

September 6, 2022

Re: Advance Notice of Proposed Rulemaking, General Services Administration; Single-Use Plastics and Packaging; Docket GSA-GSAR-2022-0014; 87 Fed. Reg. 40476 (July 7, 2022)

Dear Director Carnahan:

The undersigned organizations are pleased to provide the following general comments on GSA's advanced notice of proposed rulemaking (ANPRM) on single-use plastics as used in packaging and shipping. As explained by GSA, the ANPRM is intended "to help inform future rulemaking on how to best reduce single-use plastics from packaging, while limiting burden and liability on our industry and logistics partners."¹ With respect to the specific questions set forth in the ANPRM, we commend GSA for focusing attention on questions of economic impact and on minimizing administrative burdens, costs, and liability risks for market participants, as such considerations are highly relevant to the practicability and desirability of any concrete potential changes.

Representing the broad business community and a variety of impacted sectors along the supply chain, we support developing a circular economy and the policies, technologies, and market-based approaches for our companies and communities. We are concerned that blanket procurement bans for any product category would distort such market forces and would preclude solutions that will drive recycling and circularity. In addition, we respectfully note that any potential changes to the treatment of single-use plastic and packaging must be consistent with Section 207 of Executive Order 14057² on federal sustainability and applicable legal requirements governing procurement.³ We urge you to consider the following important principles as you develop the proposed rulemaking:

- **Develop materials neutral strategies.** Procurement should be based on meeting agency missions, and federal funding and contracting should not benefit one material over another, absent a sound, mission-based justification for doing so (consistent with applicable laws and regulations). As always, policies should be based on the best science and, to the extent consideration of environmental factors is authorized and appropriate, a

¹ <https://www.federalregister.gov/documents/2022/07/07/2022-14403/general-services-administration-acquisition-regulation-gsar-single-use-plastics-and-packaging>

² <https://www.govinfo.gov/content/pkg/FR-2021-12-13/pdf/2021-27114.pdf>

³ We commend to your attention, as relevant, the principles and points that are set forth in the U.S. Chamber of Commerce's comments of January 13, 2022, on *Notice of Availability and Request for Comment on the "Federal Acquisition Regulation (FAR) – Minimizing the Risk of Climate Change in Federal Acquisitions;"* 86 FR 57404 (October 15, 2021) and 86 FR 69218 (December 7, 2021). The comments are available at https://www.uschamber.com/assets/documents/US-Chamber-of-Commerce-Comments-FAR-Climate-Notice-1_13_2022.pdf. In particular, we note that changes to procurement policies and regulations must be firmly rooted in the statutory authority of federal agencies (indeed, statutory changes may be necessary to pursue certain goals) and must be cost-effective; that careful consultation with regulated industries may be needed before introducing significant changes, and that any changes to the GSA Acquisition Regulation (GSAR) must include appropriate safe harbors and exemptions to protect against counterproductive litigation and transaction costs that would ultimately be borne by the government and taxpayers.

holistic, comprehensive lifecycle analysis (rather than isolated consideration of only one aspect of a product's life) should be employed to ensure science-based decisions that will appropriately reduce risks and further sustainability goals. We support cost-effective purchasing preferences for items containing recycled materials as authorized by applicable law.

- **Recognize the many valuable societal values of single-use plastics and packaging.** This [blog](#) and a [McKinsey and Company](#) report offer examples of the practical and innovative plastics solutions that are reducing greenhouse gas emissions and providing benefits for our climate. GSA should not limit access to products that are vital to the work of federal agencies tasked with delivering health care, combating hunger, connecting communities, building infrastructure, and countless other critical missions. Because of advancements in end-of-life solutions, the term “single use” will no longer be relevant. GSA should not limit access to products that are vital to the work of federal agencies tasked with delivering health care, combating hunger, connecting communities, building infrastructure, and countless other critical missions. Because of advancements in end-of-life solutions, we envision that the term “single use” will become less relevant to environmental decision-making over time.
- **Catalyze post-consumer materials collection, processing, and recycling infrastructure.** Procurement policies and initiatives can incentivize companies to be thoughtful in their packaging and material selection, leading to even greater circularity. Such GSA policies should drive creation of collection, processing, and recycling infrastructure. This [coalition letter](#) provides feedback on EPA's solid waste infrastructure request for information. Recycling plastics saves between 30 and 80 percent of the carbon emissions produced during virgin plastic processing and manufacturing.⁴

Bans rarely work. We instead urge GSA to advance policies that help create a circular economy, such as promoting widespread adoption of mechanical and advanced recycling technologies, enhancing access to modern waste management systems, and driving new investments in the collection and reuse of all materials. Technologies exist today to recycle plastics. Plastics not being recycled today could be recycled with sufficient policy support and the infrastructure needed to collect, sort, and process these products.

- **Ensure that relevant definitions are clear, consistent, and comprehensive.** The definition in the proposal (“plastic materials that are used and then immediately disposed of once the item is delivered”) is unclear in terms of what constitutes a “use” and leaves out items that will not be used until sometime after delivery. We suggest that the term *single-use* most properly refers to an item intended for a single brief interaction with the user or recipient that is immediately followed by an action of disposal. Further, GSA should carefully define the term single-use plastic, so it does not inadvertently include a variety of important plastics uses (i.e., medical uses) or ban products with no other

⁴ Voulvoulis et al., “Examining Material Evidence: The Carbon Footprint.”

feasible alternatives. We also suggest that the definition of *plastics* should not be used to refer to complex, multi-material articles.

- **Promote interagency cooperation.** Should use cases be identified that raise issues within the authority of specific agencies to address (e.g., food packaging), GSA should engage with the interagency community or agencies with jurisdiction over these issues, to avoid unwarranted duplication of effort and interagency conflicts in approach and to promote collaboration.

Sweeping GSA restrictions on particular categories of plastics would have unintended consequences, such as dramatically increasing federal spending on products and packaging that are heavier, less durable, and require more energy to produce or ship where they are needed. Moreover, restrictions on such plastics would also dramatically increase costs, threatening supply chains—and jobs—at a time when taxpayers and businesses are already confronting rising costs and continued supply chain challenges. As the ANPRM indicates, any changes in this area must be feasible.

We look forward to working with you as this ANPRM proceeds.

Sincerely,

American Chemistry Council
American Fuel and Petrochemical Manufacturers
American Petroleum Institute
Plastics Industry Association
U.S. Chamber of Commerce
Vinyl Institute