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November 16, 2026

David McLaughlin, Programming Services Officer
Sustainable Management, Office of Director
Rhode Island Department of Environmental Management (DEM
235 Promenade Street
Providence, Rhode Island 02908.
Submitted electronically at https://forms.cloud.microsoft/g/bipSNjGK3M

Re: Comments on the Draft Statewide Implementation Analysis for a Beverage Container Redemption, Packaging, and Recycling Plan

Dear Mr. McLaughlin:

The Flexible Packaging Association (FPA) appreciates the opportunity to comment draft Statewide Implementation Analysis (SIA) published October 5, 2026.

FPA represents flexible packaging manufacturers and their suppliers. Flexible packaging is made from paper, plastic, film, aluminum foil, or combinations of these materials, and includes bags, pouches, labels, liners, wraps, and rollstock. It is the second-largest and fastest-growing segment of the U.S. packaging industry, with $51.5 billion in annual sales and approximately 98,000 U.S. workers. In Rhode Island, flexible packaging facilities employ an estimated 200 workers, with an annual economic impact of more than $316 million.[1]

Affordability Considerations

Before weighing in on program design, the Flexible Packaging Association (FPA) urges DEM to consider what a packaging extended producer responsibility (EPR) program would mean for Rhode

[1] John Dunham & Associations for FPA (2025) US Flexible Packaging Economic Impact https://www.flexpack.org/economic-impact

source reduction
less waste in the *first* place.®

Island families, particularly those with low incomes, in today's economy. Producer fees are passed through in the price of everyday goods, and packaged groceries and household essentials are among the least avoidable purchases a family makes. A 2021 study of EPR legislation in New York State found that the cost of packaged goods could rise by 4% to 6.35%, adding an estimated $36 to $57 per month in grocery costs for the average family of four.[2] The study concluded that producer responsibility legislation for packaging has an unintended effect that disproportionately affects low-income families, who spend a larger share of their income on food and household goods and have the least room to absorb higher prices.

Rhode Island's market differs from New York's, and these figures should not be applied directly. They do show, however, that EPR costs can reach consumers at a meaningful scale and fall hardest on those least able to afford them. We therefore ask that the final SIA analyze the household cost and equity impacts of each option, and that any program adopted be designed to limit cost pass-through to consumers.

FPA also cautions that flexible packaging is not a single material but an umbrella term for many resins, substrates, and formats, so no single recovery pathway fits all of it. Any solid waste management program must account for that diversity, and DEM should carefully consider the economics of managing multiple materials, end-use products, and resins.

Program Principles

FPA does not presume to recommend which of the five options is best for Rhode Island. Instead, we offer these comments to inform what the Department of Environmental Management (DEM) should consider if it wants a program that includes strategies for managing flexible film packaging. Our comments are organized around four principles that we believe should guide the final SIA and any resulting programs.

[2] Lakhan, Calvin (2021) "Modeling impact on consumer packaged goods pricing resulting from the adoption of Extended Producer Responsibility in New York State"

Principle 1: Build on existing infrastructure rather than duplicating it

Rhode Island's collection system is established but decentralized. Each of the state's thirty-nine communities operates its own system, whether curbside, drop-off at a transfer station or recycling center, or a combination of these collection points. State law also routes municipal recyclables to the Rhode Island Resource Recovery Corporation (RIRRC) or its designated facilities. Building on this foundation is faster and less costly than creating parallel systems, and it helps limit the costs ultimately passed on to consumers. If the state moves forward with any packaging EPR program that includes flexible packaging, we encourage DEM to prioritize and leverage existing curbside and drop-off systems and to call for new infrastructure only where a clear need exists.

For flexible films, the majority of material is made from polyethylene (PE), and the best opportunity for recycling is dry PE film collected through the retail and municipal drop-off programs established over the past twenty years. The SIA's needs assessment supports this indicating 33% of the 621,533 recoverable tons in the state are compatible with drop-off programs – the largest single share.

