



FOODSERVICE PACKAGING POLICY LANDSCAPE

Thermoformed Molded Fiber Symposium
DECEMBER 10, 2024

AGENDA

About FPI

Policy Overview

Provincial and State Activity

Deeper Dive: U.S. EPR & Labeling

FPI Engagement & Special Interest Groups

What's Next



FOODSERVICE PACKAGING INSTITUTE

THE LEADING AUTHORITY FOR THE
NORTH AMERICAN FOODSERVICE
PACKAGING INDUSTRY SINCE 1933



FOODSERVICE PACKAGING
INSTITUTE®

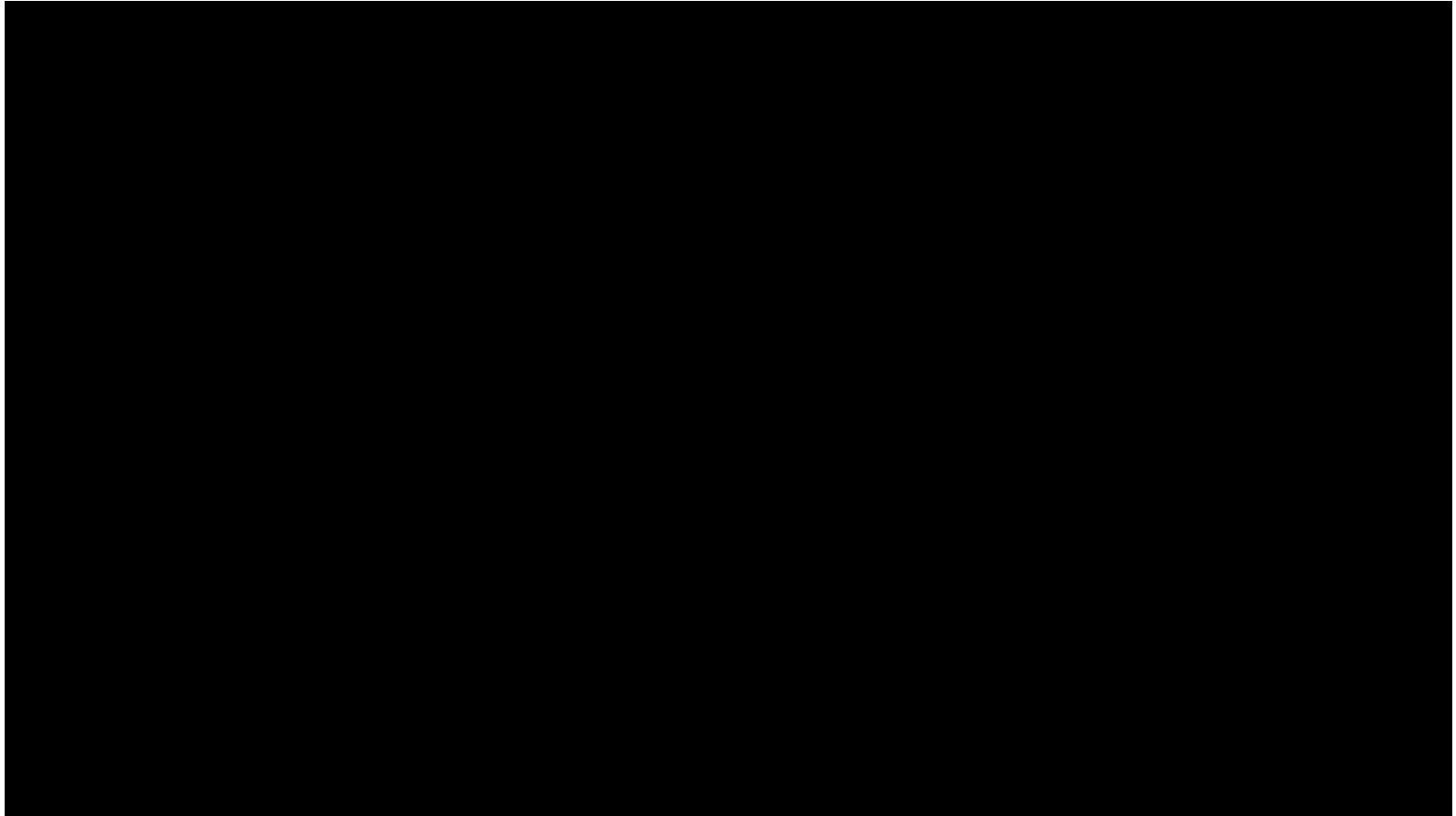
ABOUT FPI

WHO WE ARE

The Foodservice Packaging Institute (FPI), the leading authority for the North American foodservice packaging industry, encourages the responsible use of all foodservice packaging through promotion of its benefits and members' products. Serving as the voice of the industry to educate and influence stakeholders, FPI provides a legal forum to address the challenges and opportunities facing the foodservice packaging industry.

OUR MEMBERS

FPI includes approximately 90% of the entire industry in North America. Its core members are foodservice packaging manufacturers and their raw material and machinery suppliers.





POLICY OVERVIEW

2024 POLICY OVERVIEW

CANADA

- Federal activity relating to foodservice packaging under their plastics initiatives on pause, except for the plastics registry
- Continued provincial extended producer responsibility program introduction, evolution, expansion and harmonization efforts
- Provincially, British Columbia has been most active on single-use and plastics

UNITED STATES

- Federal activity relating to single-use plastics has increased recently
- Primary activity impacting foodservice packaging at remains at the state level
- EPR policy proposals continue to be a vehicle for many policies and topics
- Aspirational goals translating to legislative proposals

Legislative and regulatory definitions of “plastics” continue to go beyond plastics-only items



PROVINCIAL & STATE ACTIVITY

Extended Producer Responsibility (EPR)

