

1 **NYSAC 2021 Fall Seminar**
2 **Standing Committee on Economic Development, Environment & Energy**
3 **Resolution #3**

4 **Support for the New York State Legislature to Establish an Extended**
5 **Producer Responsibility System for Packaging and Printed Paper**

6 **WHEREAS**, packaging and printed paper, which includes plastic, steel, aluminum, and
7 glass containers, boxboard, cardboard and cartons, and newsprint and magazines,
8 constitutes approximately 40 percent of the materials by weight managed by
9 municipalities and solid waste authorities in New York State; and

10 **WHEREAS**, local municipal governments in New York State are required to fund the
11 management of discarded consumer packaging and printed paper and to take
12 responsibility for achieving waste diversion goals, which is an unfunded mandate; and

13 **WHEREAS**, international and domestic market shifts have resulted in significantly
14 increased costs for local governments and taxpayers in New York State to manage
15 consumer packaging and printed paper waste; and

16 **WHEREAS**, such costs to municipalities and recycling system ratepayers in 2021 are
17 estimated at over \$80 million statewide; and

18 **WHEREAS**, state and local governments have no input into the design or marketing of
19 packaging and printed paper materials and do not have the resources to adequately
20 address the rising volume or increasing complexity of discarded packaging and printed
21 paper materials; and

22 **WHEREAS**, some packaging now includes combinations of materials that make
23 recycling impractical; and

24 **WHEREAS**, costs paid by citizens and local governments to manage packaging and
25 printed paper are, in effect, subsidies to producers that enable and encourage producers
26 to design packaging and printed paper materials without regard to end-of-life
27 management; and

28 **WHEREAS**, producers have little incentive to design packaging or printed paper to
29 minimize waste, reduce toxicity, or maximize recyclability, creating a supply chain
30 disconnect with environmentally sound, end-of-life management of these consumer
31 materials; and

32 **WHEREAS**, Extended Producer Responsibility (“EPR”) is an environmental policy
33 approach in which producers (brand owners and importers) accept responsibility for the
34 management of post-consumer products and packaging so those who produce these
35 materials help bear the costs of recycling; and

1 **WHEREAS**, EPR programs for packaging and printed paper have existed for up to 30
2 years in all EU member states, across Canada, and other parts of the world, achieving
3 recycling rates for packaging and printed papers upwards of 80 percent; and

4 **WHEREAS**, New York State Senator Todd Kaminsky and Assemblyman Steven
5 Englebright have proposed legislation (S.1185-C/A.5801) that will establish an EPR
6 system for consumer packaging and printed paper, which would require producers to
7 pay for recycling the packaging and printed paper they introduce into the marketplace;
8 and

9 **WHEREAS**, S.1185-C (Kaminsky)/A.5801 (Englebright) would incentivize producers
10 to:

- 11 1. Reduce packaging waste;
- 12 2. Make it easier to recycle the material they generate; and
- 13 3. Invest in modernizing local recycling infrastructure across New York State; and
- 14 4. Financially support ongoing public education to help residents recycle properly
15 and minimize contamination in the recycling stream; and

16 **WHEREAS**, EPR can work in tandem with and supplement New York State's
17 Returnable Container Act; and

18 **WHEREAS**, when producers are responsible for ensuring their materials are reused or
19 recycled responsibly, and when health and environmental costs are included in the
20 product price, there is an incentive to design for reduction, recyclability, and reduced
21 toxicity; and

22 **WHEREAS**, EPR is a form of industry-led recycling that creates jobs and economic
23 development in direct proportion to the amount of material recycled, encourages
24 infrastructure investment, and reduces government costs; and

25 **WHEREAS**, businesses that provide take-back opportunities for their customers or
26 participate in EPR programs can gain a distinct advantage in the marketplace, create
27 customer loyalty, and enhance the image of their brand; and

28 **WHEREAS**, notwithstanding mention of "printed paper" in this resolution, the New
29 York State Association of Counties (NYSAC) supports the fact that Section 27-
30 3301(d)(ii) of Senate Bill 1185(C), the latest version of the bill, specifies that
31 "periodicals, magazines, newspapers or literary, text, and reference bound books" are
32 not included in the legislation; and

33 **WHEREAS**, the business community should be heard on objections and concerns to
34 ensure job creation and retention are not jeopardized in the State of New York.

35 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC urges Governor Kathy
36 Hochul and the New York State Legislature to enact an EPR program for packaging and
37 paper products; and

1 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
2 of New York encouraging member counties to enact similar resolutions; and

3 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
4 Governor Kathy Hochul, the New York State Legislature, and all others deemed
5 necessary and proper.