



The power of packaging in balance:

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AMERIPEN Testimony on Recycling Related Issues

Joint Environmental Conservation Committee Hearing on Recycling October 21, 2019

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Assemblyman Englebright, Senator Kaminsky and Members of the Committees on Environmental Conservation, thank you for the opportunity to comment on recycling and solid waste issues as the Committees evaluate needed policy actions in this arena. Specifically AMERIPEN would like to express support for actions to address challenges to recycling in today's marketplace and efforts to reframe statewide goals that are in need of being more flexible for the current waste stream. AMERIPEN also encourages continued efforts by the New York State Department of Environmental Conservation's (NYSDEC) Recycling Markets Stakeholder discussions.

AMERIPEN is a coalition of packaging producers, users and end-of-life materials managers dedicated to improving packaging and the environment. We are the only material neutral packaging association in the United States. Our membership is broad, representing the diversity of the packaging sector and its supply chains. We focus on science and data to define and support our public policy positions—our comments are based on this rigorous research rooted in our commitment to achieve sustainable packaging.

China's implementation of the "National Sword" policy to eliminate the importation of certain recycled materials resulted in the immediate closure of a significant market for these recyclable materials beginning in January of 2018. Annually, millions of tons of these recyclable materials that would normally go to China now need to be processed elsewhere. Alternative export and domestic markets, for certain recycled materials, are extremely limited. Collection, sorting and processing costs have also increased.

As the Committees consider the current challenges in the recycling system, because of China's "National Sword" policy and current market fluctuations, AMERIPEN encourages the Committees and New York to consider the following holistic policies and activities to improve the recycling system in New York.

1. Reducing Contamination is Critical

Contaminated recyclables is at the heart of the China National Sword policy. On average, 25% of the materials received at MRFs is non-recyclable "contamination" that to clean up the material to meet the stringent quality specifications for outbound material bales. China's "National Sword" policy restricts contamination in bales to 0.5%. Materials entering recycling facilities are increasingly contaminated for a variety of reasons including commingling recycled materials in one bin, resident confusion, and "wish cycling" of materials that residents "hope" will be recycled.

It is critical that New York and nationwide, develop aggressive efforts to address contamination through consumer education and enforcement and consistent messaging with local solid waste authorities about what materials can be accepted in each community. Additionally, AMERIPEN encourages the State to work with public and private partnerships, discussed below, like the/ Recycling Partnership as they create programs within states to reduce contamination and create effective recycling systems.

2. Investing in Recycling Infrastructure

Modernizing the State's recycling infrastructure and providing tax incentives and grant funds to those facilities and communities that invest in new recycling capabilities is also a critical in helping establish new capabilities as the waste stream continues to evolve and contain a more diverse set of constituents.



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AMERIPEN is also supporting active coalition efforts at the federal level for national infrastructure legislation to include recycling system investments as an essential element of improving our country's infrastructure. Specifically, such legislation would likely provide competitive grants to states that commit to investments in recycling infrastructure. AMERIPEN encourages the Committees to reach out to the State's Congressional delegation to encourage support for efforts to include recycling infrastructure in any federal package.

3. Flexible Goal-Setting Needed

Setting goals have been a part of recycling since the beginning of recycling in the United States. However, as statewide goal-setting policies are evaluated, AMERIPEN would like to note that while initial weight-based recycling or diversion goals have helped states focus on creating infrastructure and markets for the recycling and composting of packaging. Yet unfortunately, currently high weight-based goals are driving flawed policies that ignore the evolving solid waste ton and recycled material market conditions. States like Oregon and Maryland, in contrast, are adopting more flexible and sustainable materials management (SMM) goals that consider life-cycle costs, greenhouse gas emissions, and/or source reduction. On a materials specific, case-by-case basis, these approaches are proving more effective in achieving net positive environmental results.

AMERIPEN also supports per capita waste reduction goals over weight-based recycling rates, as these goals take into consideration source reduction efforts that can never be accounted for in weight-based recycling rates. This allows the states to focus resources on educating consumers, businesses and localities on how to more effectively prevent waste and incentivize waste reduction activities. AMERIPEN also encourages New York to consider a source reduction credit program, like the State of Maryland – as these programs provide incentives to focus on reducing sources of waste locally.

4. Addressing Food Waste

AMERIPEN also strongly encourages the Committees and New York to consider food reduction efforts since this waste offers some of the highest environmental benefit returns and prevention is a preferable outcome to recycling.¹ AMERIPEN believes that the Plan should also highlight food waste reduction at the source so that reduction is prioritized before the need for food recycling. These types of efforts typically yield significant GHG emissions reductions (US EPAR WARM tool), and we recommend including food waste reduction as a new goal area for the State.

AMERIPEN also applauds the NYSDEC's awarding of \$4 million in grants to expand food waste recycling to expand State's capacity to reduce and divert wasted food. AMERIPEN believes that these efforts should also support prevention of waste in the first place.

¹ Oregon DEQ (2017) "[Oregon DEQ Strategic Plan for Preventing the Wasting of Food](#)" specifically notes that "Preventing one ton of food from being wasted, for example, results in 6 times larger lifecycle greenhouse gas (GHG) benefits, on average, than recycling one ton of food through composting. Compared with anaerobically digesting one ton of food, prevention results in 7 times larger GHG benefits" (pg. 5)



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5. Policies to Impact Consumer Behavior & Increase Recycling

As the Committees consider policies that might require new legislative action, AMERIPEN has found that national studies consistently find that there are four effective ways to increase recycling through a combination state policy actions:

- 1) Require cart-based recycling in all communities,
- 2) Establish variable garbage rates - or pay-as-you-throw systems statewide; and
- 3) Consider recycling mandates, disposal bans and education with a plan for processing materials; and
- 4) Implement effective enforcement for bans and recycling contamination.

These are policies and programs that data have specifically demonstrated will increase recycling and change consumer behavior and improve the quality of materials in the recycling stream. Pricing signals, in particular, drive individual actions to recycle. Virtually every single city, state or country with high recycling rates also has high tipping fees, high disposal taxes, mandatory recycling or some type of landfill bans. AMERIPEN believes that policies that look at creating greater access and incentive for recycling with effective enforcement help create highly functioning recycling programs.

6. Potential Public/Private Partnerships to Increase Recycling

AMERIPEN finally, encourages New York to also explore two significant initiatives led by the private sector and designed to help increase and finance recycling systems across the country:

- **The Recycling Partnership** works to increase access and efficacy of municipal recycling programs. They also offer financial support to reduce recycling contamination and place large recycling carts in communities which have been proven to increase the amount and quality of recyclable material collected. As the State seeks to improve recycling the Recycling Partnership can be an effective resource in identifying best practices and funding support.
- Funded by a consortium of private brands, **The Closed Loop Fund** provides no-interest loans to communities and low-interest loans to private entities to help increase the capacity of recycling systems. They are also currently exploring a future proposal to fund the development of an organics collection infrastructure.

Both programs are demonstrating significant impacts on increasing recovery within an aging and challenging recovery system.

AMERIPEN appreciates the opportunity to comment to the Committees on recycling policy in the State. As the State seeks to update its solid waste policy, we encourage the Committee to evaluate ways to reduce contamination, invest in infrastructure, set flexible goals and improve participation in existing recycling systems. We also look forward to collaborating with the Committees, NYSDEC and other stakeholders to improve the recycling system in the State.