



**AMERIPEN
American Institute for Packaging and the Environment**

Opposition Testimony

**House Bill 1789
Extended Producer Responsibility**

New Hampshire House Environment and Agriculture Committee

January 20, 2026



Chair Aron, Vice Chair Barbour and Members of the House Environment and Agriculture Committee.

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to submit testimony on House Bill 1789 (Parshall) that seeks to establish an extended producer responsibility (EPR) program for packaging with very aggressive source reduction and recycling rates and arbitrary bans on a list of toxic chemicals. Due to the bill's flawed structure and unattainable recycling rates, source reduction goals and bans that we are opposed to HB 1789. AMERIPEN does, however, support positive recycling policies when they are crafted in a balanced way. We would welcome the opportunity to work with Representative Parshall, this Committee and other stakeholders on a more feasible path forward to increase packaging recovery and recycling in New Hampshire more so than HB 1789 currently proposes.

AMERIPEN represents the entire packaging value chain, advocating for responsible packaging policies that drive meaningful progress in packaging sustainability while supporting industry growth and consumer needs. As the leading voice for packaging policy in the United States, AMERIPEN collaborates with legislators, regulators, and stakeholders to develop science-based, data-driven solutions that enhance the role of packaging in protecting products and promoting circularity. We have several member companies with a presence in New Hampshire, as well as many more that import packaging materials and products into the state. The packaging industry, including its suppliers and customers, in New Hampshire supports more than 5,000 jobs and accounts for more than \$111 million in total economic output.

Packaging plays a vital role in New Hampshire, ensuring the quality of consumer goods as they are manufactured, shipped, stored, and consumed, protecting the health and safety of New Hampshireites, who consume, use and handle those products. Packaging has value and none of it belongs in landfills, roadsides, or waterways. We need to recover it to be recycled, composted, and/or reused, and no one knows better how to do that than the AMERIPEN members who design, supply, produce, distribute, collect, and process it. They are driving innovation and designing packaging for better environmental performance to boost recycling and evolve the recycling infrastructure.

Over the last five years, there has been significant development of EPR laws in the states, with seven states passing new laws. However, none have been fully implemented, and AMERIPEN recommends that before New Hampshire considers adopting EPR for packaging, the State should find out what is working and what is flawed from the other state programs. Broadly speaking, AMERIPEN supports policy solutions that are:

- **Results-Based and Data-Driven:** Designed to achieve increased recycling, composting, and reuse of packaging based on data from needs assessments.
- **Effective and Efficient:** Focused on best practices and promoting market-based solutions to maximize social and economic benefits that spur positive behaviors at minimal costs, increase packaging recovery, recapture material values, and limit administrative costs.
- **Equitable and Fair:** Focused on all material types and related infrastructure for the residential recycling and composting streams and funded by scaled shared cost allocations that reflect a reasonable balance among stakeholders in the residential recycling system, accounting for voluntary actions supporting material collection, sortation, and development of a domestic recyclable material manufacturing infrastructure.
- **Harmonized and Streamlined:** Aimed at consistency across programs with intentional effort to ensure a framework that promotes package optimization and minimizes consumer confusion.



HB 1789 unfortunately does not meet any of these core goals and would establish one of the most flawed approaches to EPR we have seen in the country, so we are therefore opposed HB 1789. Following below are critical issues and considerations with the bill that we believe must be addressed before any packaging producer responsibility program is considered in New Hampshire.

Flawed Government-Run Program

Unlike the EPR laws in nearly every other state with packaging EPR programs, HB 1789 proposes to have the state Department of Environmental Services (DES) contract directly with a packaging reduction organization and assume much of the responsibility for management of the program and holding funds for its Administration. This combined state-run program approach with state fiscal control of producer fees has never been attempted in the U.S. or any other jurisdiction with packaging EPR.

AMERIPEN has grave concerns with this approach as it is not consistent with other states and threatens to undermine the ability of producers to improve recycling in New Hampshire and see performance improvements. Additionally, it greatly endangers the ability of the program to fund the goals of the law, if funds held in the State Treasury can be raided in tough budgetary times. AMERIPEN asserts that should EPR for packaging pass in New Hampshire, a Producer Responsibility Organization structure where producers establish the fee system to accomplish the goals of an approved program plan must be utilized. Additionally, funds must be protected outside of the State Treasury; otherwise, the entire operation of this program will be in jeopardy.

Unsubstantiated Mandatory Goals

Setting statutorily mandated recycling and source reduction goals in statute is an extremely challenging exercise, especially without any reliable data to support what goals might be achievable in New Hampshire. Instead, AMERIPEN asserts that goals should be developed only after full completion of a statewide recycling needs assessment.

