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**AMERIPEN- American Institute for Packaging and the Environment  
MEMO in Opposition – S.420 (Liu) - Recyclable Labeling Claims**

**TO: New York Senate Environment Conservation Committee**

Chairman Harckham, Senator Stec and Members of the Senate Environmental Conservation Committee

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to submit testimony on Senate Bill 420 that would establish New York-specific labeling requirements for packaging recyclability claims and the use of resin identification codes (RICs). AMERIPEN supports clear and consistent labeling for packaging recovery and recycling. While we appreciate the intent of S.420, we cannot support it in its current form. We would welcome the opportunity to work with the Committee and stakeholders in New York to address consumer education for packaging that will truly improve the quantity and quality of recyclable materials in the state.

AMERIPEN is a trade association dedicated to improving packaging and the environment. We are the only material-inclusive packaging industry trade association in the United States representing the entire packaging supply chain. This includes materials suppliers, packaging manufacturers, consumer packaged goods companies, retailers, and end-of-life materials managers. Our membership also includes a robust array of industry, material, and product-specific trade associations who are essential to the AMERIPEN fabric. We have several member companies with a significant presence in New York, and many more who import packaging materials and products into the state. The packaging industry in New York supports 16,873 jobs and accounts for more than \$12.5 billion in total economic output.

Packaging plays a vital role in New York, ensuring the quality of consumer goods as they are manufactured, shipped, stored and consumed, protecting the health and safety of New Yorkers who consume, use and handle those products. We need effective labeling to recover packaging to be recycled and 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 and labeling for a better environmental performance to boost recycling and improve the quality of materials in the recycling stream.

**Concerns with S.420 Recyclable Labeling Criteria**

S.420 will create a new definition of recyclability with unworkable criteria and a New York-specific labeling requirement for packaging recyclability. As a result, products may not be able to carry valuable recycling instructions and uniform national labeling program standards under this approach. Under S.420, unknown and uncertain standards, developed by the Department of

Environmental Conservation, for materials considered recyclable will effectively prevent materials from being considered recyclable in locally controlled recycling programs.

Additionally, S.420 would restrict the use of a chasing arrows symbol or certain recycling claims/instructions and would create another conflict by forcing the removal of the required chasing arrows symbol surrounding a resin identification code. This would be extremely problematic for any producers that **must follow statutory chasing arrow requirements in nearly 30 states**.

Restrictions on chasing arrows graphics also have a tremendous impact for those companies who voluntarily use [How2Recycle](#) labels, for example, with the chasing arrows symbols on labels to focus consumer attention on necessary recycling attributes. According to a 2020 survey by the Shelton Group, the vast majority (86%) of consumers always look for recycling labels and indicate that they know the How2Recycle label makes it easier to know which parts of a package are recyclable. S.420 as currently drafted will prohibit these on many types of packaging, and potentially other commonly used labeling standards that use chasing arrows, from identifying a package or product as recyclable and provide valuable environmental information to consumers under the U.S. Federal Trade Commission (FTC) Green Guides.

The state-specific requirements in S.420 conflict with the necessity of uniform labeling standards for the free flow of interstate commerce. Manufacturers do not distribute products solely to New York, and segregating New York specifically labeled products, given the state's central location in commerce, will be nearly impossible. In contrast to S.420, a uniform approach for effective enforcement of false labeling claims that has been approved in states like New York is adoption of the FTC Green Guides in conjunction with existing state truth-in-advertising statutes.

The net result of S.420, as currently drafted, is that companies will be forced to remove recycling labels and instructions and more recyclable material will unfortunately be sent to landfill. We are seeing this now because of a similarly flawed law in California that has yet to be implemented and remains confusing and conflicting with other states.

**In conclusion**, AMERIPEN supports policy solutions, that create greater awareness of proper recycling practices and that improve packaging recovery and recycling. S.420 will not improve the education of consumers for recyclability. Instead, it will only result in more materials being sent to landfill and reduce the ability of local recycling systems to innovate and add materials to their recycling bins.

We would welcome the opportunity to collaborate with, Senator Liu, and this Committee and other stakeholders on legislative solutions to increase packaging recovery and recycling in New York in a shared and responsible way. We have done and are currently doing this in good faith in multiple states throughout the country and would welcome the opportunity to do this in New York

as well. Please feel free to contact AMERIPEN's lobbyist, Andy Hackman at: [ahackman@serlinhaley.com](mailto:ahackman@serlinhaley.com) for any questions or for stakeholder discussions on this important issue.