

Continued Use, Recycling of Articles Containing DecaBDE: Encouraging Responsible, Sustainable Business Practices



Meeting Regarding US EPA Final TSCA 6(h)/PBT Regulation

August 15, 2023

AGENDA

- Brief Introductions
- Background on iGPS Pallets
 - iGPS business model
 - Benefits of iGPS pallets
- iGPS engagement with EPA
- Importance of preserving critical terms of the regulation addressing pallets and permitting recycling of decaBDE-containing materials
- Summary of discussion

Background iGPS Business & Pallets

- Founded in 2007, iGPS is headquartered in Orlando, Florida; Operator of the world's first plastic shipping pallet rental service
- iGPS does not manufacture decaBDE; rather, from 2007-2012 it purchased custom-designed pallets containing decaBDE to meet state fire safety regulations
- Working with our customers, we are dramatically reducing costs, aiding the environment, and transforming the supply chain
 - iGPS pallets do not splinter or have nails that cause injury to workers, damage packaging, and create mechanical downtime;
 - iGPS pallets are easier to clean, remain more sanitary, do not harbor wood-boring pests, and contain RFID chips that can be tracked and traced throughout the supply chain;
 - iGPS rents its pallets in a “closed loop” model with customers. When damaged, pallets are recycled into “new” pallets, avoiding landfills in a cradle-to-cradle model;
 - Switching from wood to iGPS pallets saves energy, and money on a per load basis because iGPS pallets are lighter, stronger, safer than traditional wood pallets.
- Information concerning these attributes and costs savings have been provided to EPA personnel and should be present in the rulemaking docket.

Environmentally Superior to Wood

THE ENVIRONMENTAL IMPACT OF WOOD VS iGPS 100% RECYCLABLE PLASTIC PALLETS:

Ozone Layer Depletion • iGPS has 38% less impact

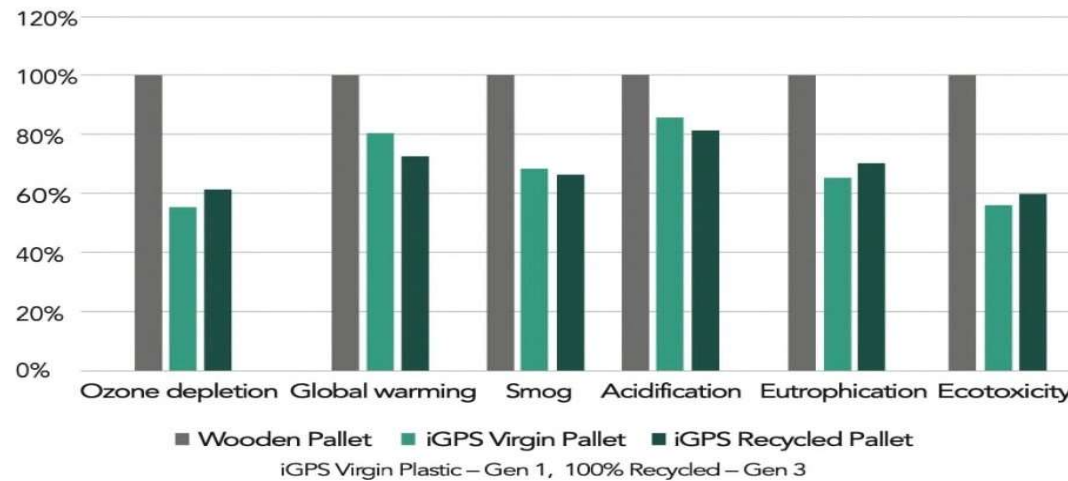
Global Warming • iGPS has 28% less impact

Smog • iGPS has 36% less impact

Acidification • iGPS has 22% less impact

Eutrophication • iGPS has 32% less impact

Ecotoxicity • iGPS has 40% less impact



Source: Life cycle analysis comparing iGPS plastic pallets with multi-use wood pallets, Environmental Resources Management, September, 2020

iGPS Pallet

Highest quality materials that are impervious to insects and, unlike multi-use wood pallets, cannot absorb bacteria or pathogens like Listeria, E. Coli, and Salmonella. Never needs chemical fumigation

100% top deck coverage, a more rigid and secure platform for cargo, allowing more goods per pallet



A business model built with Sustainability as a cornerstone.

No more deforestation, no more pallets in landfills. If an iGPS pallet should become damaged, it will be remolded into new ones, making its useful life indefinite



The end of protruding nails and splinters that damage goods, put workers at risk and lead to costly repairs to material handling equipment

UL 2335 and FM 4996 certification, providing proven fire safety, with a significantly lower burn index than wood.



