



The undersigned businesses and organizations are committed to working with the Hochul Administration, Senate, Assembly and other stakeholders to fashion an effective, workable “expanded producer responsibility” law in New York State that improves the state’s current efforts to divert post-consumer materials from disposal and to instead separate, collect, process and remanufacture post-consumer packaging material into new products.

However, we continue to strongly oppose the recently reintroduced legislative proposal, S.1464 (Harckham)/A.1749 (Glick).

Other than several updated implementation dates, this bill is unchanged from last year’s version, S.4246-D/A.5322-D. Late session amendments in 2024 did nothing to address business’ key concerns.

Major issues of concern regarding S.1464/A.1749 include the following.

- it imposes unreasonable mandatory reductions in total packaging used by each individual producer of packaging of 50 percent by weight, applied equally to all categories of materials, with little regard for already achieved source reduction measures, and with no accommodation for shifting market share or consumer demands. For a workable program, these targets need to be established with producer input.
- it imposes a ban on the presence of fifteen specific chemicals in packaging, and allows for additional chemicals to be banned in future years, without clear environmental or public health justification, and without providing for any *de minimis* levels to account for substances that were not intentionally added to packaging products; Chemicals in packaging can and should be addressed outside of packaging producer responsibility and under other existing statutory and regulatory frameworks in New York, including ongoing participation in the Toxics in Packaging Clearinghouse;
- it requires packaging producers to reimburse “participating” municipalities and private haulers/processors for 100% of their costs related to managing post-consumer packaging and paper, leaving those entities with no incentive to assure efficient and cost-effective programs;
- it sets up an unworkable timeframe for business compliance, with producer responsibility plans required to be submitted to the state on the same timeframe for the state to adopt implementation regulations, and with other provisions of the bill allowing the state to expand its list of recyclable materials with no adequate time for businesses to remain in compliance with expanded obligations;
- it proposes a confusing definition of what constitutes a “producer,” that will make it difficult for businesses to understand their specific compliance obligations, rather than reflect negotiated definitions being adopted or considered by other state’s legislatures;
- it imposes a mandate on product producers that within two years they assure “a consistent regional market” for all post-consumer packaging and paper product materials collected, a compliance mandate that is beyond the capabilities of individual companies to achieve;
- it inappropriately excludes the use of advanced recycling, such as material-to-material molecular recycling technologies, which can be employed in addition to mechanical recycling to increase material recovery and reducing waste disposal and carbon emissions;

- it would impose significant civil penalties for any violation of this complex new law, including violations based on factors beyond their control (such as the impact of economic conditions on markets) without providing any opportunity for producers to address and correct alleged violations;

- it would establish a new, unnecessary “office of recycling inspector general” that would duplicate oversight and enforcement authority of the DEC and the office of attorney general, and whose costs would be borne by packaging and paper producers;

We welcome the opportunity to meet with the Administration and members of the state legislature to discuss these concerns in detail, and to present our recommendations for a more effective, workable EPR program in New York State.

Respectfully Submitted, on Behalf of the Following Organizations:

Sincerely,

American Chemistry Council

American Cleaning Institute

American Petroleum Institute – Northeast

AmSty

Alkylphenols & Ethoxylates Research Council

Alliance for Automotive Innovation

Alliance for Chemical Distribution (ACD)

American Apparel and Footwear Association (AAFA)

American Fuel and Petrochemical Manufacturers (AFPM)

AGC Chemicals Americas

Association of Equipment Manufacturers (AEM)

Association of Home Appliance Manufacturers (AHAM)

Association of the Nonwoven Fabrics Industry(INDA)

BASF

Berry Global

The Business Council of New York State

Buffalo Niagara Partnership

Braskem

Braven Environmental

Capital Region Chamber of Commerce

Color Pigments Manufacturers Association

Consumer Technology Association (CTA)

Communications Cable and Connectivity Association (CCCA)

The Chemours Company

Covestro

CropLife

Dupont

EPS Industry Alliance

Flexible Packaging Association

Greater Binghamton Chamber of Commerce

Gujrat Fluorochemicals (GFL)

Household and Commercial Products Association (HCPA)

Hydraulic Institute

IDI Distributors

ITI

Juvenile Products Manufacturers Association (JMPA)

Milipore Sigma

Motor & Equipment Manufacturers Association (MEMA)

Motorcycle Industry Council (MIC)

National Association of Chemical Distributors (NACD)

National Association of Printing Ink Manufacturers

National Council of Textile Organizations (NCTO)

National Electrical Manufacturers Association (NEMA)

National Federation of Independent Business- NY (NFIB-NY)

National Marine Manufacturers Association (NMMA)

New York State Chemistry Council(NYSCC)

New York State Economic Development Council

Outdoor Power Equipment Institute

Performance Fluoropolymer Partnership (PFP)

Personal Care Products Council (PCPC) Plastic Energy

Plastics Industry Association

Pine Chemicals Association

Polyisocyanurate Insulation Manufacturers Association (PIMA)

PRINTING United Alliance

Retail Council of New York State

Recreational Off-Highway Vehicle Association (ROHVA)

Responsible Industry for a Sound Environment (RISE)

Sabic

Sealed Air

Syensqo

Specialty Vehicle Institute of America (SVIA)

Styrene Information and Research Center

Trinseo

The Toy Association

Upstate United

Vinyl Institute

