

HB 4030 Supports Continued Use of Berry Packaging as a Responsible End Market for PET Beverage Containers

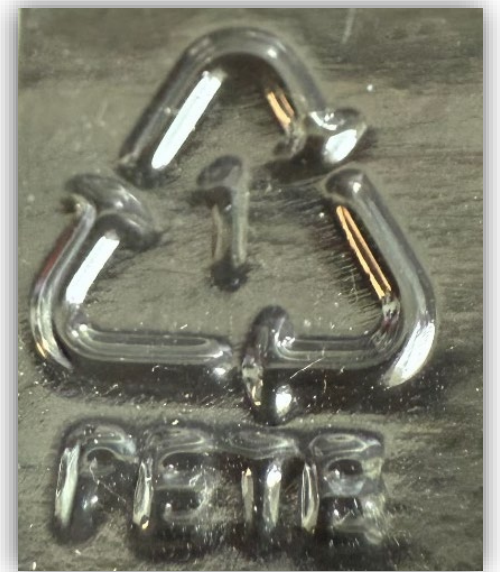
Rick Tomlinson, President

CALIFORNIA
STRAWBERRY[®]
COMMISSION



PET Clamshell Currently Most Sustainable Package Available

1. Berry have been a responsible end-market for PET beverage containers since 2000.
2. Berry clamshells are 100% recycle ready- made from the same materials as beverage containers- sorted and baled by Material Recover Facilities (MRFs) with PET beverage containers.
3. The berry clamshell commonly contains over 50% recycled content.
4. Life Cycle Analysis indicate that the PET berry clamshell has a lower environmental impact than fiber. For example, switching to cardboard would consume 1,000 acres of trees annually.
5. Berry clamshell complies with federal law requiring single -use packaging for fresh produce *“...we [FDA] provided some examples of what food -packing materials would be adequate for its intended use in compliance with § 112.116(a)... plastic clamshells used for packaging strawberries for retail sale,...” (Federal Register Number 2015-28159)*



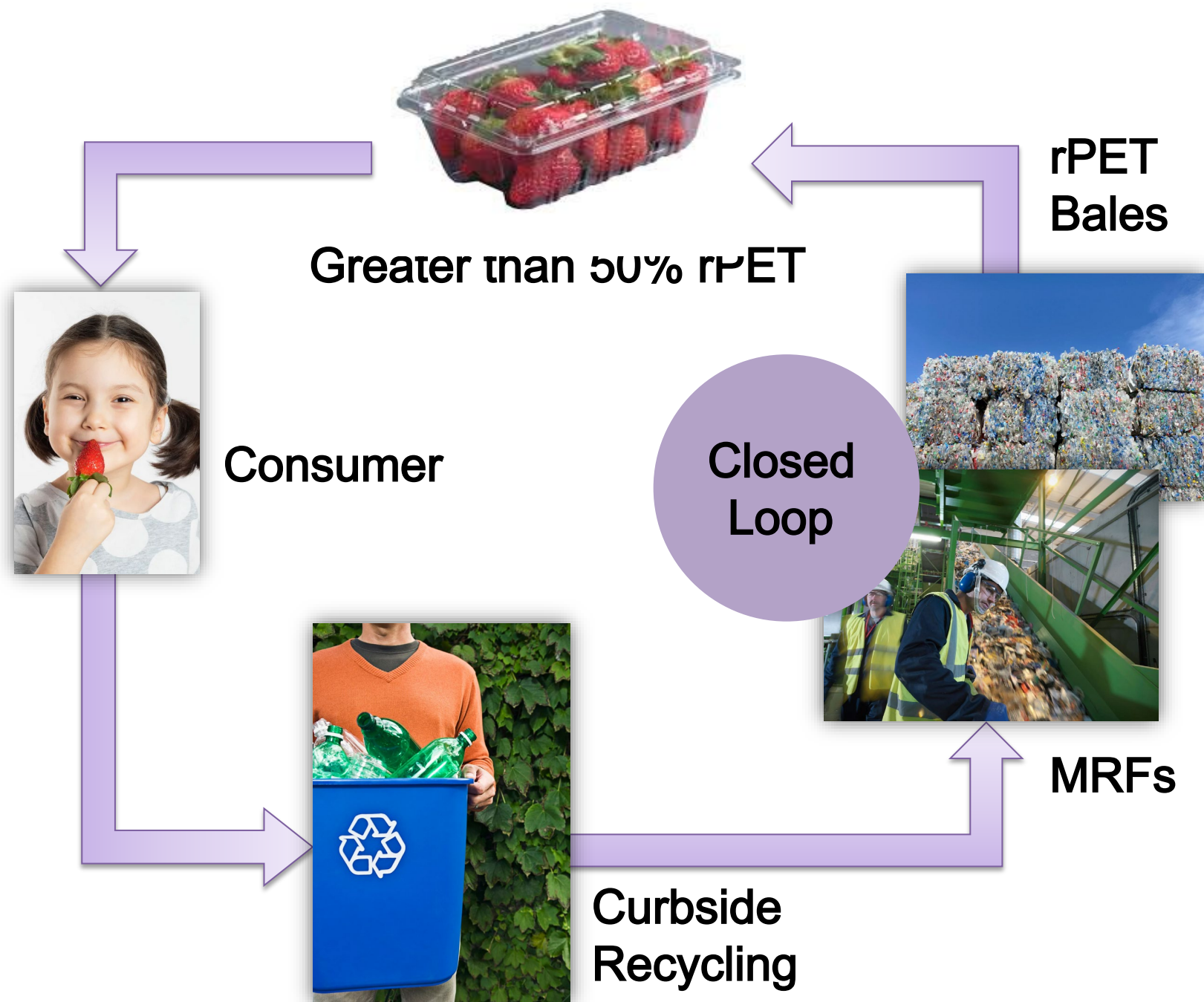
Polyethylene terephthalate
(PET / PETE)



