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Via regulations.gov (EPA-HQ-OLEM-2020-0462)

ATTN: Caroline Emmerson, Acting Associate Director
Resource Conservation and Sustainability Division
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, Room 7407M
Washington, D.C. 20460-0001

Re: **Draft National Recycling Strategy, EPA-HQ-OLEM-2020-0462 (Oct. 5, 2020)**

Dear Ms. Emmerson:

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 Recycling Strategy (hereinafter Draft Strategy).

By way of background, RILA's members include the largest and most innovative retailers. The retail industry employs over 42 million Americans and accounts for \$1.5 trillion in annual sales. 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 strengthen and advance municipal solid waste recycling systems nationwide. RILA is a proud signatory to the America Recycles pledge. 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 advancing recycling in the U.S. EPA is well-positioned to convene and collaborate with recycling stakeholders to provide data, tools, and information to state and local governments to aid their efforts to enhance recycling infrastructure and systems to make them more efficient and cost-effective and increase consumer and business participation in recycling efforts.

RILA looks forward to reviewing EPA's national recycling goals. At this time RILA wishes to provide the below preliminary input on 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 their local region. Outreach strategies at the local, regional, and national levels need to account for the unique capabilities of local regions beyond education of just those materials that are "always recyclable." Education campaigns should raise awareness of the various mechanisms for recycling beyond curbside pick-ups, such as plastic film collection (including plastic bag collection) available at many retail stores. Strategies also should use national messaging guidelines to create more consistency and clarity around terminology to help reduce contamination of recycling streams.

Comment: Information and Coordination on Recycling Programs and Policies

RILA and its members applaud the EPA's efforts to set a national recycling goal of 50 percent by 2030. It would be helpful for stakeholders to understand how the EPA intends to calculate progress toward this goal, including how it will account for the various waste stream recycling rates and if specific waste stream goals will be adjusted to accommodate variances in waste stream recycling rates. Also, since the vast majority of waste management occurs at the local and regional level, it will be important for the EPA to provide state and local stakeholders guidance on how they can set state and local recycling program goals to contribute to the national recycling goal. To ensure the success of the national recycling goal, it is critical that the EPA work with state and local stakeholders to disseminate information on local and regional level recycling programs and policies.

As a first step of its analysis of the effectiveness of existing state and local recycling policies, EPA should inventory all available research already conducted in this area to determine if there are gaps that need to be addressed. When identifying possible solutions to address recycling infrastructure and capacity gaps, RILA encourages EPA to consider the important role public-private partnerships can play in building recycling infrastructure and capacity at local and regional levels.

Comment: Increasing Understanding of Available Recycling Infrastructure and Needs



EPA has outlined several potential activities in the Draft Strategy aimed at increasing understanding of recycling infrastructure capacity and needs, including nationwide mapping, conducting a needs assessment, conducting research on new technologies, and standardization of definitions, performance metrics and voluntary targets with thorough stakeholder engagement. 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. EPA should also examine opportunities to support and incentivize the accelerated development of the technologies that support recycling and reuse which are found to be most promising through its research. Any federal needs assessment should be revisited and revised on a regular basis to incorporate evolving needs and capacity. Also, many states have conducted or are in the process of conducting their own recycling needs assessments. Any EPA recycling infrastructure capacity and needs assessment should be coordinated and aligned with these state efforts.

Comment: Conducting Market Development Workshops

RILA recommends that EPA convene regional market development workshops and dialogues as they will be more effective than holding federal or local level workshops. Regional market development workshops will account for regional differences in recycling infrastructure and capacity and will leverage well-established public-private partnerships and regional coalitions such as the Northeast Recycling Council and the Southeast Recycling Development Council.

Comment: Analysis of End Markets and Data Transparency on Recyclable Materials Generated

EPA highlights many activities under the Draft Strategy that could improve domestic markets for recyclable materials. The proposed activities to analyze end markets and increase data transparency should be pursued at the national level.