2024
PROVINCIAL
ACTIVITY

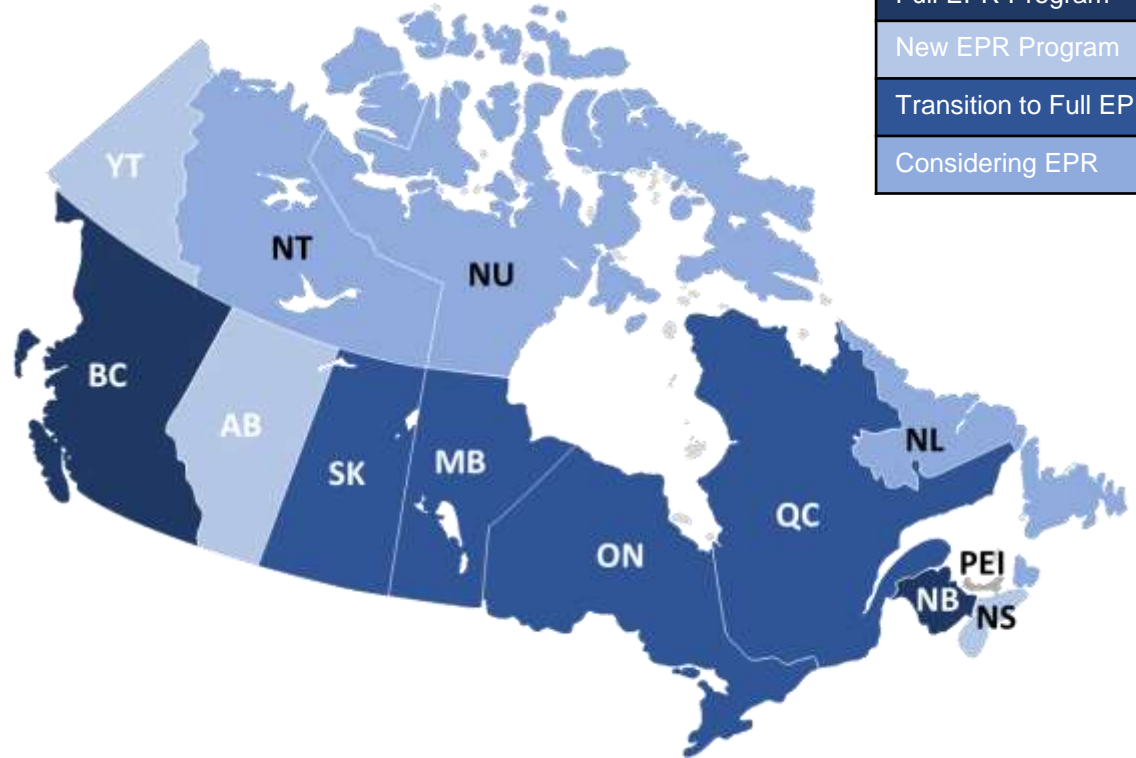
LEGEND

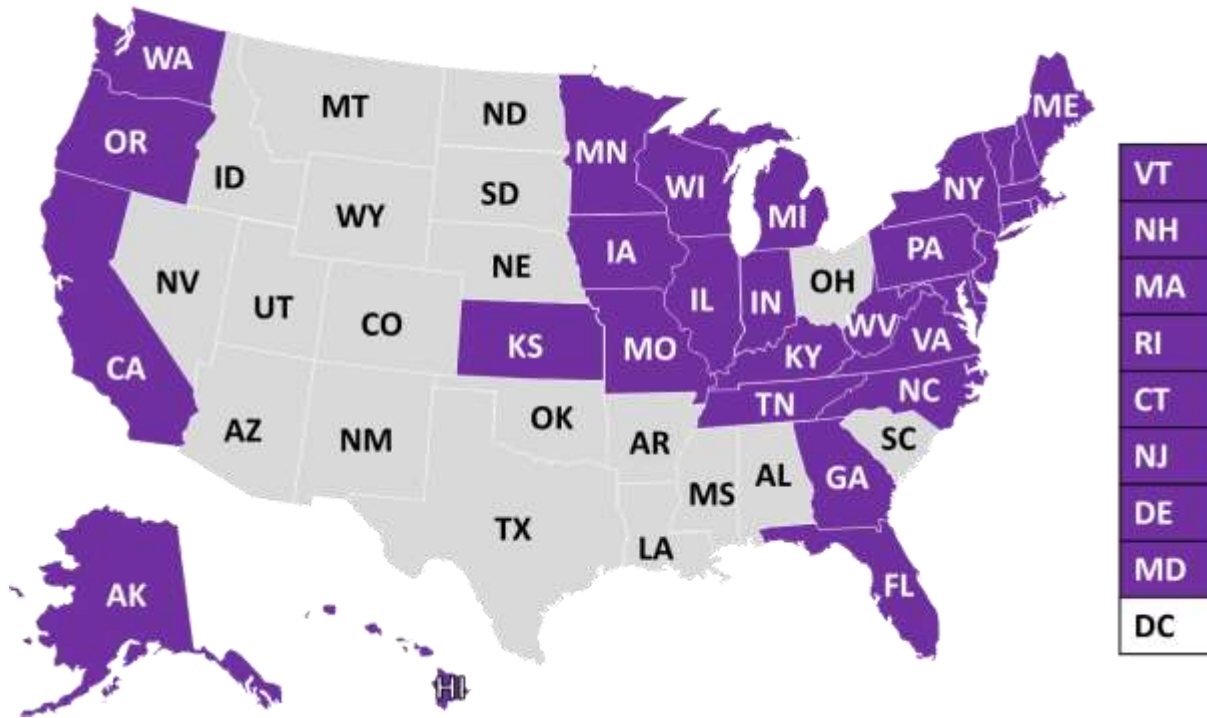
Full EPR Program

New EPR Program

Transition to Full EPR

Considering EPR





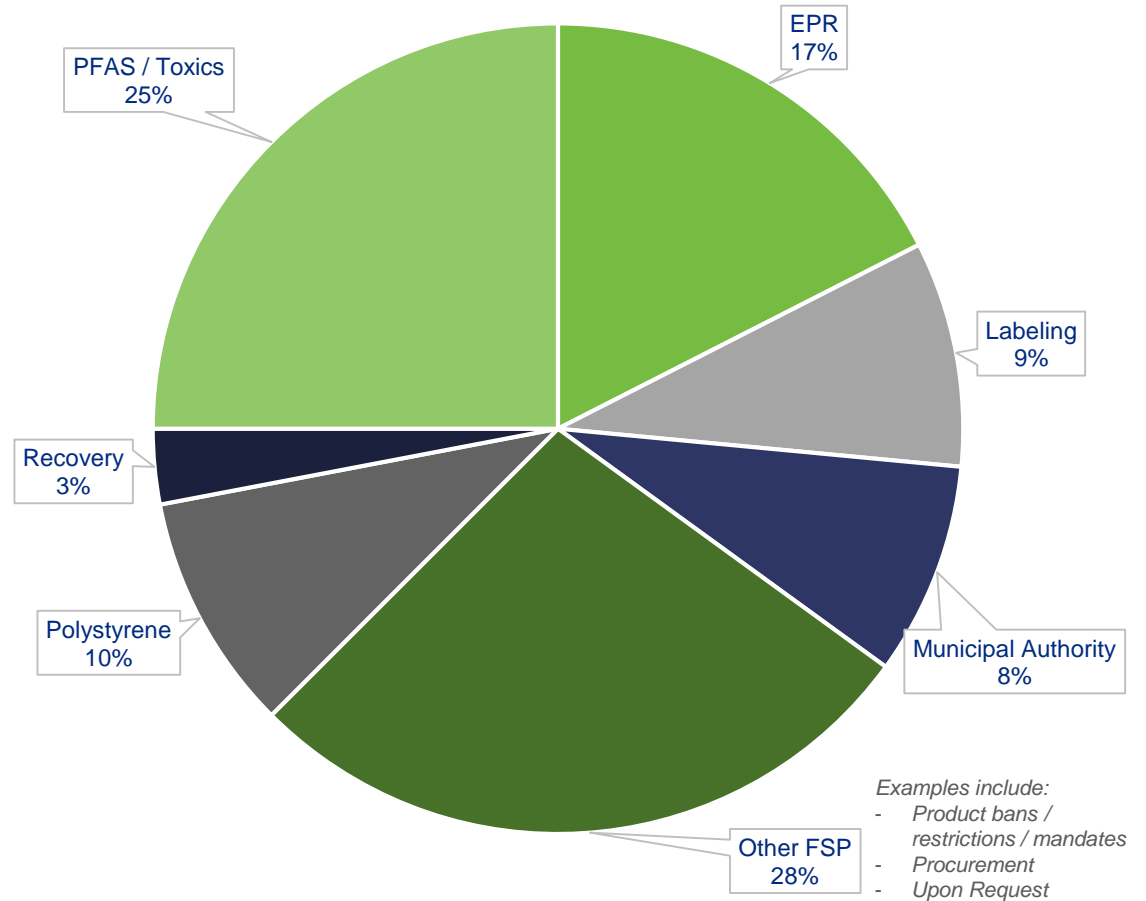
As of December 2024

2024 STATE LEGISLATIVE LANDSCAPE

~**250** proposed pieces of legislation relating to FSP in **30** states.



2024 STATE ACTIVITY POLICY AREAS



2024
PASSED



Labeling

Maine: [HP 193 / LD 295](#) *An Act to Incentivize Accurate Recyclability Labeling on Packaging Material*

Washington: [HB 2301](#) *Waste Material Management—various Provisions*



Extended Producer Responsibility (EPR)

Minnesota: [HF 3911](#) *Environment and natural resources supplemental budget bill*

Massachusetts: [SB 2967](#) *An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers*