Early Commercial Trials

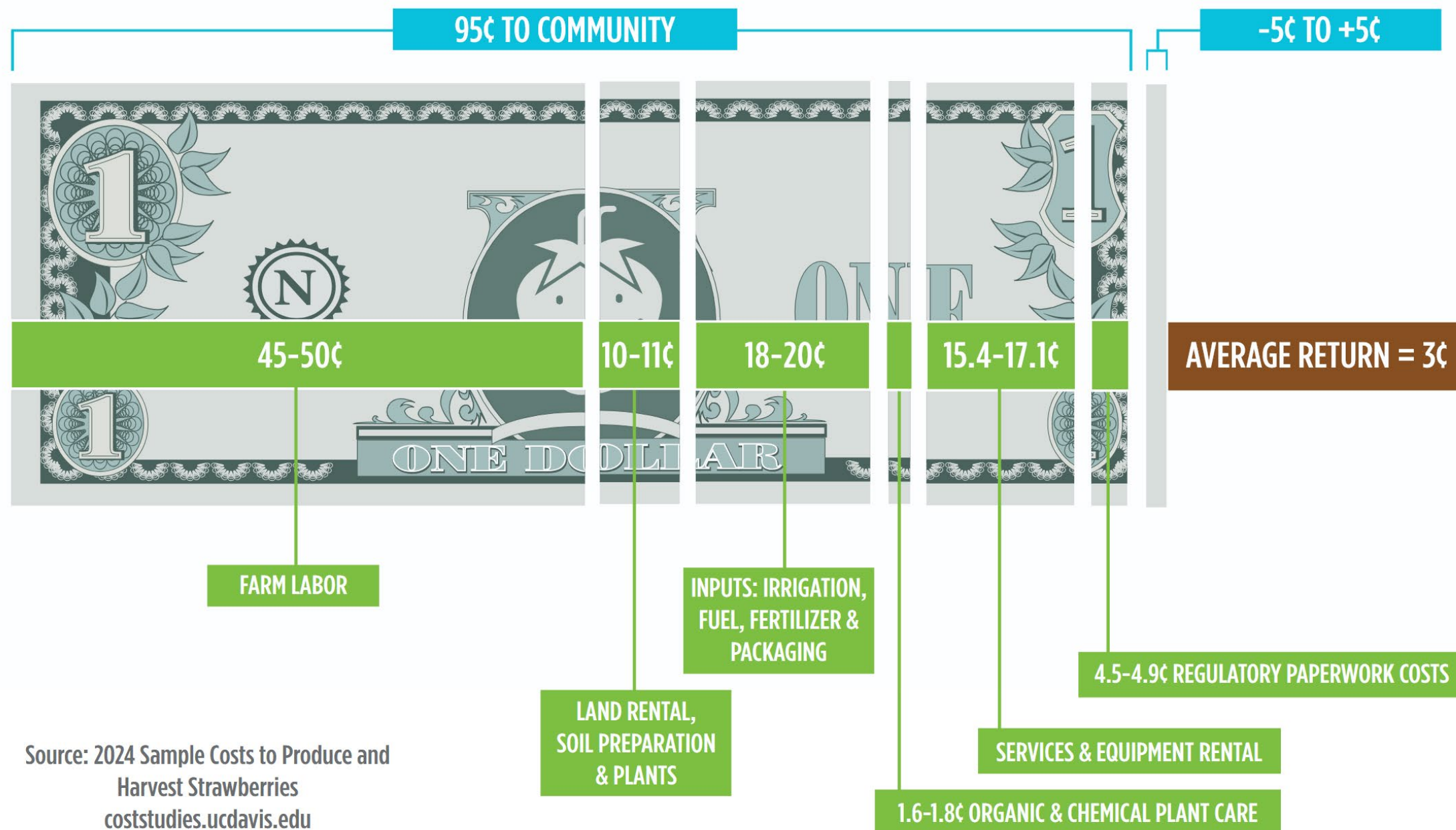
Farmers Pay 100% of rPET Costs

Lifecycle of the PET berry clamshell



1. Berry producers provide purchasing specifications to PET clamshell manufacturer including rPET requirements
2. Manufacturers purchase the rPET content from MRFs (Material Recovery Facilities), who sort the clamshells into PET bales or mixed bales with beverage containers
3. Manufacturers add the cost of the rPET into the cost of the new PET clamshell
4. Farmers pay 100% for the rPET cost when they purchase the new clamshells – thus, EPR Fees are Duplicative
5. 25 Year Berry Commitment to Recycling & Leading the Transition to the Circular Economy

Duplicative EPR Fees Will Increase Food Prices



Duplicative EPR Fee Range:

- “low” = from 1.06- 3.45%
- “high” = from 1.40- 4.54%

Oregon EPR Fees are about the same as what a typical farm earns in a year

EPR Fees Can't be Absorbed and Will Cause Food Prices to INCREASE

HB 4030 Eliminates Duplicative Fees & Keeps Food Prices Stable

Consistent with the Goals of the Oregon Recycling Modernization Act

NOW THEREFORE, BE IT RESOLVED that berry producers are committed to sustainable packaging - using 100% recycle ready materials and supporting berry clamshells as a responsible end-market for recycled PET without the need to pay duplicative fees of EPR programs.

BE IT FURTHER RESOLVED should California or Oregon exclude berry packaging from their respective Extended Producer Responsibility (EPR) programs, California berry producers affirm the following:

1. **Recycling Rate Commitment** - Achieve a minimum 70 percent recycling rate in California for PET berry clamshells beginning January 1, 2027, through procurement practices that support curbside recycling, material recovery facilities, and recyclers.
