





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” (EPR) 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, and late session amendments in 2024 did nothing to address business’ key concerns regarding the proposal’s unworkable mandates and its increased costs for consumers and businesses alike.

**Importantly, in California, Governor Newsom recently ordered his environmental agency to start over on that state’s proposed EPR regulations, based on concerns that they would impose unacceptable burdens on consumers and businesses alike. California’s change in course should be taken into account by New York lawmakers, as the mandates in S.1464/A.1749 go beyond the California statute on key areas, including material bans, recyclability mandates and source reduction, indicating that the impacts of New York’s proposal would be even more severe.**

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 fails to prove a clear pathway for certified compostable products to be sold and fails to support industrial and community composting infrastructure;
- 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:

Ag Container Recycling Council  
AGC Chemicals Americas  
Air Conditioning, Heating and Refrigeration Institute  
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)  
AMERIPEN - American Institute for Packaging and the Environment  
American Apparel & Footwear Association  
American Bakers Association  
American Chemistry Council  
American Cleaning Institute  
American Petroleum Institute – Northeast  
AmSty  
Association of Equipment Manufacturers (AEM)  
Association of Home Appliance Manufacturers  
Association of the Nonwoven Fabrics Industry(INDA)  
Associated Builders & Contractors – Empire State Chapter  
BASF  
Berry Global  
Braskem  
Braven Environmental  
Business Council of New York State  
Business Council of Westchester  
Buffalo Niagara Partnership  
Binghamton Chamber of Commerce  
Biodegradable Products Institute  
Can Manufacturers Institute  
Capital Region Chamber of Commerce  
Carton Council  
CJ Biomaterials  
Color Pigments Manufacturers Association  
Communications Cable and Connectivity Association (CCCA)  
Consumer Technology Association  
Consumer Brands Association

Chemours Company, The  
Covestro  
CropLife  
Danimer Scientific  
DISCUS - Distilled Spirits Council of the United States  
Duponty  
Empire State Forest Products Association  
Flexible Packaging Association  
Food Industry Alliance of New York State  
Foodservice Packaging Institute  
Greater Binghamton Chamber of Commerce  
Gujrat Fluorochemicals (GFL)  
Household and Commercial Products Association (HCPA)  
Hydraulic Institute  
IDI Distributors  
Ingevity Corporation  
ITI  
International Sleep Products Association  
Juvenile Products Manufacturers Association (JMPA)  
Long Island Association  
Milipore Sigma  
Motor & Equipment Manufacturers Association (MEMA)  
Motorcycle Industry Council (MIC)  
National Association of Chemical Distributors (NACD)  
National Association of Printing Ink Manufacturers  
National Confectioners Association  
National Council of Textile Organizations (NCTO)  
National Electrical Manufacturers Association (NEMA)  
National Federation of Independent Business- NY (NFIB-NY)  
National Marine Manufacturers Association (NMMA)  
Natur-Tec  
New York Alliance of Fine Wine Wholesalers  
New York Farm Bureau  
New York State Chemistry Council(NYSCC)  
New York State Economic Development Council  
New York State Distillers Guild  
New York State Brewers Association  
North Country Chamber of Commerce  
Outdoor Power Equipment Institute  
Pactiv Evergreen Inc.  
Performance Fluoropolymer Partnership (PFP)  
Personal Care Products Council

Pine Chemicals Association  
Plastic Energy  
Plastics Industry Association  
Polymeric Exterior Products Association (PEPA)  
Polyisocyanurate Insulation Manufacturers Association (PIMA)  
PRINTING United Alliance  
Recreational Off-Highway Vehicle Association (ROHVA)  
Responsible Industry for a Sound Environment (RISE)  
Retail Council of New York State  
Rochester Chamber of Commerce  
Rockland Business Association  
Sabic  
Sealed Air  
Sinclair Systems International  
Specialty Vehicle Institute of America (SVIA)  
Styrene Information and Research Center  
Sun Chemical Corporation  
Syensqo  
3M  
Toy Association, The  
Trinseo  
Upstate United  
Vinyl Institute  
Western Plastics Association  
WinCup, Inc.