



Memorandum of Support

S.1064 (Sen May): Extended Producer Responsibility for Packaging

S.4246 (Sen Harckham): Packaging Reduction and Recycling Infrastructure Act

The above organizations support S.1064 and S4246. Both bills would create an extended producer responsibility program for packaging, and in the case of S.4246, also paper and single-use plastic items. Both bills require that packaging, including plastic packaging, be reduced by half over the next 10-12 years. We urge the Senate to combine the best aspects of these bills and work with the Assembly to adopt the strongest and most effective Packaging Reduction and Recycling program this legislative session. Doing so would reduce air pollution, including greenhouse gas emissions, reduce the release of plastic pollution into our environment, reduce the demand on new natural resources, extend the life of municipal landfills, reduce unsightly litter, and ease financial burdens on taxpayers.

We oppose including this issue in the state budget. This is a complex policy issue that should be addressed post-budget. We also oppose Governor Hochul’s budget bill.

An average of 6.8 million tons of packaging waste is produced each year in New York, constituting 40% of the total waste stream. Most of this packaging is sent to landfills, burned in incinerators, or winds up as litter on our streets and beaches. 33 billion pounds of plastic pollution enters the ocean each year worldwide, the equivalent of a garbage truck dumping its load into the ocean every minute.

Plastic production is an environmental justice, climate change, and human health problem, and an estimated 40% of plastic produced is used for single-use packaging. In 2020, 35.7 million tons of plastic was made in the United States, and that number is expected to triple by 2050. Plastic manufacturing facilities, which are disproportionately located in communities of color, are on track to contribute more greenhouse emissions than coal plants by 2030.

Plastic waste persists in the environment, destroying wildlife and breaking down into microplastics that disrupt the food chain and enter human bodies. When burned in incinerators or processed in chemical recycling facilities, plastic releases toxic chemicals. Only 5-6% of plastic is actually recycled. The cost of disposal, litter clean-up, and recycling is currently shouldered by taxpayers, not by the companies that make packaging decisions.

S1064 and S4246 include key provisions that would effectively reduce packaging waste:

- Specific numeric requirements for packaging reduction that are phased in and require at least 50% reduction of packaging. S.1064 reduces by 50% in ten years; S.4246 in 12 years. Reduction can be achieved through elimination of packaging or by switching to reuse and refill systems.
- Mechanisms to require companies to increase the recycling of their remaining packaging. S.1064 requires companies to transition 90% of their remaining packaging over 12 years to be either recyclable, compostable, or made of recycled content. S.4246 requires that 100% of remaining packaging be recyclable and contains some specific recycled content requirements. Both bills lack a specific recycling rate, but should require a 70% recycling rate for all materials in 12 years.
- Prohibits certain toxic materials and chemicals from being used in packaging, making packaging safer for consumers and more recyclable.
- Transfers the responsibility for managing packaging waste to the companies that create the packaging waste problem, shifting this burden away from taxpayers.
- Provides funding to local governments for recycling, disposal, and source reduction strategies through the use of new fees on the companies, which are adjusted based on the environmental impacts of the packaging. S4246 contains clear mechanisms for municipalities to receive their reimbursements.
- Excludes “chemical recycling”, “advanced recycling”, and other false recycling marketing strategies from counting as recycling, providing protection from new sources of pollution that disproportionately impact Environmental Justice communities. We will provide some amended language on this important section to the bill sponsors.
- Includes accountability and enforcement mechanisms, such as reporting and auditing requirements. S.4246 establishes a new Office of Inspector General to oversee the implementation and enforcement of the program.
- Requires collection and reporting of data that will inform spending decisions for reuse and refill, and local reduction, recycling, and waste management systems.

S.1064 and S.4246 both recognize the urgency of the plastics and packaging waste problem by proposing a program that would reduce packaging waste, make packaging less toxic and more recyclable, make investments in reuse and recycling infrastructure, and save taxpayers money. Streamlining these proposals and adopting such a program this legislative session is urgently needed to help solve New York’s packaging waste problem.

February 13, 2023

For more information contact:

Judith Enck, President, Beyond Plastics, JudithEnck@Bennington.edu or Anne Rabe, Environmental Policy Director, NYPIRG arabe@NYPIRG.org