Robert Flores
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May 8, 2023

Honorable Chair Brenner & Members
Joint Standing Committee on Environment and Natural Resources

RE: Berry Global, Inc. Opposition to LD 1660 - An Act to Provide That Advanced Recycling Facilities Are Subject to Solid Waste Regulation and That Advanced Recycling Does Not Constitute Recycling (LD 1660)

Hon. Brenner, et al:

I write on behalf of Berry Global, Inc. (Berry),[1] a US-based, global manufacturer of innovative packaging and engineered products that make life better for people and the planet. Berry employs over 46,000 team members from 265 locations worldwide, including over 100 sites in the United States alone.

I am writing to express our OPPOSITION to LD 1660. While we overwhelmingly support and applaud Maine's efforts to protect the safety and health of its consumers, the environment, and natural resources, identifying advanced recycling as solid waste is inconsistent with the current state of technology, ignores the market potential of advanced recycled post-consumer material, and will hinder Maine's competitiveness in a fast-growing and expanding market for quality post-consumer resin (PCR).

Traditional forms of mechanical recycling are limited in their ability to produce feedstock from PCR that is suitable for food contact and other sensitive applications. Add to this that many hard-to-recycle plastics like snack wrappers, food pouches, and plastic toys are often not recycled at all; and we are left with large gaps in both the inputs and outputs associated with existing waste stream and recycling infrastructure.

Advanced recycling, however, creates an opportunity to utilize significantly more inputs and produce more suitable outputs, thereby eliminating landfilled waste while simultaneously improving the scope of PCR's use in important packaging formats (all while using less energy).[2] LD 1660, if passed, will undermine these uniquely positive benefits of advanced recycling - benefits which our organization continues to support through the purchase and use of advanced recycled plastic, both here in the United States and abroad.[3]

The use of PCR from advanced recycling is not a nascent, unknown concept.[4] It is both economically and technologically viable. Advanced recycling fulfills an important, complementary function to mechanical recycling by providing an outlet for the post-consumer plastic feedstocks that are not suitable for mechanical recycling. Meanwhile, advanced recycling is also able to convert the lower quality feedstocks into higher quality recyclate suitable for food contact and other contact sensitive applications.

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[1] At Berry Global, we create innovative packaging and engineered products that make life better for people and the planet. On March 21, 2023, we released our 2022 Impact Report, underscoring the seriousness our organization places on corporate citizenship and sustainability. To learn more, visit https://www.berryglobal.com/sustainability/howweperform.

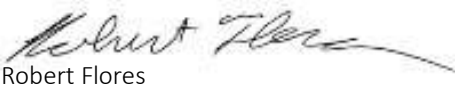
[2] Studies in Europe and North America have found advanced recycling can have a lower carbon footprint than using virgin, fossil-fuel based plastic for quality-sensitive packaging applications. We are happy to supply references to these studies if desired.

[3] In the US, we recently announced an exciting partnership to produce drink cups for Wendy's® using certified, advanced recycled materials, a project that will divert roughly 10 million pounds of hard-to-recycle plastic from landfills during its first two years. Information regarding this partnership with Wendy's® is available online at https://www.berryglobal.com/en/sustainability/supporting-customer-goals/wendys-partnership. In Europe, Berry produces food-grade cream cheese tubs made from advanced recycled materials (https://packagingeurope.com/mondelz-and-berry-global-team-up-on-philadelphia-packaging-made-from-recycled-plastic/6321.article). In the UK, we produce food-grade packaging using 39% advanced recycled material from post-use hard-to-recycle films and grocery bags. (https://www.packworld.com/news/sustainability/article/22657371/heinz-tesco-snap-potz-feature-high-advanced-recycledcontent). And we have a similar project with Chovi Group, using 25% advanced recycled material for Allioli® mayonnaise tubs. (https://www.nspackaging.com/news/berry-develops-new-pot-made-from-recycled-plastic-for-chovi-group/).

[4] We encourage the Committee to explore government-backed investment in advanced recycling technologies in European countries that are devoted to eliminating landfills and doing so on a NetZero basis. A great example of this is CINEA's continued investment in Neste's® advanced recycling facility in Porvoo, Finland. (See https://www.neste.us/releases-and-news/innovation/neste-and-cinea-sign-eu-innovation-funds-grant-agreement-chemical-recycling-project-pulse.)

It is for these reasons we encourage you to OPPOSE LD 1660. Should you have questions or desire a follow-up discussion, please feel free to reach out.

Sincerely,



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