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Testimony of Andrew Williams, Deputy Director for State Policy, New York League of Conservation Voters  
Before the Joint Public Hearing of the Senate and Assembly Committees on Environmental Conservation

Thank you Assemblymember Glick and Seantor Harckham for chairing today's hearing and providing the opportunity for the New York League of Conservation Voters (NYLCV) to testify today on Packaging Reduction. My name is Andrew Williams and I am the Deputy Director of State Policy at the New York League of Conservation Voters (NYLCV), a statewide environmental advocacy organization

NYLCV strongly supports extended producer responsibility (EPR) legislation, also known as a product stewardship model, for paper and packaging waste. Before I go into more detail on NYLCV's preferred approach to paper and packaging EPR, it is important to note that product stewardship legislation for paper and packaging was strongly endorsed by both the Climate Leadership and Community Protection Act (CLCPA) Scoping Plan and the Department of Environmental Conservation's (DEC) 2023 Solid Waste Management Plan. There is already a broad consensus across policy makers, environmentalists, and industry stakeholders that an EPR program for paper and packaging waste is critical to meeting our CLCPA greenhouse gas (GHG) emission reduction goals and reducing waste at no cost to taxpayers.

A successful EPR program for paper and packaging should have several components:

- Minimum recycled content standards for all covered materials. One of the best ways to grow the recycling market is to require new materials to use post-recycled content in their production, with the percentage required to be made of post-recycled content increasing over time. Stakeholders will disagree about the correct percentage of post-recycled content to require. NYLCV's position is that the standards should (a) be achievable; (b) recognize that different materials will have different maximum feasible percentages; and (c) give DEC authority to increase the maximum percentages beyond what is written in the law if in their judgment the market can bear it.
- At least one producer responsibility organization (PRO) that represents covered producers and works with DEC to apportion fees among its members based on a

predetermined formula that reflects their share of the total paper and packaging waste stream, the amount of post-recycled content used in the paper and packaging they are responsible for, and the ease (or difficulty) of recycling the paper and packaging they are responsible for. NYLCV does not believe that New York's EPR legislation should place an artificial limit on the number of PROs allowed. It may be the case that different types of covered producers, such as e-commerce websites vs. large hardware stores, have different needs and different solutions that would lead them to want PROs that are specifically tailored to their industry. While there is certainly a number of PROs beyond which administering the law would become needlessly burdensome for DEC, we should not presume to know what that number is before DEC has had a chance to craft the law's implementing regulations, nor should we forget that only allowing one PRO or attempting to have an EPR program with no PRO at all would also place an unsustainable administrative burden on DEC.

- Eco-modulated fees to encourage the use of post-recycled content and higher recyclability in the materials used to make paper and packaging. An effective EPR program for paper and packaging waste should (a) reward producers who go beyond the law's mandated recycled content standards; and (b) make using easy-to-recycle materials the economically rational choice for most producers by sending price signals that internalize the negative externalities of using non-recyclable, non-compostable materials. These fees should also be used to reduce the amount of waste generated in the first place, though with a careful recognition that we do not want the fees to incentivize gamesmanship such as replacing cardboard with plastic (which has significantly worse environmental impacts than cardboard) to dodge a fee that is levied based on the total weight of waste alone.
- Inclusion of both printed paper and packaging material, not just packaging or just plastic packaging. It is true that some materials have worse environmental impacts than others, as I mentioned in my previous point, and that some materials are already easier to recycle than others. However, we need to take a holistic approach to paper and packaging waste to address the solid waste crisis. The differences in recyclability and lifecycle carbon emissions between different material types should be dealt with through eco-modulated fees and recycled content standards rather than by excluding certain materials from the bill.
- A phased-in ban on toxic chemicals in packaging for consumer goods. We are only just beginning to understand the mechanisms by which chemicals that are harmful to human health, such as bisphenols and per- and polyfluoroalkyl chemicals, have become so highly concentrated in the blood of people who live in developed countries, but any reasonable cost-benefit analysis should lead to a high burden for allowing these chemicals in packaging, with limited exceptions.
- Clear roles for local governments, who currently handle waste disposal and recycling across the state. Municipal sanitation systems should be able to easily understand how

packaging EPR will affect them and choose how to interact with it (e.g. seeking reimbursement from the PRO vs. seeking for the PRO to directly assume a portion of the municipal system's responsibilities).

- The inclusion of commercial waste, not just residential waste, though with recognition that New York City may require special accommodation due to their ongoing rollout of commercial waste zones.

New York cannot wait any longer to embrace product stewardship for paper and packaging waste. These materials cost local governments tremendous amounts of money, contribute to GHG emissions, and add to our solid waste crisis. An effective EPR bill would reduce waste, improve recyclability and the stability of the recycling market, and save taxpayers money. Thank you for the opportunity to testify today.