

Andrew Liang
National Economic Council
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. Liang,

On behalf of the American Chemistry Council (ACC), I would like to extend our appreciation for this administration's bold regulatory reform efforts. The President's leadership plays a vital role in shaping the nation's environmental and regulatory landscape to advance environmental stewardship while prioritizing economic prosperity. Since taking office, the administration has prioritized results and fiscal responsibility to simultaneously protect the environment and grow the economy.

ACC represents the leading manufacturers of plastics in America. The U.S. plastics and chemical sectors play an important role in maintaining America's competitive edge in global markets and driving innovation, while keeping prices low for consumers. Plastics make up more than 26% of U.S. manufacturing output, and the industry is a driver of U.S. economic growth, generating \$46 billion in economic output, supporting nearly 700,000 U.S. workers, and providing feedstock for American industries, including automotive, construction, packaging, electronics, and healthcare. Streamlining federal rulemaking to encourage investments in infrastructure that support the manufacturing and remanufacturing of plastics will bolster the U.S. economy while improving sustainability.

Plastics play an important role in the lives of Americans – and the success of our nation's economy. Executive Order 14208, "Ending Procurement and Forced Use of Paper Straws," recognized this and called for the development of a National Strategy to End the Use of Paper Straws. As the Administration develops this strategy, ACC respectfully requests:

- That the ineffective plastics-related rules and reports issued by prior administrations that limit consumer choice and impair the industry be withdrawn; and
- That they be replaced with actions to spur investment in domestic plastic manufacturing and recycling, or the remanufacturing of plastic products.

Please find our specific suggestions below.

Plastics Serve Essential Purpose

Federal policy should not discriminate against plastic. Plastic products and packaging are often the most cost effective and have the least environmental impact of alternative options.¹ A blanket policy that eliminates or reduces a product based solely on the material that it is made from is fundamentally flawed as it does not take into account "why" a particular material is used in its chosen application.

¹ McKinsey & Co., Climate impact of plastics (July 2022), available at <https://www.mckinsey.com/industries/chemicals/our-insights/climate-impact-of-plastics>



Plastics are utilized in several critical single-use applications that make them difficult, if not impossible, to replace with alternatives that deliver the same or better performance, environmental footprint, or cost. Use of plastics can be the difference between life and death, as items such as IV bags, syringes, gloves, masks, and other personal protective equipment and medical equipment are all made with plastic intended for one-time use. Packaging and shipping also frequently call for plastics in critical one-time end uses. Plastics are integral to natural disaster emergency response when cold storage is unavailable, and it is difficult to keep items safe and sanitary. In these situations, plastic packaging protects food, water, and other emergency response supplies. In addition, encouraging suppliers to the federal government to remove necessary packing may result in the government receiving increasing quantities of damaged products due to a lack of proper packing, resulting in higher costs.

Including innovative recycling technologies—such as advanced methods to remanufacture plastic domestically—in the National Strategy to End the Use of Paper Straws Executive Order ensures that Americans can maintain both sustainability and convenience. Remanufacturing allows Americans to enjoy comforts of modern life (like straws), reduce transportation costs through the use of lightweight plastic, provide life-saving equipment, and much more all while providing a sustainable pathway to reduce plastic waste.

Rescission of Misguided Rules, Reports, and Comments

The last Administration put forth several misguided rules, reports, and comments that impeded U.S. plastic manufacturing industry without delivering real economic and environmental benefits. ACC encourages you to withdraw those agency actions.

Rescind GSA procurement rule: On June 6, 2024, the General Services Administration finalized changes to the Federal Acquisition Regulations at 48 C.F.R. Parts 508, 538, and 552 to affecting the federal government's purchasing of single-use plastics (which include plastic straws) and use of plastic in packaging material (89 Fed. Reg. 48330). The rule does not do what its stated purpose was, which was to eliminate unrecycled or frequently littered plastic, because it does not distinguish between single-use plastics that are routinely recycled and those that are not. Eliminating this rule and driving the federal focus to recycling would help boost recycling rates and provide a market signal to industry to invest in various recycling technologies.

Rescind EPA's Safer Choice Standards: Also in 2024, the Environmental Protection Agency finalized changes its Safer Choice and Design for the Environment (DfE) Standards that discriminated against the use of certain kinds of recycled plastics in packaging materials (80 Fed. Reg. 64915). Rescinding the changes made in the 2024 updates to the Safer Choice standard to primary packaging will help spur the circular economy and drive plastic remanufacturing.

Withdraw faulty reports, comments: The prior Administration released several reports that disincentivize American manufacturing and the plastics industry. To spur investment in the sector, the following should be withdrawn: (1) Mobilizing Federal Action on Plastic Pollution: Progress, Principles, and Priorities (White House, July 2024), (2) the National Strategy to Prevent Plastics Pollution (EPA, November 2024), and (3) EPA's May 12, 2023 comments on the Federal Trade Commission's Review of its Guides for the Use of Environmental Marketing Claims (also known as the "Green Guides") (Document: FTC-2022-0077-1366). Through incomplete, inaccurate, and misleading information about the environmental impacts of plastics and advanced recycling technologies, these policy statements have the effect of disincentivizing innovative plastic



recycling efforts. Without adequately accounting for the benefits of plastics and advanced recycling, these government policies discriminate against technologies designed to create a more sustainable future. Therefore, ACC asks that you withdraw these reports and comments.

