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Testimony on House Bill 2541
to
House Committee on Local Government
by Bill Bider
Director, Bureau of Waste Management
February 11, 2014

KDHE appreciates this opportunity to provide testimony related to HB 2541. KDHE introduced this bill to repeal K.S.A. 65-3425 which requires all plastic containers to display a plastic resin code, which is a number placed within a triangle made up of chasing arrows. The purpose of the symbol has been to both identify the resin, or plastic type, and to encourage people to recycle these containers after use.

KDHE proposed to repeal this statute because the national trend is to change the code. The American Society for Testing and Materials, commonly referred to as ASTM, has been working with plastics industry representatives to modify the code to facilitate the highest possible end use for recovered plastic and to avoid public confusion. ASTM has proposed using the same number codes, which are referred to as resin identification codes (RIC), continue placing the numbers in triangles, but eliminate the chasing arrows. ASTM explained their goal as follows:

"The use of the new symbol is aimed at increasing user understanding of the RIC system and its proper utilization. The system was originally developed and continues to be solely dedicated to identifying resin content rather than product recyclability. By replacing the chasing arrows graphic — commonly associated with recycling — with an equilateral triangle, ASTM D7611 helps bring focus back to the system's core mission: resin identification and quality control prior to recycling."

Most people who see the code on a container with the recycling arrows assume that the plastic can be recycled, but all resins are not equally valuable from a recycling point of view. In fact, some plastic resins are actually contaminants with respect to high end recycling options for other plastics. The industry would like to teach people that the numbers are what is most important when it comes to post-consumer recycling. Whether this change will help maximize recycling potential of certain plastic types, such as PET or HDPE, is questionable, but it is part of the industry's attempt to further their recycling goals.

KDHE has become aware of the fact that some recyclers in Kansas are concerned that the elimination of the statutory requirement may result in the use of some containers in Kansas that do not contain a resin code potentially impacting recycling. This is unlikely since container manufacturers are responsive to national standards regardless of Kansas state law. However, we understand that the Kansas Organization of Recyclers will introduce an alternative to our proposal which retains a requirement for a code that identifies plastic resin type, but does not specify the exact design of the code. KDHE finds this alternative requirement acceptable because it will not conflict with the newly proposed ASTM symbol as our present law does.