Other

California: [SB 1053](#) *Reusable grocery bags, and plastic film prohibition*

[CA AB 347](#) *Toxic substances: testing and enforcement*

Rhode Island: [SB 2850](#) *Toxic Packaging Reduction Act*



2024 STATE ACTIVITY: RULEMAKING & IMPLEMENTATION



Maine

- Extended Producer Responsibility Program for Packaging



Oregon

- Recycling Modernization Act



Colorado

- Producer Responsibility Program



California

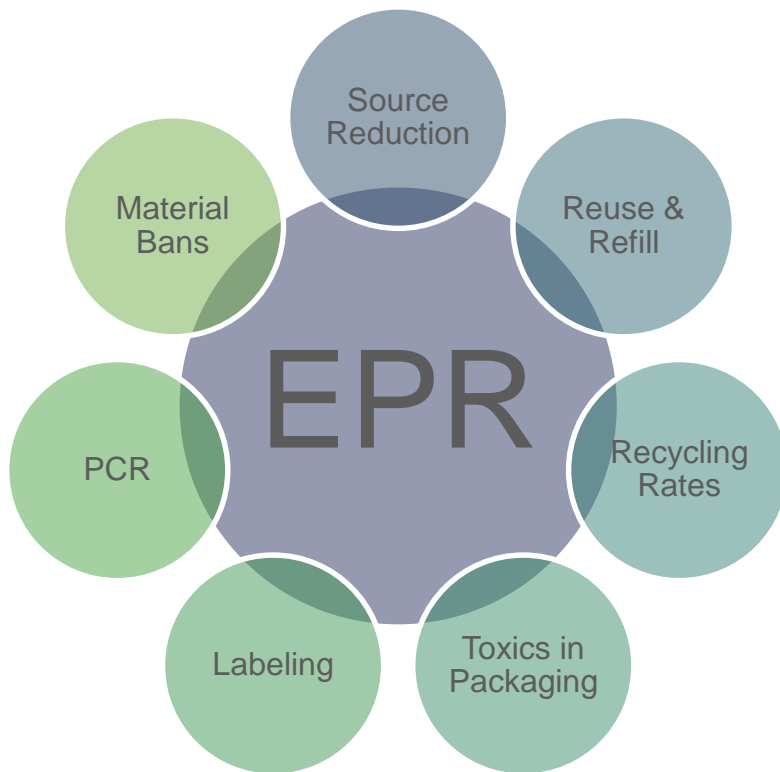
- Accurate Recycling Labels (SB 343)
- Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54)