Comment: Increasing Manufacturing Use of Recycled Material Feedstock

Increasing awareness and networks for use of recycled materials will be most effective at the regional level to ensure that U.S. manufacturers may leverage available recycled materials local to their regions, as appropriate and feasible, to reduce shipping distances.

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



Comment: RILA collaboration

There are several proposed activities under the Draft Strategy where RILA is well-positioned to collaborate with the EPA and other stakeholders. The following are some of the actions listed in the Draft Strategy where EPA could leverage and collaborate with RILA and its members:

1.1.4 Enlist the assistance of traditional and social media, governments, and product manufacturers to disseminate messaging. RILA would welcome the opportunity to work with EPA to provide its retail members information on voluntary public recycling education campaigns including sharing of any related tool kits that retailers could use to disseminate educational information through consumer engagement channels.

1.2.3 Increase awareness of and continue voluntary public-private partnerships. RILA is prepared to support EPA's WasteWise and Sustainable Materials Management (SMM) work in a more meaningful and engaged manner, by sharing information about these programs with its members to encourage increased retailer participation. RILA can also provide EPA input on the retail industry's needs and interests these programs can support.

2.4 Increase consideration of the sorting process in the design of new products. EPA should include consumer product and product packaging designers in these discussions and education efforts. The vast majority of RILA members do not manufacture the products that they sell. Instead, they purchase finished consumer goods from product manufacturers for resale to consumers. Retailers do have insights into consumer product preferences and behaviors that may be beneficial to dialogue around product design.

3.5.2 Identify strategies to address barriers to using recycled content in products. RILA is in a position to provide input in this area, however, the consumer packaged goods industry is best suited to lead this action.

3.5.3 Develop public messaging about buying products made with recycled content. This is another area where the consumer packaged goods industry is best suited to provide leadership on this issue. RILA members could support public messaging campaigns.

3.5.4 Host dialogues with manufacturers and other stakeholders to learn what policies, programs, and incentives would promote greater use of recycled content in products. As a representative of a key stakeholder – national and regional retailers – RILA should play a role in these EPA-hosted dialogues.



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

Comment: Federal Agency Role

As highlighted in response to Question 1, federal agencies are best positioned to develop national messaging guidelines around recycling, lead data gathering and analyses, consolidate information, and overcome the lack of transparency in waste management markets that undermines overall national recycling performance. Federal agencies should set up national frameworks that will ensure all federal agency partners understand their role and impact. In an effort to standardize and increase consistency nationwide, EPA should work with other federal agencies (e.g., Federal Trade Commission) to explore opportunities around national labeling programs, including examining the clarity of the Mobius loop triangle. Additionally, the overall National Recycling Strategy could be improved by adding coordination with federal waste reduction and reuse promotion efforts, as well as examination of infrastructure investments and policy that can incentivize reuse adoption.

4: Question: Do you have additional information or recommendations to inform these or other proposed actions?

Comment: Additional Information/Recommendations

- **Defining key terms:** The lack of proper definitions or misaligned definitions can increase regulatory complexity, lead to confusion, and impact effective implementation. Therefore, it is critical to define key terms and align their definitions internationally (e.g., IEEE, ASTM, ISO etc.) to avoid country-specific definitions or regulations.
- **Design considerations:** Design considerations, including materials, efficiency, recovery and labeling shall allow for design flexibility to achieve a desired environmental outcome, as opposed to defining how goals should be implemented. Industry sectors with large producers should be prioritized, allowing for exemptions or *de minimis* rules for sectors with reduced materials use and waste generation, where requirements could lead to unintended consequences. The National Recycling Strategy should be aligned with regulatory discussions with existing internationally recognized requirements and standards.

Closing

RILA appreciates the opportunity to provide these brief preliminary comments on EPA's Draft National Recycling Strategy. RILA and its members look forward to playing an active and ongoing role in the 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 me at susan.kirsch@rila.org or (202) 866-7477.

Sincerely,

Susan Kirsch
Director, Regulatory Affairs & Compliance