2. **Verification Commitment** - Require that all packaging suppliers provide verifiable proof of purchase, demonstrating that post-consumer thermoform PET was sourced in an amount equal to at least 70 percent of the berry clamshells sold in California and Oregon.
3. **Environmental Commitment** – continue research, development and commercial -scale trials for compostable packaging and innovation in new materials development.

BE IT FURTHER RESOLVED that berry producers call upon all consumers to recycle berry clamshells, so they can be used again to make new clamshells and fuel the engine of a circular economy – generating jobs and economic benefits for local communities.

CERTIFICATION

Unanimously adopted by the Board of Directors of the California Strawberry Commission on the 30th day of January 2026.



Thank You

Additional Slides Provided for Reference

Conflicts with National Standards

- FDA rule* food packaging and material must;
“(a) Use food-packing material that is adequate for its intended use, which include being:
 (1) Cleanable (for reuse) or designed for single use; and
 (2) Unlikely to support growth or transfer of bacteria.”
- Canada - After learning more about the benefits of berry clamshells and its contributions to food safety and national food security, Canada paused the ban on plastic PET clamshells
 “A much different picture emerged in relation to product protection functions. A direct correlation exists between the importance of packaging functions related to product protection and products’ perishability. The increased importance of these packaging functions extends across the value chain.”
- France - Permanently exempted 29 fruits and vegetables from its EPR program
 “This French decree is an implementation of the Anti-waste and Circular Economy (Agec) law which... provides exemptions for “fruits and vegetables presenting a risk of deterioration when sold in bulk.”

