

# Recycled Content Mandates: The Good, the Bad, & the Ugly

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**The Association of  
Plastic Recyclers**

# Agenda

- APR introduction
- State laws passed to date (with recycled content requirements)
- Recycled content in EPR context
- Pending Federal Legislation
- APR Programs



# WHO IS APR?



*The only North American organization focused exclusively on plastics recycling.*



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Increase  
Supply



Enhance  
Quality



Expand  
Demand



Communicate  
Value

## *APR Primary Goals*



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# WHAT DO WE DO?

- APR Design® Guide for Plastics Recyclability
- Test Methods
- Training
- Communication
- Advocacy (APR Position Statements)  
<https://plasticsrecycling.org/position-statements>
- APR Recycling Demand Champions
- PCR Certification
- Resource Development



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### APR Position: Degradable Additives Use in Bottles, Forms, and Films

The APR recognizes that degradable additives that weaken products or shorten the useful life of durable plastics have a strongly negative impact of postconsumer plastics recycling.

[View](#)

### APR Position: Landfill Bans

The APR supports legislation to ban postconsumer plastic bottles from being landfilled.

[View](#)

### APR Position: Postconsumer Recycled Content

The APR supports mandatory postconsumer recycled content legislation.

[View](#)

APR was the first plastics related trade group to support mandatory recycled content in 2006.

# State Content Laws in Effect

California and Washington



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# California AB 793

## Plastic Minimum Content Standards

- Signed into law September 2020
- Requires minimum content in beverage containers subject to the California Redemption Value (CRV):
  - ✓ No less than 15% recycled content by 1/1/2022
  - ✓ No less than 25% by 1/1/2025
  - ✓ No less than 50% by 1/1/2030
- Small manufacturers exempt (\$15,000 or less in annual processing fees)
- Penalties for non-compliance assessed beginning 3/1/24 for non-compliance as of 1/1/23
- Penalties calculated at \$.20 / pound for content shortfall





# WA State 5022

## Plastics Recycled Content Law

- Law effective as of July 2021
- Requires content in plastic bottles, trash bags, household cleaning and personal care products
- Plastic bottles (all resins)
  - ✓ No less than 15% by 1/1/23
  - ✓ No less than 25% by 1/1/26
  - ✓ No less than 50% by 1/1/31
- Trash bags: no less than 10% by 1/1/23; 15% by 2026; 20% by 2027
- Household Cleaning, Personal Care Products: no less than 15% by 2025; 25% by 2028; 50% by 2031
- APR on Advisory Committee



# Content in context of Extended Producer Responsibility (EPR) Bills

Oregon and Maine

New Jersey in 2022?



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# Oregon SB 582A

## Oregon's Plastic Pollution and Recycling Modernization Act of 2021

- Signed into law in August 2021
- **Recycled content mandates are *not* part of this law**
- Producer Responsibility Organizations will set and pay fees based on covered products sold in the state. Fees are “eco-modulated” to include:
  - ✓ **Post-consumer content**
  - ✓ Product-to-package ratio
  - ✓ Choice of material
  - ✓ Evaluation and disclosure of life cycle impacts
  - ✓ Recycling rate



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# Maine LD 1541

## An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money

- Signed into law July 2021
- No specific content mandates
- Stewardship organization program goals, and factors that inform payment schedules must include “...an increased amount of post-consumer recycled content in packaging material used by producers”



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# Pending Federal Legislation



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# Federal Policy

Infrastructure Investment and Jobs Act

U.S. Senate RECYCLE Act

U.S. House RECOVER Act

Ocean-Based Climate Solutions Act

Rewarding Efforts to Decrease Unrecycled  
Contaminants in Ecosystems (REDUCE) Act

Save Our Future Act

**\*\*Break Free From Plastic Pollution**

**\*\*Climate Leadership and Environmental Action  
for our Nation's (CLEAN) Future Act**



# Federal Policy

Pending, not expected to progress in near term

## **S. 984/H.R. 2238 – BREAK FREE from Plastic Pollution Act of 2021**

Sponsors: Jeff Merkley (D-OR) and Alan Lowenthal (D-CA-47) - Reintroduced March 2021