However, the *Appendix: Needs Assessment* does not report the number of store drop-off locations collecting films in Rhode Island, nor the presence of alternative collection systems such as Ridwell[3] or Recyclops[4] that collect hard-to-recycle materials through curbside subscription or mail-back programs. Through our partnership with the Flexible Film Recycling Alliance (FFRA) and its directory of store drop-off locations, FPA would be happy to provide this supplemental data for future assessments and reports.[1]

Because alternative collection systems are well suited for flexible films, we ask that any future solid waste management program in Rhode Island formally recognize retail take-back, depot drop-off, subscription, and mail-back programs, as accepted collection channels for flexible films and packaging.

[3] Ridwell: https://www.ridwell.com/
[4] Recyclops: https://recyclops.com/

Principle 2: Treat packaging as a system, with material-neutral, performance-based goals

Packaging exists to protect products. When a package fails, the product fails with it, often causing greater environmental harm than the packaging itself. Solid waste performance goals should therefore balance lifecycle impacts with actual performance (what is collected and recovered), rather than favoring or penalizing particular materials.

We also urge DEM to consider the full system, including food waste and human health. Flexible packaging often has a lower carbon footprint than alternatives and helps reduce food waste and protect sterilized medical products. FPA discourages design mandates or format bans absent a lifecycle analysis demonstrating a net environmental and human health benefit. Mandates that force shifts to higher-cost formats can also raise consumer prices, compounding the affordability concerns noted above.

Principle 3: Phase in covered materials and targets as infrastructure and end markets are proven

The SIA itself notes that collection methods and material recovery facility (MRF) compatibility vary across Rhode Island's thirty-nine communities. Requiring recovery targets for formats that lack matching collection and processing infrastructure will set the program up to fail.

Because Rhode Island already has a harmonized covered-materials list, we recommend that any future changes to the list be phased in, with fees and recycling targets applied as recovery pathways come online. We also support designing any funding collected on a given material to strengthen the end-of-life recovery of that same material, so that fees collected for no one material subsidizes another management of another material.

Finally, we encourage DEM to tie targets to demonstrated collection and end-market capacity rather than to arbitrary escalation rates. This is especially important for newer pathways such as flexible packaging, where recycling infrastructure only began to develop a few decades ago and is now innovating rapidly.

Principle 4: Use eco-modulated fees that reward actual recyclability and recovery

Should DEM adopt an extended producer responsibility (EPR) program, eco-modulation of fees should reflect actual system costs and outcomes. The criteria must be transparent, based on real recyclability and recovery performance, and aligned with recognized national standards. Any incentives for post-consumer recycled (PCR) content or other design changes must reflect the practical realities of access, performance, and safety. Fee incentives and surcharges should reflect real end-of-life outcomes rather than blanket penalties on formats or bans on materials.

Specific Requests for the Final SIA

As DEM continues to evaluate its options, we encourage a deeper analysis of the opportunities, challenges, and successes of each option for different materials. For flexible packaging specifically, we ask that the final SIA:

1. Analyze the household cost and equity impacts of each option, including effects on low-income families.

2. Identify the diverse types of flexible packaging, including those films that cannot be redesigned or recycled because of health, safety, and product protection requirements.

3. Identify the prospective collection pathways for the different types of flexible film (for example, dry polyethylene film, polypropylene, and multi-material formats).

4. State how flexible packaging is categorized within each option's covered and target materials, and whether it is counted as covered.

5. Recognize alternative collection systems (retail and depot drop-off, subscription, and mail-back) as accepted collection channels for flexible films.

Conclusion

As Rhode Island works to strengthen its solid waste management system, FPA welcomes the opportunity to serve as a technical resource on flexible packaging design, collection pilots, and end-market development to help DEM achieve the best possible outcomes.

Respectfully,



Kyla Fisher
Director of Regulatory Affairs and Sustainability
Flexible Packaging Association