



October 2023 Blog Post – Legal and Industry Developments

2023 has been an exciting year for Pack Green’s public policy initiatives and for innovations in sustainable packaging in commerce, which we highlighted in our [July](#) and [August](#) newsletters, respectively. This month, we wanted to take the opportunity to highlight recent state, local, and international legal developments and corporate initiatives intended to curb plastic pollution.

Legal Developments

Cheltenham Township, Pennsylvania recently passed an [ordinance](#) banning the sale or distribution of single-use plastic bags at local retail outfits. The ordinance requires that any paper bag alternatives must contain at least 40% recycled content, levies a \$0.10 fee on any non-reusable alternative bags, and imposes fines on retailers that do not comply. The new regulation goes into effect in January 2024 and allows for a 90-day adjustment period within which retailers must come into compliance. Cheltenham is the first municipality in Pennsylvania in 2023 to enact legislation to reduce plastic use, though it is the 16th municipality in Pennsylvania overall to take action to reduce the usage of single-use plastics.

The State of Washington has passed [The Plastics Reduction Bill](#), which requires water bottle filling stations in new buildings, eliminates single-use plastics for personal care products in hotels, and reduces pollution from foam-filled floats and docks. More specifically, the bill bans expanded polystyrene foam (commonly known as Styrofoam) peanuts, coolers and foodware; requires businesses to provide single-use foodware only upon request; and ensures that plastic bottles and trash bags contain a certain level of post-consumer recycled content. Following the signature of Gov. Jay Inslee, the bill became effective on July 23, 2023.

In July 2023, the Province of British Columbia, Canada enacted the [Single-Use and Plastic Waste Prevention Regulation](#). The regulation will cover shopping bags, disposable food service accessories, oxo-degradable plastics, and food service packaging made of Styrofoam, PVC, PVDC, compostable, or biodegradable plastics. Under the new law, single-use items such as cutlery, straws, and beverage cup lids will now be available only upon request. The requirements will start to come into force in December 2023.

In the wake of (1) [China’s National Sword policy](#) implemented in 2018, which banned the importation of certain types of solid waste and set strict contamination limits on recyclable materials, and (2) the 2019 Basel Convention amendments, under which delegates from 187 countries approved the first-ever global rules on cross-border shipments of plastic waste, some poor and developing countries that remain on the receiving end of wealthier nations’ scrap material have decided to take measures to protect themselves from the importation of plastic waste and impurity-infested refuse. In 2020, the [Indonesian government announced a policy, which it affirmed in 2021](#), whereby it allows only well-sorted scrap imports and bars batches whose impurities — generally defined as any material other than the primary one being shipped — exceed 2 percent of the total volume. Furthermore, every container



headed to Indonesia must be inspected before shipping, and exporters are required to register with the Indonesian embassy in their respective countries. The purpose of the latter requirement is to introduce transparency into a waste material trade that has been abused by sketchy operators who mask their identities with company name changes, thus rendering it difficult to keep track of who is responsible for contaminated shipments.

Corporate Initiatives

[According to a viral TikTok, Walmart](#) has reportedly introduced in certain of its stores machines providing money back for used plastic bottles that are deposited into them for recycling. All of the [difficulties associated with recycling collection, systems, sortation and infrastructure](#) notwithstanding, and despite our continued emphasis on finding and advocating for alternatives to single-use plastic, Pack Green applauds any creative efforts such as this to encourage users to dispose of their used plastic containers responsibly and encourage recycling.

On October 18, 2023, [Amazon](#) announced its first automated fulfillment center to transition from plastic packaging delivery to paper packaging solutions that are curbside recyclable. The replacement of difficult to recycle plastic secondary packaging such as air pillows, which are tremendously deleterious when leaked into the environment, with fiber-based material is a huge step forward in Amazon's multiyear effort to improve the environmental profile of its packaging without compromising product safety or customer satisfaction. These automation processes are also designed to optimize and reduce packaging material and eliminate wasteful excess.

California-based startup [Cruz Foam](#) has sought to replace Styrofoam, bubble wrap, and other harmful and unnecessary plastics with more recyclable and biodegradable packaging. Its proprietary packaging foam is made from chitin, a material found in shrimp shells, insects, and fungi. It is biodegradable, thus rendering it either compostable or non-hazardous as it degrades quickly on its own if landfilled. In 2023, [Cruz Foam announced industry leader Atlantic Packaging](#) as its go-to-market partner. Atlantic Packaging spearheads [A New Earth Project](#), an initiative comprising outdoor enthusiasts, industry-leading brands, and innovative packaging suppliers, dedicated to advancing sustainable packaging solutions to help eliminate plastic pollution.

Industry publication [Packaging Dive has developed a useful tracker](#) wherein it analyzes packaging manufacturers' annual sustainability reports to show their progress on targets related to reducing emissions and transitioning to more sustainable materials. Companies featured to date in the tracker include Amcor, Ball, Graphic Packaging, International Paper, Sonoco and WestRock, among others.