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February 16, 2021

Oregon State Senate
Committee on Energy and Environment
900 Court Street, NE
Salem, OR 97301
(Submitted Electronically)

To Whom it May Concern:

American Packaging Corporation (APC) is submitting its opposition to Senate Bill's 581, 582, and 14, two of which would establish extended producer responsibility programs (EPR) for packaging and the other labeling requirements for plastic packaging.

APC is a family-owned flexible packaging converter and renowned leader in the North American packaging industry. APC specializes in flexographic and rotogravure printing, multi-ply extrusion, and adhesive lamination of film, paper and foil, as well as pouch and bag fabrication to meet a variety of requirements. APC operates five Centers of Excellence with locations in Churchville NY, Rochester NY, Columbus WI, DeForest WI, and Story City, IA.

APC is committed to a circular economy for flexible packaging – designing the right package for the product and utilizing less water and energy to do so; emitting less greenhouse gases in the manufacture and transportation of the package; using the least amount of packaging, plastic or multi-materials, necessary for the protection of the product; and creating less waste in the first place®. We are also working on solutions for more robust collection, processing and recycling of flexible products as well as sustainable end markets. We do not believe any of these bills would realize these goals.

As currently drafted, SB14 and SB581 definition of producer is not clear, as it could be interpreted as the packaging producer, and not the brand that utilizes the packaging. Packaging producers have no way of tracing where or when a brand will use or sell its product with the packaging. APC is also concerned that both bills give very broad authority to the Department and Environmental Quality Commission. SB581 also gives far too much power to the Department and current municipal governments to demand reimbursement for costs without giving the EPR program the appropriate authority to negotiate its needs in accomplishing its plan. It also appears that the money collected under SB581 will merely go towards the current infrastructure and not to the advanced infrastructure needed to take all packaging products, including flexible packaging. SB14, on the other hand, only applies to plastic packaging and should cover all packaging types. In addition, the dates for implementation and plan amendments/resubmissions are far too aggressive in both bills, particularly for the first ever of its kind EPR program in the Country. Finally, APC is troubled about the potential for labeling requirements that may not be compatible with all U.S. or

global sales. Packaging is not made for just one state, or even one country, for that matter. Thus, APC also opposes SB582.

Thus, APC urges the Committee to not vote in favor of these pieces of legislation as currently drafted. APC is a member of the Flexible Packaging Association (FPA) and supports its testimony on this bill, including FPA's recommendation for amending the legislation to comport with its Circularity for Flexible Packaging elements detailed with the Product Stewardship Institute at <https://www.flexpack.org/end-of-packaging-life> and work with SB14 as the basis for a comprehensive packaging EPR program for all packaging.

In advance, thank you for your consideration. If we can provide further information or answer any questions, please do not hesitate to contact me or Alison Keane, President & CEO, FPA, at akeane@flexpack.org or 410-694-0800.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Koch". The signature is fluid and cursive, with the first name "Jeff" and last name "Koch" clearly distinguishable.

Jeff Koch
President