* Section 112.116 of 21 CFR under “Growing, Harvesting, Packing, and Holding Activities”

Economic Impacts as OR EPR is Implemented

CSC Comment Letter to the Oregon DEQ dated April 11, 2025;

“Since the Act exempts some producers, including all non-U.S. companies, the cost impact of the DEQ described fee allocation on fresh produce packaging **may** exceed the profit margin for some farmers. In such circumstances, farmers will have no option but to pass those costs forward to the buyer.”

Since then, with publication of fees and invoices sent July 1, 2025, this comment can be revised to;

“Since the Act exempts some producers, including all non-U.S. companies, the cost impact of the DEQ described fee allocation on fresh produce packaging **will** exceed the profit margin for **some** farmers. In such circumstances, farmers will have no option but to pass those costs forward to the buyer.”


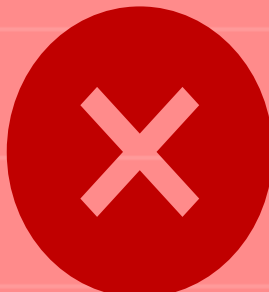
Estimated OR EPR Fees

(Pre-July 1, 2025)

Possible Berry Pallet Packaging (based on 120 8-1lb. trays per pallet)						
Material		Actual Weights Vary (lbs.)	Low Fee	High Fee	Total Cost - Low	Total Cost - High
	Clamshell	55.35	\$ 0.55	\$ 0.74	\$ 30.44	\$ 40.96
	Tray	89.08	\$ 0.03	\$ 0.03	\$ 2.67	\$ 2.67
Cardboard						
	Pallet Tie Sheet	4.27	\$ 0.03	\$ 0.03	\$ 0.13	\$ 0.13
	Pallet Cap	1.57	\$ 0.03	\$ 0.03	\$ 0.05	\$ 0.05
LDPE						
	Pallet Bag	2.00	\$ 0.54	\$ 0.72	\$ 1.08	\$ 1.44
	Pallet Wrap	1.00	\$ 0.54	\$ 0.72	\$ 0.54	\$ 0.72
Total per Pallet		153.27			\$ 34.91	\$ 45.97
Total per Tray		1.28			\$ 0.29	\$ 0.38

Current OR EPR Fees

(tertiary packaging was excluded)

Possible Berry Pallet Packaging (based on 120 8-1lb. trays per pallet)							
	Material		Actual Weights Vary (lbs.)	Low Fee	High Fee	Total Cost - Low	Total Cost - High
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Fees “low” as a Result of Cost - \$33.11/pallet

	Price/Tray Conventional (\$)*	Price/Tray Organic (\$)*	Per pallet Conventional (\$)#	Per pallet Organic (\$) #	OR EPR Low Fees Percentage Conventional	OR EPR Low Fees Packaging Percentage Organic
Average price 10/14/2025	18	26	2160	3120	1.53%	1.06%
Average price 6/2/2025	8	12	960	1440	3.45%	2.30%
Average price 8/4/2025	8.5	11	1020	1320	3.25%	2.51%
Annual 2024	11.02	20.2	1322.4	2424	2.50%	1.37%

Fees “high” as a Result of Cost - \$43.63/pallet

	Price/Tray Conventional (\$)*	Price/Tray Organic (\$)*	Per pallet Conventional (\$)#	Per pallet Organic (\$)#	OR EPR High Fees Percentage Conventional	OR EPR High Fees Packaging Percentage Organic
Average price 10/14/2025	18	26	2160	3120	2.02%	1.40%
Average price 6/2/2025	8	12	960	1440	4.54%	3.03%
Average price 8/4/2025	8.5	11	1020	1320	4.28%	3.31%
Annual 2024	11.02	20.2	1322.4	2424	3.30%	1.80%

120 trays per pallet.
*Daily Report is generated from data compiled by the USDA Agricultural Marketing Service which is available publicly on the USDAFruit and Vegetable Market News website <https://www.marketnews.usda.gov/mnp/fv> -home.

University of California Davis report (March 2024)

Bolda et al.¹ UC Davis 2024 study. Table 4. Range Analysis (page 17)

- Yield and strawberry tray price determine net returns
- Yields must be over 7,000 trays/acre and \$14/tray to have net positive return
- Yield must be over 11,000 trays/acre and \$12/tray to be net positive with returns

- In 2024, production was 6,047 trays/acre and \$11/tray. Large losses!

1. https://coststudyfiles.ucdavis.edu/2024/04/04/2024Strawberry_FULL-FINAL-March2024.pdf