

To: The Senate Commerce Committee

Date: January 30, 2023

Topic: Neutral Testimony on SB 114

SB 114 updates K.S.A. 65-3402, governing the disposal of solid waste, to include the solid waste produced by plastics. It provides definitions and legislation which fits the Advanced Recycling of plastic waste into our regulatory framework.

Only number one and two plastics, used to make clear plastic bottles, are currently recycled to any extent. The higher grades of plastic are more difficult to recycle and require advanced recycling processes. There are 33 million tons of plastic waste generated in the US each year, with only 9% of that being recycled. About 550,000 tons of the plastic waste are plastic bags, with only about 7% of those being recycled. Plastic bags are difficult to recycle because they are not taken by curbside recycling since they jam up the recycling equipment. Advanced Recycling will take those, and all grades of plastic. It has a goal of creating a cyclical process where plastic polymers are broken down into their monomer building blocks, and the monomers then used to create new plastics.

Advanced Recycling uses such techniques as pyrolysis, distillation, and solvent extraction, which are energy intensive and require specialized equipment. The plants would need to be large and function much like a refinery to separate the plastic components. This means they would have high capital needs and operational costs. Some of the large chemical companies such as Dow Chemical, Exxon Mobil, and Lyondelle are willing to make the investment necessary to develop Advanced Recycling plants. It will take several years to scale up the plants and develop the infrastructure needed. Currently, more than 80 global consumer packaging and retail companies have made public commitments to include between 15% to 50% of recycled content in their packaging by 2025.

All those efforts will help, but the amount of plastic refuse is projected to double by 2030. Recycling alone will not be enough to process the amount of plastic that we throw away. It is imperative that we reduce the amount of plastic we use. Maine, Oregon, and Colorado have passed Extended Producer Responsibility laws on packaging. These laws require producers of consumer goods to pay for the disposal of their packages and containers. This encourages manufacturers to use less packaging, more easily recyclable materials, or compostable packaging. Biodegradable plastics can be made from cellulose or starch. This means that compostable plastics could be made using such raw materials as cornstalks, hemp, wheat straw, or even potato or corn starch. This could be a boon to Kansas farmers.

Rather than just passing SB 114, the Commerce Committee should use this as an opportunity to develop a more comprehensive recycling plan for Kansas. Two amendments need to be added to SB 114.

**Amendment One** would reduce the amount of solid plastic waste entering our trash system. SB 114 should be amended to include an Extended Producer Responsibility law. This could use the law passed in Colorado as a model. I suggest the committee vote to have such an amendment drawn up and added to SB 114.

**Amendment Two** should be added to honor Kansas' commitment to home rule. Since the advanced recycling plants will be large and disruptive, our communities should be provided a chance to vote on whether such a plant can be built in their community.

Respectfully submitted,

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