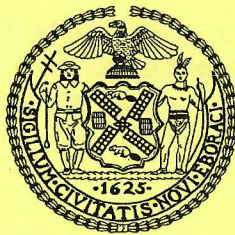


ASSEMBLY COMMITTEE AGENDA



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SMEMORANDUM IN SUPPORT

LEGISLATIVE A.1749 – by M. of A. Glick – Environmental Conservation Committee
REFERENCE S.1464 – by Senator Harckham - Environmental Conservation Committee

TITLE **AN ACT** to amend the environmental conservation law, in relation to enacting the packaging reduction and recycling infrastructure act.

SUMMARY OF PROVISIONS

This bill establishes a statewide extended producer responsibility program by requiring product manufacturers of covered materials to develop and implement strategies to promote recycling, reuse and recovery of packaging and single-use plastic products.

REASONS FOR SUPPORT

New York City strongly supports S. 1464/A. 1749 to reduce waste from packaging and single-use plastic products and increase the diversion of waste from disposal. By creating a statewide extended producer responsibility (“EPR”) program for packaging and single-use plastic products, this bill would shift some responsibility for end-of-life recycling or disposal of such products, which make up more than 30% of the City’s waste stream, to their manufacturers and sellers. This bill would also provide substantial revenue for municipalities and counties around the state to support ongoing recycling collection and waste diversion efforts. Finally, this bill would help achieve the State’s climate goals under the Climate Leadership and Community Protection Act.

With the largest municipal waste collection and disposal department in the state, the City serves approximately 8.8 million residents and collects more than 3.5 million tons of waste and recyclables annually. Since the inception of the City’s mandatory recycling law in 1989, recycling has been, and continues to be, a fundamental pillar of the City’s solid waste management strategy to reduce the City’s carbon footprint. Recycling produces immense benefits, including the opportunities it brings to communities in the forms of sustainability and jobs.

But the City plays just one role in a larger supply chain needed to achieve successful recycling and waste diversion. In recent years, changes to packaging manufacturing, including the increased use of non-recyclable multi-layered products and single-use plastic packaging, along with global market trends affecting the value of recycled commodities, have created substantial financial and operational challenges for municipalities with recycling and waste disposal programs.

This bill addresses those challenges by requiring upstream manufacturers and retailers of packaging and single-use plastic products to play a much more significant role in waste diversion. In this EPR system for packaging, manufacturers are rewarded for using more recyclable materials in their products through lower fees. Conversely, producers that manufacture unrecyclable or low-value products must pay higher fees for their detrimental effect on the recycling system. These fees, which are collected and dispersed through an

independent, third-party producer responsibility organization under the bill, are then remitted to local governments to strengthen their recycling systems and make investments in critical recycling infrastructure. EPR systems not only incentivize the manufacturing of recyclable products, but also help the local governments that collect these products maintain thriving recycling systems that are more resilient against market fluctuations.

Thus, the bill provides much-needed reimbursement to local governments to help offset some of their solid waste costs, which only increased during the COVID-19 pandemic. For the City alone, the potential savings could be \$150 million or more annually. And the bill will provide continuity for those localities throughout the state that operate their own municipal recycling programs under local recycling laws and manage their own recycling contracts with third party vendors.

More broadly, the City supports EPR programs that help create a more circular and resource-efficient economy for materials, including packaging and single-use plastic products. Producers should be responsible for covering a product's entire life cycle. When producers internalize the environmental costs of their product (including raw materials processing, production, usage, and post-consumer take-back, recovery, re-use, or disposal), they are incentivized to improve packaging and product design and to reduce their impact on the sorting process.

The New York State Legislature has already imposed EPR obligations on manufacturers and retailers of electronics, paint, batteries, thermostats and pharmaceuticals, but those laws deal principally with products themselves rather than packaging. And while the Legislature has recently addressed packaging by imposing a ban on foam food service products and plastic bags, this bill would build on those policies by creating a long-term program to promote the sustainable management of packaging and single-use plastic products.

The City does support one change to the proposed language in S. 1464/A. 1749 to include paper products in the definition of "packaging material." Paper products make up 7% of New York City's waste stream and would present potential revenue loss if they are not included in the definition of packaging. In addition, currently DSNY only captures 28% of paper products in its recycling stream. Including paper products in this bill would allow DSNY to significantly increase the amount of paper products that are being recycled.

The City takes its role as a recycling and environmental steward of more than three decades seriously and with great pride. Maintaining control over existing infrastructure, which took years to build up, and continuing public outreach and education messaging are very important to the City.

Because the City has long been a leader in efforts to reduce, reuse and recycle its waste and for all of the above-stated reasons, the City strongly supports S. 1464/A. 1749.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

Respectfully submitted,

SHANNA F. WITHERSPOON
Director

PW:3/3/25