Rulemaking to Spur Remanufacturing

As the Trump administration considers actions to grow jobs and domestic manufacturing, it should look to the plastics industry. Building out the plastic remanufacturing system in the U.S. would increase domestic manufacturing, create jobs, bolster the economy, and ensure America's global competitiveness.

Remanufacturing technologies (also called advanced or chemical recycling) leverage chemistry to convert used plastic into raw materials for new plastics. Through these technologies, many more types of plastics (such as straws, as well as films, pouches, and durable goods) can be recycled. Complexly engineered multi-layered plastics can often be remade using these technologies into new plastics that can be approved for use in food, pharmaceutical and medical contact applications. Twenty-five states have recognized these technologies as a solution to combating plastic waste, paving the way for more than a dozen commercial-scale advanced recycling facilities in the United States. These facilities have the combined capacity to process nearly a billion pounds of plastic each year. From shampoo bottles and ice cream containers to clothing and car parts, there are hundreds of products on the global marketplace made with remanufactured plastic.

Use your 2020 recycling goals as guiding light: ACC encourages the administration to lean into the National Framework for Advancing the U.S. Recycling System, which your prior administration issued in November 2019.² In 2020, your administration set a national recycling goal of 50 percent by 2030.³ ACC supports a strong recycling goal that includes advanced recycling as a type of recycling. The Administration could enhance the circularity of plastics by establishing a strong purchasing preference that encourages procurement of products made from recycled plastic. For example, the Administration could create policies that give recycled plastics containing products purchasing preference; create resources that educate and equip purchasing officers to increase recycled plastics procurement and recycling; or give greater employee recognition for increasing agency procurement of recycled plastics and recycling.

Create national recycling standards: Rather than have ambiguous regulations that discriminate against industry, a much better approach would be to develop national recycling standards for plastics by directing the EPA to bring together the members of the plastic value chain and municipalities to develop a national recycling framework for plastic. Recycling standards can create more certainty for recycling and remanufacturing markets.

Reintroduce a pyrolysis rule: In 2020, the Trump Administration proposed a rule, Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units Review (85 Fed. Reg. 54178), clarify that pyrolysis/combustion units are not regulated as other solid waste

² National Framework for Advancing the U.S. Recycling System available https://www.epa.gov/sites/default/files/2019-11/documents/national_framework.pdf.

³ Fact Sheet about the National Recycling Goal: 50 percent by 2030 available at <https://www.epa.gov/circulareconomy/fact-sheet-about-national-recycling-goal-50-percent-2030>



incinerators (OSWI) because those units do not involve combustion of a solid waste.^{4, 5} Unfortunately, the rule was not finalized, and the Biden administration withdrew it.⁶ We request the Trump administration reengage on this issue and again undertake rulemaking to clarify that pyrolysis- and gasification-based advanced recycling is not solid waste incineration and should be regulated as the manufacturing process that it is.

Third-party system to offering accountability: As manufacturers look to incorporate more recycled plastic into their products, it becomes increasingly important that the amount and source recycled content be accurately tracked and accounted throughout the value chain. A system like mass balance attribution (MBA), which is already used by many industry sectors to track materials and inputs from different sources, would be an effective method to help the industry and consumers the use of recycled plastic and progress toward meeting recycled content standards. However, the Biden administration issued mixed messages about the use of MBA for plastics recycling. A clear policy from the Trump administration supporting MBA as an acceptable accounting system for recycled content will help drive investment into the remanufacturing system and divert waste from pollution streams, and help fulfil the National Framework for Advancing the U.S. Recycling System. MBA tracks materials throughout the remanufacturing process so manufacturers and remanufacturers can accurately account for the amount of plastic that was diverted from waste streams. MBA is particularly useful when tracking material that may pass through several hands, such as recycled content. Third-party organizations that certify MBA build credibility and trust into the system.

The Trump administration can take meaningful action to support the plastics industry and the remanufacturing of plastic in the United States, which would fortify national security, strengthen supply chains, create jobs, and reduce our environmental footprint. The U.S. should be the world's leader in developing stronger, more resilient, and sustainable manufacturing and remanufacturing.

Thank you for your consideration of these suggestions as develop the National Strategy to End the Use of Paper Straws.

Sincerely,



Ross Eisenberg,
Vice President, Plastics Division
American Chemistry Council

⁴ 85 Fed. Reg. 54187 (Aug. 31, 2020).

⁵ Combustion/incineration involves burning hydrocarbons in the presence of excess oxygen to produce energy. Pyrolysis can only occur in the absence of oxygen. The pyrolysis process takes great pains to keep oxygen out of the reaction and produces raw materials for other manufactured products. Likewise, the amount of oxygen used in a gasification process is minimal and certainly not enough to be considered combustion.

⁶ 88 Fed. Reg. 36524

