



February 21, 2024

RE: S.4246-B/A.5322-B The Packaging Reduction and Recycling Infrastructure Act

Dear Members of the NYS Senate Environmental Conservation Committee:

On behalf of the Capital Region Chamber, representing 2,600 businesses and organizations from throughout the Capital Region that employ more than 150,000 area residents, I write to inform you of our opposition to the above captioned legislation for the following reasons.

The bill arbitrarily excludes packaging with potentially thousands of chemicals at any amount from being considered recyclable. The designation of substances to be excluded will affect a significant amount of current packaging within two years of the bill's effective date. As such, many packaging products will end up at the sorting facility as contaminants and will be landfilled.

The legislation defines "Toxic Substance" as any chemical substance identified by the Department of Environmental Conservation (DEC) or other government entity, research university or other scientific entity deemed authoritative based on credible scientific evidence. The bill also allows DEC to periodically add to the banned substances list.

This language runs counter to the recently finalized chemical regulation legislation signed into law in New York State that focused on children's products. The legislation laid out a framework for working with expert scientists, identifying high priority chemicals, taking action, and making decisions on those chemistries when warranted by the best available risk assessment science on thousands of products.

In addition to excluding certain materials from being considered "recyclable," this proposal expands the list of heavy metals currently banned under the NY Hazardous Packaging Act to include ortho-phthalates, bisphenols, PFAS, benzophenone, flame retardants, perchlorate, formaldehyde, toluene, PVC, and polycarbonate.

This overly broad prohibition disregards sound science and could potentially have major unintended socioeconomic, environmental, and public health consequences by arbitrarily eliminating packaging best suited for, among other uses, food preservation, medical supply and device protection and hazardous materials containers.

This bill also creates a Toxic Packaging Task Force that would recommend additional toxic substances to be banned, potentially targeting hundreds of substances without sound- scientific basis and creating uncertainty for businesses in commerce.

As written, the bill excludes advanced recycling from the definition of "recycling"(does not include: (A) energy recovery or energy generation by any means, including but not limited to . . . pyrolysis, gasification, solvolysis, waste-to-fuel; (b) any chemical conversion process). It also therefore excludes advanced recycling outputs from the definition of "post- consumer recycled material."

Advanced recycling is not incineration. Advanced recycling converts post-use plastics into their original building blocks, specialty polymers, feedstocks for new plastics, waxes, and other valuable products.

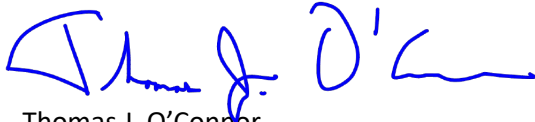
This process takes place in the absence of oxygen. Incineration is the combustion of unsorted municipal solid waste to turn into electricity.

In just the past three years, more than \$5 billion in private sector investments including advanced recycling has been announced to help modernize the U.S. recycling infrastructure and expand the types of volumes of plastics that can be reused or incorporated into a circular economy.

This legislation includes mandates for (1) reduction of non-reusable packaging; (2) recycling of non-reusable packaging; and (3) inclusion of post-consumer content. However, there has not been a dialogue with stakeholders, cost analysis or completed market impact studies to determine the feasibility or practicality of these mandates.

For these reasons, I respectfully request that you oppose this legislation. Thank you in advance for your consideration of the Capital Region Chamber's perspective.

Sincerely,



Thomas J. O'Connor
Vice President, Government Relations

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ONE VOICE, ONE MISSION, ONE REGION.**

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