailers need flexibility to manage common risks experienced including safety and hygiene concerns for customers and associates, and cost burdens for security, infrastructure, and management. Therefore, prior to developing a common community strategy on recycling, EPA should consult with RILA and its members, to ensure there are no unintended consequences.

B2.2: Research and identify obstacles to reuse and propose innovative, viable solutions.

Many of RILA's members are currently offering, and/or working toward future implementation of reuse options. Challenges and successes in reuse may differ for retailers based on their size, store location, and geographical area, making it important for the broader retail industry to help assist in solutions. RILA and its members remain ready to assist EPA with identifying obstacles and friction points that limit the viability of reuse systems. Retailers are well-positioned to help EPA identify existing solutions, as well as to encourage new innovative solutions to those barriers.

B3.5: Evaluate claims made by companies about the degradability of plastic products to eliminate "greenwashing" and misleading claims by marketers.

As briefly mentioned (see A2.2), RILA provided comments⁵ to the FTC on its efforts to update its Guides for the Use of Environmental Marketing Claims ("Green Guides"). The Green Guides are critically important to retailers who strive to lead in advancing sustainability across the retail industry. RILA supports and is eager to collaborate on the EPA's and FTC's evaluation of environmental marketing claims, that assist in mitigating deceptive and unsubstantiated claims, contributes to consistent messaging in the market, and enables retailers to share environmental information with credibility. EPA should look to the forthcoming Green Guides update and ensure that any final National Plastic Pollution Prevention Strategy aligns with FTC's guidance on claims related to plastic

⁵ See, [RILA Comments re: Guides for the Use of Environmental Marketing Claims \("Green Guides"\) \(April 24, 2023\); Docket ID: FTC-2022-0077-1326](#)

[See also, RILA Comments re: the Commission's Public Workshop Examining Guides for the Use of Environmental Marketing Claims held on May 23 – "Talking Trash at the FTC: Recyclable Claims and the Green Guides," \(June 13, 2023\); Docket ID: FTC-2023-0025-001](#)

pollution prevention, including, but not limited to, guidance around claims regarding recyclability, compostability, and recycled content.

B4.1: Increase awareness and availability of public and private sector funding for improvements to recycling and collection programs, and strategies for accessing this funding.

RILA is prepared to support EPA's work in a more meaningful and engaged manner, by sharing information about funding opportunities for recycling improvement with its members to encourage increased retailer participation. Funding needs may differ for retailers based on their size, store location, and geographical area. RILA can also provide input on the retail industry's needs and interests where funding support would be helpful.

B5.1b: Develop a national program to educate the public about reduction, reuse, and composting. Enlist the assistance of traditional and social media, governments, waste haulers, and product manufacturers to disseminate messaging that is contextually relevant across diverse groups and geographies.

RILA would welcome the opportunity to work with EPA to provide its retail members information on voluntary public recycling and reuse education campaigns including sharing of any related tool kits that retailers could use to disseminate educational information through consumer engagement channels.

B5.2: Increase awareness among businesses of the Federal Trade Commission's Guides for the Use of Environmental Marketing Claims ("Green Guides").

As noted above, RILA provided comments to the Green Guides. The Green Guides are crucial in mitigating deceptive and unsubstantiated claims, and for retailers to be able to clearly and accurately share environmental information and allow consumers to make informed purchase decisions. RILA supports and is eager to collaborate on increasing awareness of the Green Guides and its future updates.

C4.1: Develop messaging and educational materials about the nature and impacts of trash pollution and what targeted audiences can do to help address the problem.

RILA welcomes the opportunity to work with EPA to provide its retail members information on the impacts of trash pollution on nature and the environment including sharing of any related tool kits that retailers could use to disseminate educational information through consumer engagement channels.

C4.2: Research and disseminate on successful outreach and education practices and programs to motivate positive behavior change.

Many RILA members have been leading the way to advance sustainability across the retail industry, including finding successful ways to partner with consumers and peers to eliminate, reduce, reuse and recycle plastic. As one example, Target, CVS Health and Walmart (founding partners) alongside a handful of our other members have partnered with Closed Loop Partners to encourage retailers to use fewer single-use bags and encourage customers

to bring their own reusable bags. Findings from their work including communications, employee training, bag and fixture design, and customer incentives can be found in the recently released *Playbook*.⁶ RILA would welcome the opportunity to collaborate with EPA to share additional retailer and retail partner leading practices and success stories, including through virtual and in-person programming.