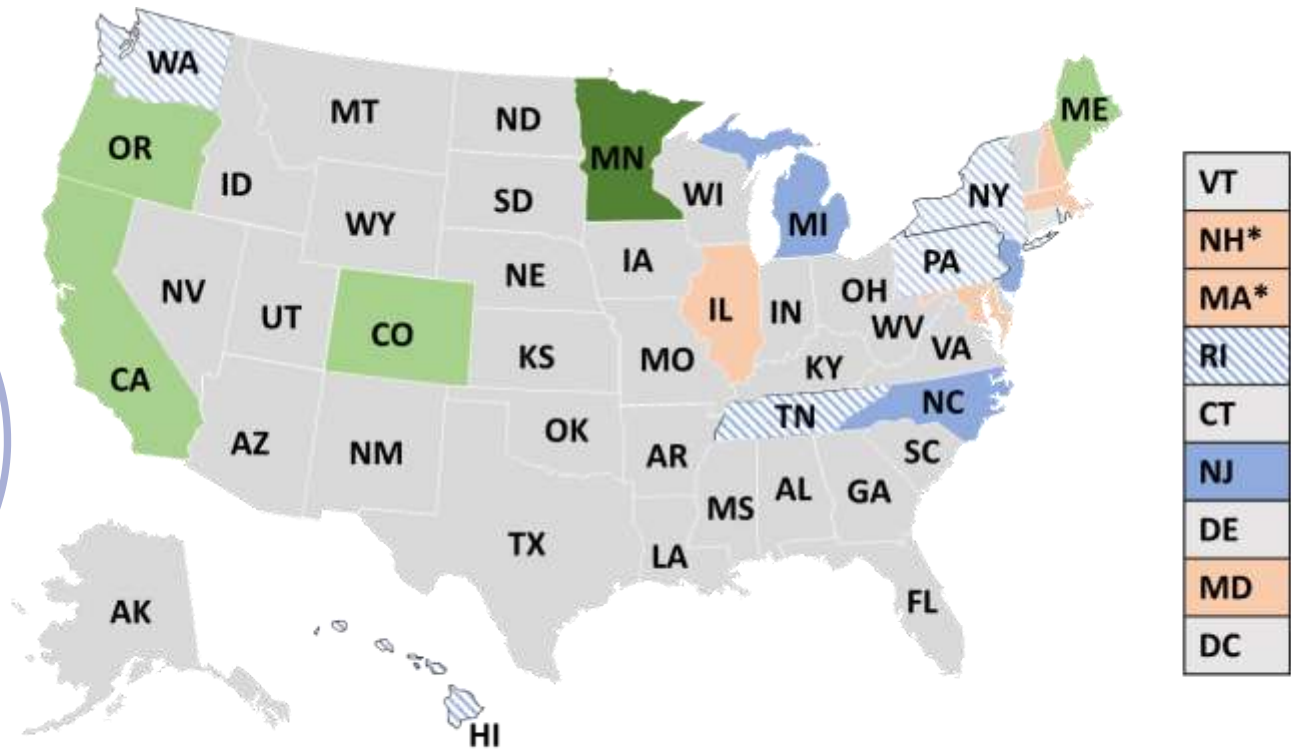
DEEPER DIVE:
U.S. EPR & LABELING

STATE ACTIVITY: EPR

Extended producer responsibility (EPR) is a policy approach and practice in which producers take responsibility for management of the products and/or packaging they produce at the end of their useful life. Responsibility may be fiscal, physical, or a combination of the two.



STATE ACTIVITY: EPR



LEGEND



Passed before 2024



Passed in 2024



2024 EPR Proposal



2024 Failed Proposal



Needs assessment
or *study bill

CALIFORNIA EPR ([SB 54](#))



Covered materials: Single-use packaging and food service ware

Select Performance Targets:

- All covered material must be **recyclable** or **compostable** by January 1, 2032.
 - Recyclability determined in part by [SB 343](#) – Accurate Recycling Labels
 - Compostability determined by [AB 1201](#) – Compostability Labeling
- All plastic covered material must achieve **recycling rates** of 30% by January 2028, 40% by January 2030 and 65% by January 2032.