Setting an extremely aggressive set of recycling and source reduction “rates and dates” might look like progress, but without a true vision of the future, the goals either doom the law to fail or will result in companies going out of business in the State. AMERIPEN believes an analysis of real-world markets and the current recycling system is critical before any specific performance goals are put into law. ***We recommend that a proper recycling needs assessment study be performed prior to setting any performance goals within a packaging EPR program in New Hampshire, and those goals should be flexible and adopted in the Producer Responsibility Organization plan document.***

Unachievable Packaging Reduction and Recycling Rate Mandates

AMERIPEN fully understands and supports the desire to ensure that items are not over packaged and reduce packaging waste and to encourage high recycling rates. However, setting unachievable packaging or source reduction goals in statute (30% in 5-years and 50% in 10-years) and recycling rates (30% in 5-years and 70% in 12-years) will either result in a wholesale ban of certain products under the law or cause the law to fail due to the inability to meet such recycling rates and source reduction mandates.

Producers have been engaged in reducing packaging in the marketplace for some time in order to reduce costs and achieve environmental sustainability goals. In 2025, AMERIPEN conducted a [study](#) on source reduction which concludes that the source reduction goals, as contemplated by HB 1789 would increase from 30% to 70%



packaging reduction mandates, are unachievable. As such, these types of statutory mandates must be removed and deferred to a data-driven process in collaboration with producers and real-world scenarios. Recycling rates must also be based on real data and a sound evaluation of what is possible within the recycling infrastructure in New Hampshire.

Funding Mechanism

For an EPR program to have a chance of success, the funding mechanism must be reasonable and constructed in a way that shares costs between producers and municipalities for fair and reasonable allocations of services and costs. AMERIPEN opposes funding mechanisms that provide for 100% or “total cost” reimbursement from producers to municipalities or private entities for collection, recovery, recycling, composting, and processing of packaging materials – especially without providing for incentives or best practices for improving recycling, composting, and reuse. Improving the recycling, composting, and reuse system is a shared responsibility, and funds should primarily support infrastructure development. Reimbursements should only be used to return a material to a neutral market value – not cover the entire recycling, composting, and reuse system as it exists today. ***For an EPR program to have the most chance of success, producer responsibility organizations (PROs) or producers must be given flexibility to use the needs assessment to determine reasonable best practices and convenience standards for particular geographic regions and then determine reasonable shared costs.***

Chemicals in Packaging

Imposing wide bans on the mere presence of chemicals in packaging, without clear environmental or public health justification, is not a means of creating an effective and efficient packaging EPR program. Additionally, banning any presence of certain chemicals in packaging, without providing de minimis levels to account for substances that were not intentionally added, undermines the potential use of recycled content in products and makes an EPR program impractical. Interjecting this issue into EPR legislation is not germane to recycling, composting, and reuse systems and their improvement. ***Chemicals in packaging can, and should be addressed outside of packaging producer responsibility laws and under other existing statutory and regulatory frameworks in New Hampshire, including the State’s ongoing participation in the Toxics in Packaging Clearinghouse.***

Feasible and Consistent Approach

Seven states – Maryland, Washington, Minnesota, Maine, Oregon, Colorado, and California – are working to implement full program packaging EPR laws enacted since 2021. None have been fully implemented yet or provided data on their operations. Oregon is the closest to having some assessment of performance as their program began in July of 2025, but at this time, we do not know how its program is operating. While these programs are not the same, there are lessons to be learned as they are implemented. These states are in various stages of implementation, and we encourage a full review before any packaging EPR program is passed in New Hampshire.

These lessons, and greater consistency between the most recent laws in Maryland, Minnesota and Washington, suggest programs that are harmonized and allow producers flexibility to design the system would result in an operational program that could be implemented sooner and more efficiently. As a lesson in caution, Maine was the first state to pass a packaging EPR program and is likely to be the fourth or fifth state to implement a program due to the law’s reliance on a government-dictated EPR program, similar to HB1789. Programs that rely on producers in Oregon, Colorado and others will be implemented before Maine. House Bill 1789 strays significantly



from all recent efforts to harmonize state EPR laws based on lessons learned and would likely create a system that is unworkable and costly to consumers and the State of New Hampshire.

Enforcement and Office of Inspector General

EPR systems must be efficient and effective, without undue administrative structures and unfair enforcement practices. Concepts such as creating an Office of Inspector General duplicate the existing authority that would be vested in the Department of Environmental Services, and in some cases, New Hampshire's Attorney General. Creating wholly punitive enforcement departments that duplicate existing enforcement mechanisms serves no useful purpose and subtracts from funding that could be used to improve packaging recovery, recycling, composting, and reuse in New Hampshire.

Conclusion

AMERIPEN recognizes the need to reduce packaging waste and improve the recycling, composting, and reuse systems in New Hampshire. We urge the Committee to consider the critical issues and considerations above and welcome the opportunity to work with all stakeholders to create a reasonable pathway to improving recycling, composting, and reuse, and creating greater packaging circularity in New Hampshire.