- 4. Question: What are potential unintended consequences of the proposed actions that could impact communities considered overburdened or vulnerable, such as shifts in production or management methods?**

Comment: Unintended Consequences

EPA should account for implementation feasibility in any Agency efforts to promote reuse and source reduction. As discussed, retail locations often become the hubs for refill and reuse stations. Retailers need flexibility to manage common risks experienced including safety and hygiene concerns for our customers and associates, and cost burdens for security, infrastructure, and management. EPA should also research the potential financial pressures on low-income regions, including added costs associated with changes made to packaging and products. The Agency should include mitigation techniques to help achieve equitable results.

- 5. Question: What key metrics and indicators should EPA use to measure progress in reducing plastic and other waste in waterways and oceans?**

Comment: Tracking and Reporting Systems

EPA should consider creating a voluntary reporting program with input from stakeholders. This program would facilitate and increase transparency and accountability in plastic pollution reduction efforts. Any targets or goals should be consistently tracked and reported to help understand trends, optimize processes, and allow for program adaptation to meet targets or goals. As a model for plastic reporting, EPA should review the Greenhouse Gas Protocol⁷, where greenhouse gas emissions are consistently measured, reported, and compared, as well as several of the other voluntary reporting program that exist. Retailer and other stakeholder input on the development and framework of any future voluntary reporting program will be critical to ensure that guidelines and reporting metrics are clear, appropriate, and not overly burdensome.

- 6. Question: 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**

⁶ See generally, Closed Loop Partners, “The Playbook,” available at <https://www.closedlooppartners.com/beyond-the-bag/playbook/> (Last accessed, June 12, 2023).

⁷ See, Greenhouse Gas Protocol, available at <https://ghgprotocol.org/> (Last accessed, June 21, 2023).

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?

Comment: Advanced Recycling Technologies

Advanced recycling (also known as “chemical recycling” or “molecular recycling”) is the process of breaking plastic back down to its molecular state, in order to be able to be reused in the creation of new plastic or other materials including textiles, electronics and any other products that include plastic parts. Material-to-material chemical recycling is an important tool in driving a global circular economy and should be considered as part of any final EPA strategy targeting plastic pollution reduction.

Although any EPA strategy should incorporate plastic pollution avoided via material-to-material advanced recycling, plastic-to-plastic recycling remains essential, and waste-to-energy models should be avoided. Advanced recycling should be viewed as a supplement to mechanical recycling in scenarios where it provides a mechanism to capture plastics unable to be recycled through current recycling systems or take-back programs.

Comment: Evaluation of Health and Environmental Impacts

EPA should continue to research and make recommendations on products and packaging that decrease negative health and environmental effects. Continued evaluation of the recyclability of a product as well as its generation of greenhouse gas emissions is crucial.

- 7. Question: Are there other actions that should be included in the Strategy? Should EPA expand the scope of the strategy to include sea-based sources? Should specific types of plastic products be targeted for reduction or reuse in this strategy?**

Comment: Include Recommendations and Insight for Key Stakeholder Groups

As part of EPA’s research and development of tools to decrease plastic pollution, EPA should look to identify practical examples of solutions and tailor them to the specific needs and actions of stakeholder groups, including the retail industry. One example that can be borrowed from the food waste reduction space, is ReFED’s Roadmap to 2030 (“Roadmap”).⁸ ReFED’s Roadmap sets forth seven waste key action areas where food systems should focus efforts to prevent, rescue, and recycle food at risk of going to waste. The Roadmap also highlights ways particular stakeholder groups like retailers can engage on the food waste front. EPA should explore taking a similar holistic approach and framework for plastic pollution reduction.

⁸ See generally ReFed, “Stakeholder recommendations: Retail,” available at <https://refed.org/stakeholders/retailers/> (Last accessed, June 12, 2023).

Comment: Defining the Scope of Plastics Targeted for Reduction/Reuse

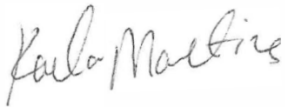
EPA's policy should clearly define plastics, and avoid minor applications such as inks, adhesives, coatings in products/packaging not wholly or predominantly made of plastics (such as fiber-based packaging). Industry input is key in defining the scope of plastics targeted for reduction and/or reuse and any technical feasibility assessment. EPA should also consider separate strategies for plastic film and textiles. Textiles often include synthetic fibers derived from plastic such as polyester and nylon and may have different recycling and reuse infrastructure needs.

Closing

RILA appreciates the opportunity to provide these brief preliminary comments on EPA's Draft National Strategy to Prevent Plastic Pollution. RILA and its members look forward to playing an active and ongoing role in stakeholder dialogue as the Agency moves forward with establishing and implementing a national strategy.

If you have any questions or need any additional information, please contact Susan Kirsch at susan.kirsch@rila.org 202) 866-7477.

Sincerely,



Kaela Martins
Senior Manager, Environmental Programs



Susan Kirsch
Vice President, Regulatory Affairs