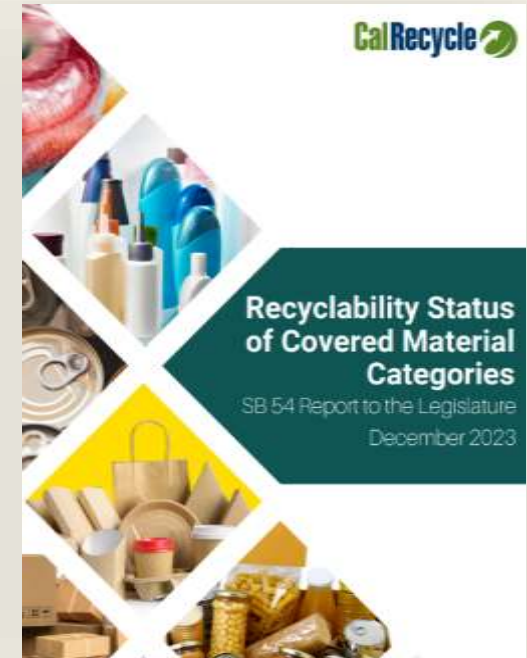
CA SB 343

Material Characterization Study & Molded Fiber

Category Name	MT&F Code	Material Type & Form	Material Definition	Examples
Fiber	F08	Clean Molded Paper Fiber	Clean Molded Paper Fiber means clean molded paper fiber packaging for shipping or other non-food uses. If coated, categorize as Remainder/ Composite Paper.	Examples include molded paper fiber shipping inserts, unused pulp paper plant pots.
Fiber	F09	Uncoated Fiber-Based Food Service Ware	Uncoated Fiber-Based Food Service Ware means uncoated fiber-based or paper packaging for food service. Includes molded paper fiber for food service. Does not include a plastic, wax, or other coating. If paper coating is ambiguous, categorize as Composite Food Service Paper & Packaging.	Examples include uncoated paper to-go containers and trays such as for hot cups and meals, uncoated paper plates or cups, pulp paper egg cartons, uncoated pizza boxes, paper towels, napkins, tissues, coffee filters, clay-coated paperboard to-go containers from the CalRecycle List of Approved Food Service Packaging, bakery bags. May include mild food or organics soiling.
Fiber	F10	Composite Food Service Paper & Packaging	Composite Food Service Paper & Packaging means food service paper items and packaging that are coated with waxes, plastics, or otherwise lined or combined with additional materials including metals or plastics. May include the code 81 (PapPet) or 84 (C/PAP) associated with chasing arrows. Does not include gabletop cartons or aseptic packaging.	Examples include wax or plastic-coated paper to-go boxes and serving trays, plastic-coated paper frozen food boxes, paper hot cups, paper cold cups, paper straws, coated paper plates including plastic-lined paper microwavable plates, plastic-coated paper food service ware, waxed paper wrappings, ice cream cartons. May include mild food or organics soiling. EXCLUDES gable-top cartons and aseptic paperboard containers.
Fiber	F11	Uncoated Soiled Fiber Products	Uncoated Food-Soiled Fiber Products means uncoated items made mostly of paper/fiber that have been significantly contaminated with food or moisture. These items may belong in another material category if they are clean or lightly soiled. If lined with plastics or wax coated, categorize with Remainder/ Composite Paper.	Examples include any of the following that are heavily food soiled - fast food wrappers, used coffee filters, pizza boxes, napkins, tissues, paper towels. Items soiled with other organics may include napkins, tissues, paper towels, molded fiber plant pots. Includes any fiber heavily contaminated with moisture.