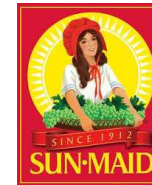
4 embedded RFID tags and our ISUM² middleware, provide true track-and-trace visibility across the supply chain and an end to dubious “lost pallet” charges



iGPS

LIGHTER STRONGER SAFER GREENER

Some of iGPS Customers



Reuse and Recycling its Pallets is Critical to iGPS

- The durability and recyclability of the iGPS pallet fleet makes it environmentally sustainable.
 - Estimated life of average pallet: approximately 20 years.
 - Damaged pallets are retrieved, disassembled, and then recycled into “new” pallets using no added decaBDE.
 - Approximately 1.5 M pallets have been recycled into “new” pallets using no new decaBDE.
 - Recycling pallet plastic and reusing pallets from the iGPS pool reduces waste and keeps the flame retardant out of landfills and the environment.
- New generation iGPS pallets do not contain any newly-added decaBDE, or any BFR flame retardants; the only decaBDE content present in a recycled pallet comes from the use of recycled plastic from recycled iGPS pallets.
- Maintaining its current pallet pool is critical to iGPS’s continued success.

iGPS has responsibly engaged with Agency

- iGPS has been constructively engaged with EPA on decaBDE for more than a decade
 - Dating back to EPA's proposed SNUR for decaBDE in 2012
 - Participated in Agency's "alternatives assessment" for decaBDE
- iGPS has supported decaBDE phase-down initiatives, consistently met with OPPT personnel, provided information and data pertinent to EPA's efforts
 - We have submitted comments prior to and during the PBT rulemaking;
 - Provided lifecycle analysis to Agency for the record;
 - Information submitted included third-party studies conducted during pallet use reflecting no material release of decaBDE during use;
 - Material concerning these attributes and economic information have been provided to EPA personnel and should be present in the rulemaking docket.
- iGPS also has submitted information and timely comments prior to and following the 2021 announcement of decision to "review" the PBT rules
 - This includes presenting a detailed review with depictions of iGPS's recycling facility

Regulatory History & Context

- EPA has historically supported the reuse of decaBDE articles and their recycling:
 - EPA's 2009 negotiated decaBDE phase-out agreement between US EPA and the producers provides that all existing products containing decaBDE may continue to be used indefinitely and *may be recycled*.
 - The Agency's 2012 proposed decaBDE rule specifically accommodated existing articles, their reuse, and recycling. 77 Fed. Reg. 19,862 (Apr. 2, 2012).
 - The January 2021 final decaBDE rule contains provisions specifically addressing shipping pallets and recycling.
- State legislatures have incorporated exemptions in decaBDE legislation permitting continued use of existing articles and those containing recycled decaBDE *content*.
- *"Designing products for reuse and recycling, using less impactful materials, phasing out unnecessary products, and ensuring proper controls at plastic production facilities are important upstream actions that manufacturers or consumers can take that can reduce pollution throughout the life cycle of plastic products."* EPA's [June 2023](#) National Plastics Pollution Strategy
- EPA's [National Recycling Goal](#) is to increase the national recycling rate to 50 percent by 2030.

Current DecaBDE Rule Enables Reuse and Recycling

- Subsections 751.405(a)(1) and (2) permit the continued use and distribution of existing articles containing decaBDE manufactured before the March 2021 deadline.
- § 751.405(a)(2)(v) specifically permits shipping pallets to be used and to remain in circulation in the economy until the “end of the pallets’ service life”.
- § 751.405(b) permits “recycling of decaBDE containing plastic from products or articles and decaBDE-containing products or articles made from such recycled plastic, where no new decaBDE is added during the recycling or production processes”.
- Any amendments to the final rule that are not clearly and specifically harmonized with these features could:
 - Unintentionally prohibit or inhibit recycling of articles containing decaBDE and unfortunately increase unnecessary disposal of such articles.
 - Restrict the free movement of pallets across borders in North America.
 - Such an outcome could ultimately increase, rather than decrease, environmental loading and releases of decaBDE.

TSCA Section 6(a) Does Not Require Changes to these Provisions

In selecting among prohibitions and other restrictions, the Administrator shall apply such prohibitions or other restrictions to an article or category of articles containing the chemical substance or mixture only to the extent necessary to address the identified risks from exposure to the chemical substance or mixture from the article or category of articles so that the chemical substance or mixture does not present an unreasonable risk of injury to health or the environment

Section 6(c)(2)(E)

Summary

- iGPS advocates that OPPT retain and preserve the provisions in the January 2021 final rule that permit:
 - the responsible use and reuse of previously-manufactured articles (including shipping pallets) that contain decaBDE;
 - the recycling of such articles;
 - and the production, distribution, and unincumbered movements of articles that contain decaBDE solely due to the presence of recycled content (i.e., when no new decaBDE is added during recycling).
- Doing so is consistent with long standing Agency policies, the Administration's National Recycling Goals, and will uphold commitments made in EPA's 2009 Phase-Out Agreement, and the Agency's Action Plan for PBDEs, as well as the standards of 2016 amendments to TSCA.
- Encouraging recycling practices extends the useful life of decaBDE-containing articles; keeps decaBDE out of landfills and the environment.

Thank You

