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Senate Committee on Energy and Environment
Oregon State Capitol
900 Court St. NE
Salem Oregon 97301

February 15, 2023

Written Comments: Senate Bill 544 , -1 Amendments

Dear Chair Sollman, Vice Chair Findley and Members of the Senate Committee on Energy and Environment,

Thank you for the opportunity to share our comments and opposition to Senate Bill 544 – *Directs Environmental Quality Commission to establish program for source reduction of single-use plastic food ware and single-use packaging and achieve 25 percent source reductions compared to 2023 levels by 2030* (SB 544-1), -1 amendments.

Founded in 1933, the Foodservice Packaging Institute (FPI) is the leading authority on foodservice packaging in North America. FPI supports the responsible use of all foodservice packaging, while advocating an open and fair marketplace for all materials. Our core members include raw material and machinery suppliers as well as packaging manufacturers, which represent approximately 90 percent of the industry. Additionally, a number of distributors and purchasers of foodservice packaging are part of FPI's affiliate membership.

The foodservice packaging industry is committed to reducing the impact of its products on the environment and is dedicated to increasing their recovery. FPI has several special interest groups that bring together the supply chain to develop and promote economically viable and sustainable recovery solutions for foodservice packaging. These special interest groups include the Paper Recovery Alliance, Plastic Recovery Group, Paper Cup Alliance and Foam Recycling Coalition. More information on these groups and their efforts can be found [here](#).

While FPI appreciates some of the -1 amendments for SB 544, we continue to have concerns with the bill as detailed below.

First, it is our view that the role of packaging in product protection must be recognized. Foodservice packaging is lightweight and designed to protect food and beverage products as well as customers and staff. Prescribed reductions may have the unintended consequence of product loss and/or compromise the health and safety of those using foodservice packaging.

We are opposed to the authority provided to Environmental Quality Commission to prohibit or limit the use of plastic single-use food service ware if they determine that the packaging is unnecessary for the delivery of a food item. It is our view that each foodservice package must compete in the marketplace based on its own merits. Restaurants and other foodservice establishments are in the best position to determine the most effective packaging that suits their business model.

While we applaud the effort to provide definitional consistency in SB 544 and the Plastic Pollution and Recycling Modernization Act (SB 582) regarding the definition of “producer”, we have concerns with the “producer of food serviceware” definition in SB 582. Under SB2, the “producer of food serviceware is the person that first sells the food serviceware in or into this state”. According to the [“Summary of Producer Obligations and Definition”](#) published by the Department of Environmental Quality (DEQ), “in most cases, this will be the manufacturer of the food serviceware or a distributor”. It is our view that the obligated party needs clarification and placing additional requirements on these producers is premature.

It is also important to note that under SB 582, the fees charged by producer responsibility organizations will incentivize producers of covered products, including food serviceware, to reduce packaging, select more recyclable materials and increase recycling rates. It further requires that the DEQ establish a program to reduce the environmental impacts of covered products through means other than waste recovery, including waste prevention and reuse.

FPI recommends that the Legislature allow DEQ and stakeholders to complete the EPR rulemaking process first before considering any further packaging policy changes that would impact producers and covered materials.

We appreciate your consideration of FPI’s comments and opposition to SB 544. We would be pleased to discuss these comments with you.

Sincerely,



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