SB 54 REPORT RE: RECYCLABILITY STATUS

Category ID	Covered Material Category (CMC)	Percentage of Population with Collection of CMC for Recycling	Percentage of Surveyed Counties Served by MRFs Recovering CMC	Percentage of Surveyed Population Served by MRFs Recovering CMC
PF2P	Molded Fiber - All Forms of Food Service Ware w/ plastic component	38%	No Evidence of Sorting	No Evidence of Sorting
PF3N	Molded Fiber - All Forms of Packaging w/o plastic component	62%	100%	100%
PF3P	Molded Fiber - All Forms of Packaging w/ plastic component	58%	No Evidence of Sorting	No Evidence of Sorting



CA SB 54 – DEFINITION OF “PLASTIC”

42041. (t) “Plastic” means a synthetic or semisynthetic material chemically synthesized by the polymerization of organic substances that can be shaped into various rigid and flexible forms, and **includes coatings and adhesives**.

“Plastic” includes, without limitation, polyethylene terephthalate (PET), high density polyethylene (HDPE), polyvinyl chloride (PVC), low density polyethylene (LDPE), polypropylene (PP), polystyrene (PS), polylactic acid (PLA), and aliphatic biopolyesters, such as polyhydroxyalkanoate (PHA) and polyhydroxybutyrate (PHB).

“Plastic” **does not include** natural rubber or naturally occurring polymers such as proteins or starches.

SEC. 3. Section 42356.1 of the Public Resources Code is amended to read (select language):

...

(d) Fiber products that are demonstrated to not incorporate any plastics or polymers, including, but not limited to, through lamination, extrusion, or mixing, are not required to comply with an ASTM standard specification pursuant to this chapter.

SEC. 4. Section 42357 of the Public Resources Code (select language)

(g) (1) A person shall not sell or offer for sale a product in this state that is labeled with the term “compostable” or “home compostable” unless the product satisfies all of the following:

...

(B) On and after January 1, 2026, is an allowable agricultural organic input under the requirements of the United States Department of Agriculture National Organic Program. ...

The director may grant a five-year extension for complying with this requirement if either of the following apply:...

(C) Does not have a total organic fluorine concentration of greater than 100 parts per million, unless the department adopts a different standard that it determines would more effectively limit the presence of perfluoroalkyl or polyfluoroalkyl substances.

(D) Is labeled in a manner that distinguishes the product from a noncompostable product upon reasonable inspection by consumers and to help enable efficient processing by solid waste processing facilities.

