



S.1464-A (Harckham) Packaging Reduction and Recycling Infrastructure Act

AMERIPEN – the American Institute for Packaging and the Environment is submitting these comments in strong opposition to S.1464-A (Harckham) that establishes an extended producer responsibility (EPR) program for packaging in New York. This bill will raise the costs for consumers and does not create a workable EPR framework to improve recycling and packaging sustainability in New York. AMERIPEN supports a balanced and equitable approach, and we believe there should be a genuine opportunity for all stakeholders to negotiate together to develop a feasible, workable plan for the State, as demonstrated by the compromises AMERIPEN supported in Minnesota, Maryland, and Washington 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. The packaging industry in New York supports 58,621 jobs and accounts for more than \$20 billion in total economic output, according to a 2021 national third-party study.¹ Below are critical issues and considerations we believe must be significantly amended from the current proposal to create a balanced packaging EPR program in the State.

Key Concerns and Solutions

Cost Issues and Funding Mechanism - § 27-3407 & 27-3413 - The implementation of EPR policies has a direct and measurable effect on consumer prices across a wide array of goods, and S.1464 will introduce an additional financial burden on consumers in the form of higher retail prices. According to a recent study of S.1464 **the average family of four's grocery bill will increase by \$489, or up to \$732 annually.**² This cost increase reflects food packaging alone; the cumulative costs of packaging EPR are much higher when factoring in the other three key sectors impacted: personal care and household items, consumer goods, and electronics and appliances.³ Furthermore, these EPR-related price impacts are likely to be uneven, disproportionately burdening low-income households and rural communities, where limited flexibility, retail options, and higher logistics costs can amplify price increases.⁴

AMERIPEN believes that for EPR to be fair and effective, the funding mechanism must be structured to share costs between producers and municipalities, ensuring fair and reasonable allocations of recovery and recycling services and costs. AMERIPEN opposes funding mechanisms, such as those currently included in S.1464-A, that would provide municipalities or private entities with 100% cost reimbursement from producers for the collection, recovery, recycling, and processing of packaging materials.

Solution - AMERIPEN therefore asserts that the funding formula must be fair and shared between producers and municipalities, similar to those in Minnesota, Maryland, and Washington.

Unrealistic Recyclable Criteria – § 27-3434 - Sets forth a recyclable packaging mandate, by 2032, that is not feasible and will essentially ban many types of packaging products by prohibiting certain materials, additives and labels. Setting achievable goals and standards within reasonable timeframes that support the development of a stronger

¹ John Dunham & Associates, "2021 Packaging Industry Economic Impact Study," *available upon request from AMERIPEN.*

² Dr. Calvin Lakhan, "Modeling Direct and Total Economic Impacts Resulting from the Adoption of Extended Producer Responsibility in New York State," Circular Innovation HUB@EUC, Environmental and Urban Change, York University (March 2025).

³ *Id.*

⁴ *Id.*

recycling system will boost the recycling infrastructure more than unachievable goals and standards that may lead to the failure of the EPR program.

Solution – Any recyclable criteria must provide for waivers, like Minnesota and California laws, and should NOT ban certain materials or labels.

Packaging Reduction – § 27-3429 - Non-reusable packaging source reduction standards – Sets a 30% plastic packaging source reduction goal, within 12-years, in statute that is unachievable. This will either result in the wholesale banning of products under the law or cause the law to fail due to the inability to meet such mandates. Packaging reduction is already happening in the marketplace and has been for some time, as it reduces producers' costs. In 2025, AMERIPEN conducted a [study](#) on source reduction, which concluded that a 30% source reduction goal is unachievable and that even a 10% goal would be incredibly aggressive. As such, these types of statutory mandates must be removed and deferred to a data-driven process in collaboration with producers and in real-world scenarios.

Solution - Goals must be set following the needs assessment – not in statute.

Chemicals in Packaging - § 27-3427 - Imposes broad bans on chemicals in packaging without clear environmental or public health justification, which is not germane to creating an effective and efficient packaging EPR program. This section establishes a toxics-in-packaging program, a policy category of its own with separate systems to address covered chemicals. Bans on certain materials and chemicals should not be considered without carefully assessing the relevant science, applicable federal standards and guidance, the feasibility of removing or avoiding specific substances, and the time required to transition supply chains. Importantly, the legislation establishes a zero-tolerance standard, which is often unfeasible.

Solution – Remove this section and defer toxics in packaging legislation to separate legislation that can be debated on its merits and the chemicals in question.

Molecular/Chemical Recycling - § 27-3401. Definitions – Recycling – This definition of recycling prohibits counting any chemical conversion process toward recycling goals. At a minimum, there must be a process for fairly evaluating and approving non-mechanical recycling processes.

Solution – Include a “non-mechanical” recycling approval process within the DEC similar to what the Governor proposed in her EPR proposal in the 2023 budget, or a process similar to what was approved in the 2025 Washington State EPR law.

Conclusion

AMERIPEN recognizes the need to improve recycling systems in New York, and we remain committed to partnering to find a balanced path forward. We believe that improving the recycling system is a shared responsibility. We urge the Committee to **reject S.1464-A** and support a fair, negotiated pathway to create a true EPR program for packaging that will improve New York's recycling systems without increasing costs to consumers.