- Creates requirements for waste and recycling collection systems
- Would also require domestic PCR content in plastic beverage containers:
  - By 2025, at least 25%
  - By 2023, at least 50%
  - By 2035, at least 70%
  - By 2040, at least 80%

## **H.R. 1512 – CLEAN Future Act**

Sponsor: Frank Pallone (D-NJ-06) -- Introduced in March 2021

- Establishes post-consumer recycled content standards for plastic beverage containers.
- All must be from US sources
- Plastic manufacturers must incorporate:
  - By 2025, at least 25% PCR content
  - By 2030 at least 30% PCR content
  - By 2035 at least 50% PCR content
  - By 2040, at least 80% PCR content



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# APR Programs to Boost DEMAND.



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# Market Demand Monetizes the System



# What's the difference?



## Post-consumer (PCR)

Reclaimed material from homes and businesses.



## Post-industrial (PIR) aka pre-consumer

Imperfect bits and scraps recovered from a factory.

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Now you know.  
**#BuyRecycled**



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## Postconsumer Resin (PCR)

- Recognize the Value of PCR
- Postconsumer recycled material is the key ingredient to circularity
- Postconsumer recycled content allows for consumer brand companies, both to serve their consumers and to uphold their public sustainability commitments.
- Mandated recycled content is key.





# How PCR Certification Works



1

## APR sets definitions & guidelines

*APR's guidelines ensure a clear, consistent definition of PCR, and increase accessibility to and confidence in PCR certification.*



2

## APR endorses qualified certifying bodies

*Auditors apply for endorsement. They must demonstrate the ability to conduct audits in accordance with the guidelines.*



3

## Reclaimers hire an APR-endorsed auditor

*Reclaimers request an audit of their pellet, flake, or regrind as part of the APR PCR Certification Program.*



4

## The reclaimer is audited

*The auditor analyzes material sourcing and flows within the facility, and provides a certificate upon successful audit.*



5

## APR promotes certified PCR

*APR operates a directory of certified PCR and promotes its members with certified PCR of any resin.*



Get certified or find certified PCR at  
[plasticsrecycling.org](https://plasticsrecycling.org)



# YEAR 3

(2019-2020)

# APR RECYCLING DEMAND CHAMPIONS YEAR END REPORT

Consistent, reliable demand is critical for recycling to be mature, vibrant and sustainable



## RECYCLING DEMAND CHAMPIONS



**175.4 MILLION**  
POUNDS OF  
POSTCONSUMER  
RESINS

INCREASED THEIR PCR USE BY

- PET
- PP
- LDPE
- MDPE
- HDPE
- PS



RESULTING IN THESE ESTIMATED IMPACTS

REDUCED GREENHOUSE GAS EMISSIONS EQUIVALENT TO REMOVING 45,494 CARS FOR 1 YEAR\*

JOB CREATION IN PLASTIC RECYCLING FOR 2,000 PEOPLE\*\*

A YEAR'S WORTH OF PLASTIC RECYCLABLES FROM A CITY THE SIZE OF CHICAGO, IL\*\*\* (2,695,598 POPULATION)

THE APR RECYCLING DEMAND CHAMPIONS PROGRAM SUPPORTS A CIRCULAR ECONOMY AND STRENGTHENS DEMAND FOR RECYCLABLE PLASTICS.

Learn more at [plasticsrecycling.org](https://plasticsrecycling.org)

Data sources:  
\*EPA WARM Model  
\*\*Private consultant/industry experts  
\*\*\*The Recycling Partnership



# Design for Recyclability is Key...



“Consumer product companies must design their packaging so that it is easier to recycle in today's mechanical systems and recognize that they are their own raw material suppliers in a circular economy. It is difficult for recyclers to manufacture a clean supply of recycled resin if the stream of material they receive is contaminated with non-recyclable packaging.”

Source: [APR Comments on U.S. Senate EPW Circular Economy Hearing](#), APR blog





# Questions?

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