(E) Is designed to be associated with the recovery of desirable organic wastes, such as food scraps and yard trimmings, that are collected for composting, unless the product complies with the department's regulations pursuant to subparagraph (B), to the extent the department elects to adopt such regulations.



FPI ENGAGEMENT & SPECIAL INTEREST GROUPS

2024 FPI ENGAGEMENT



LEGISLATIVE ENGAGEMENT

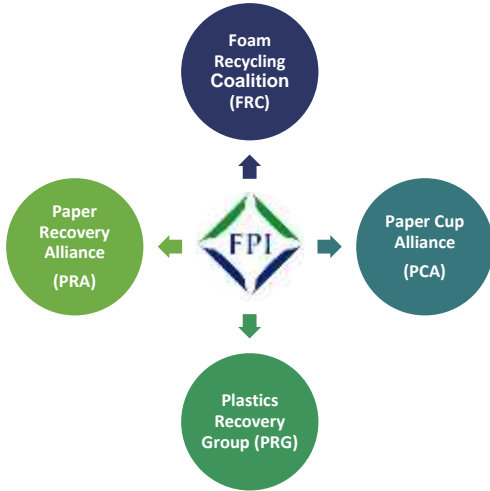


REGULATORY ENGAGEMENT

FPI SPECIAL INTEREST GROUPS



Impact on Foodservice Packaging Recovery



AUTHORITATIVE RESEARCH

FPI's extensive research and collaborations have enabled the industry to clarify and quantify the opportunities to recover more foodservice packaging.

MRF Survey: 70% MRFs accept pizza boxes; 50% accept rigid plastic cups or takeout containers

MRF Flow Studies: Identified best opportunities to capture foodservice packaging

National Resident Survey: Identified clearest messaging; informed toolkit design

Bale Studies: Determined how much foodservice packaging arises in bales

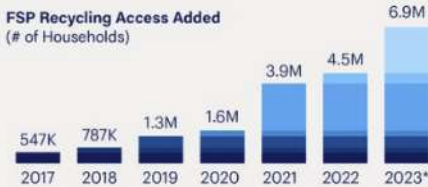
Food Residue Study: Found little to no difference between foodservice packaging versus other commonly recycled food packaging



GROWING RECYCLING ACCESS

FPI works with communities and MRFs to add foodservice packaging to recycling programs.

FSP Recycling Access Added
(# of Households)



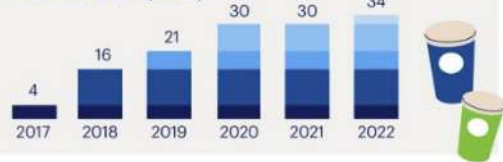
IMPACT
Foodservice packaging can be recycled by **6.9 MILLION** ADDITIONAL HOUSEHOLDS

*Jan. June 2023

END MARKET DEVELOPMENT

FPI engages with stakeholders to expand end markets for recovered foodservice packaging materials.

End Markets for Paper Cups



IMPACT

Paper cups are now accepted by mills representing over **75% OF U.S. & CANADIAN MIXED PAPER DEMAND**



SHARING RESOURCES

Resident education toolkit, best practices, case studies, and other resources are available on www.RecycleFSP.org



IMPACT

100s OF COMMUNITIES impacted by FPI supported resident education campaigns

INFLUENCE & LEAD

From published articles to expert quotes to research references, FPI is at the center of FSP recovery discussions.

- GreenBiz
- Packaging World
- Plastics Today
- Recycling Product News
- Recycling Today
- Resource Recycling
- Sustainable Packaging Coalition
- Waste Dive
- Waste Management World
- Waste360





WHAT'S NEXT

WHAT'S NEXT

CANADA

- Federal plastics agenda dependent on court appeal
- Provincial EPR introduction, implementation, harmonization

UNITED STATES

- Federal plastics agenda shift
- States to watch 2024: Michigan and New Jersey
- 2025 reintroduction of and new state EPR proposals
- Significant ongoing regulatory activity
- Expect material restrictions, chemical bans and labeling to be individually addressed and/or as part of EPR



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