



January 28, 2022

Hon. Liz Krueger  
Chair New York State Senate Finance Committee  
416 Capitol  
Albany, NY 12247

Hon. Helene E. Weinstein  
Chair New York State Assembly Ways and Means Committee  
LOB 923  
Albany, NY 12248

Sent electronically via [financechair@nysenate.gov](mailto:financechair@nysenate.gov) and [wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)

**RE: Governor's Executive Budget, Part RR, Extended Producer Responsibility, Recommendations for Plastic Recycling**

Dear Chairperson Krueger, Chairperson Weinstein and Members of the Joint Budget Committee:

The American Chemistry Council (ACC) is a national trade association representing the U.S. chemical industry including the leading manufacturers of plastic resins. The American Chemistry Council (ACC) is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in New York State. Our members are committed to the safety of their products and to the protection of the public health.

Over 96% of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of every facet of our nation's economy. Chemistry provides significant economic benefits in every state including New York. Thanks to chemistry, our lives are healthier, safer, more sustainable and productive than before. Nearly 38,000 people are employed by the chemistry industry in New York.

ACC is an expert resource on innovative plastics recycling programs to improve plastics circularity nationwide. ACC strongly encourages the Committee to support New York's interest in ensuring that greater amounts of our post-use packaging materials, especially plastics, are recycled and converted into feedstocks for new plastics and other useful products.

We respectfully request the committee adds the language from S.7891 (Mannion) to Section RR (Extended Producer Responsibility Section) that classifies advanced recycling technologies as manufacturing facilities in New York. New Yorkers have the opportunity to recycle greater amounts and types of plastics packaging. Advanced recycling helps us decrease plastic waste, support continued progress toward zero waste and sustainability goals for communities and states.

New York can accelerate the adoption and growth of advanced recycling in the state by ensuring these technologies are properly regulated as manufacturing and not waste disposal in the state. These technologies receive plastics that has been sorted and/or source separated and use these plastics as a raw material to manufacture higher value, marketable products that can go back into plastics manufacturing again. Throughout the U.S., policymakers are looking for proactive solutions to encourage greater amounts and types of plastics are recycled in their states. As a result, fifteen states to date have reformed their laws to acknowledge they are manufacturing facilities and States in the Northeast have introduced similar legislation.

Advanced recycling refers to several different technologies that **convert used plastics into their original building blocks**, to produce new plastics, waxes, and other valuable products.



Advanced recycling technologies can expand the scope of materials we can recycle, help preserve the value of resources in our economy, and bridge the gap between the supply and demand for high-quality recycled plastics used in food-grade and pharmaceutical applications.

Advanced recycling helps us to achieve a circular economy and close the loop on plastics. Having a transparent regulatory framework for advanced recycling facilities in New York will enable advanced recycling to grow in the state, bringing in jobs, creating economic development, and increasing the amount of plastics recycled instead of landfilled.

Advanced recycling facilities have a smaller environmental footprint than common manufacturing operations, including food processing, auto manufacturing, hospitals, and universities. A [2021 report](#) from Good Company, a sustainability consulting firm, studied the emissions of advanced recycling and found them to be very low. Just like other manufacturing facilities, advanced recycling facilities are regulated under the U.S. Clean Air Act and would also have to comply with any regulations at the state and local level.

Many global brand companies have set sustainability goals to include more recycled plastic in their packaging. Advanced recycling complements mechanical recycling in helping companies meet their commitments. Recycled plastic generated through advanced recycling has even been approved for use in certain food- and pharma-contact packaging.

Advanced recycling technologies enable post-use plastics that currently do not have strong end markets (e.g. films, pouches, tubes, foam, lids) to be converted back to their basic chemical building blocks. These chemical building blocks can then be used to produce new food grade plastics, chemicals, and other valuable products of chemistry such as waxes and lubricants. Technologies such as pyrolysis, gasification and depolymerization heat plastics in an oxygen deprived environment, without combustion, and convert the plastics to liquid feedstocks that can be remanufactured into a versatile mix of new products for remanufacturing. We are seeing advanced recycling in action across the United States with many incredible examples of circularity. Some examples include:

- Wendy's is moving away from its lined paper cups to [new plastic cups](#) that will be made with 20% recycled plastics. The cups will be certified by the International Sustainability & Carbon Certification Plus (ISSC+) system and are the result of a partnership between LyondellBasell, Berry Plastics and Wendy's.
- Procter & Gamble's Herbal Essences brand [will be the first P&G brand to use Eastman Renew's advanced recycling plastic](#) in its packaging. Herbal Essences will introduce five shampoo and conditioner collections made from 50% ISCC+ certified recycled plastic.
- Chevron Phillips has [completed its first commercial sales](#) of its ISCC+ certified Marlex® Anew™ Circular Polyethylene derived from advanced recycling of plastics. Chevron-Phillips has set a goal to produce one billion pounds of their circular polymers by 2030.
- Exxon Mobil and Agilyx have partnered to create Cyclyx International to [prepare plastic feedstocks for advanced recycling](#). ExxonMobil will use these plastics as it recently announced plans to build its [first large-scale advanced recycling facility](#) in Baytown, Texas.

A recent [report released](#) in November 2021 by Closed Loop Partners, a New York based investment firm, found that advanced recycling technologies can process many types of plastics into a versatile mix of end products and can help double the plastics packaging recycling rate by 2030. The report notes the important role that policymakers, investors and the plastics value chain play in achieving success. This recent report comes on the heels of Closed Loop's April 2019 report that found there was a [\\$120 billion economic opportunity](#) in North America via advanced recycling.



Additionally, the ACC is a leader in calling for policy approaches that will help Americans recycle more types of plastics. Our [“5 Actions for Sustainable Change”](#) calls for a national 30% recycled plastic target for all plastics packaging. A July 2021 [analysis by Independent Commodity Intelligence Services \(ICIS\)](#) estimated that it will require 13 billion pounds of recycled plastic per year to reach a 30% recycled plastic target in the U.S. and that it will take both mechanical and advanced recycling to get there. Lastly, the U.S. Environmental Protection Agency recently recognized in its [National Recycling Strategy](#) to achieve its 50% national recycling rate by 2030, the important potential of advanced recycling technologies in achieving that goal.

Finally, it is important to state that a [recent report](#) showed that air emissions from these facilities are expected to have roughly similar or lower air emissions (CAPs) than many common facilities such as universities, hospitals, food and auto manufacturers found in the U.S. Additionally, that the technologies employ the latest emissions control technologies and are subject to strict limits under the U.S. Clean Air Act. Even so, these facilities are expected to have emissions well below federal permitting thresholds and are well-regulated by state and local air authorities.

In closing, the ACC would like to reiterate the importance of New York recognizing that advanced recycling is a manufacturing process that will enable us to recycle greater amounts and types of plastics. And, that the products of chemistry it produces are secondary raw materials (recycled products) that are being put back into commerce as new food, pharmaceutical and medical contact packaging. Recognition and creating the opportunity for advanced recycling to grow in New York will help enable New York meet its aggressive goals to recycle more post-use materials and send less of these materials to landfills or incinerators.

Sincerely,

Craig M. Cookson  
Senior Director, Plastics Sustainability  
American Chemistry Council