



NEW YORK STATE SENATOR

Todd Kaminsky

Kaminsky, Englebright Introduce Bill To Make Packaging Producers Pay For Recycling

TODD KAMINSKY January 8, 2021

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(Albany, New York) — Today, Senator Todd Kaminsky, Chair of the Senate Environmental Conservation Committee, Assemblymember Steve Englebright, Chair of the Assembly Environmental Conservation Committee, and environmental advocacy groups urged the State Legislature to pass extended producer responsibility legislation introduced by Kaminsky and Englebright (S.1185) during this new legislative session. Kaminsky’s bill will boost recycling, curb waste and save tax dollars by shifting the end-of-life responsibility for packaging and paper products from local governments to corporate producers. If passed and signed into law, New York would be the first state to implement such a program for packaging and paper products.

“We are facing a recycling crisis in our country, and it is essential for government to step up to the plate, mitigate waste and save taxpayer money — and that is precisely what my extended producer responsibility legislation will do,” **said Senator Todd Kaminsky, Chair of the Senate Environmental Conservation Committee.** “Localities are struggling with the burden of recycling costs, which inevitably get passed along to hardworking taxpayers. By requiring corporate producers to chip into the end-of-life costs for their products, not only are we holding the line on taxes, but we are also protecting our planet and its natural resources for

generations to come.”

“Our new legislation on packaging and paper will remove many items from the waste stream and instead the material will be reused or recycled. Extended Producer Responsibility (EPR), or Product Stewardship, places the responsibility and costs on producers of products instead of taxpayers or consumers. The legislation encourages manufactures to think of products disposal costs upfront rather than placing the cost on the backs of consumers or taxpayers. This legislation will also help to protect human health and the environment by discouraging the use of toxics and harmful chemicals which cost more to dispose of properly,” **said Assemblyman Steve Englebright, Chair of the Assembly Environmental Conservation Committee.**

“Recycling is a core pillar of NYC's sustainable waste management and resource recovery policies. Given the severe financial strain facing recycling programs in the state, EPR for PPP provides for focused and coordinated investment to stabilize and maintain recycling services, and to drive innovation to improve recycling outcomes beyond what is possible today,” **said Edward Grayson, Commissioner, NYC Department of Sanitation.**

“Plastic and other packaging waste is a growing burden on our state’s environment and on local taxpayers who are paying more and more for disposal of this trash. So three cheers for Senator Kaminsky and Assemblymember Englebright for spearheading this sensible, equitable and historic legislative response. If enacted, this forward-looking bill would shift the costs of disposal from towns and municipalities to the manufacturers who produce this waste, creating a financial incentive for them to slash the amount of plastics and packaging trash -- to the benefit of our air, land and waterways, and to taxpayers across the state,” **said Eric A. Goldstein, New York City Environment Director at the Natural Resources Defense.**

“Increased plastic packaging litters our communities, municipalities are experiencing skyrocketing costs to maintain recycling programs, and dwindling landfill space is running out. New York is paying a financial and environmental price for the ongoing solid waste

crisis,” **said Adrienne Esposito, Executive Director at Citizens Campaign for the Environment (CCE)**. “EPR legislation would ensure that manufacturers finally take responsibility for the mess they are creating, rather than pushing it off on to local taxpayers. Not only does this provide relief to taxpayers, but it also serves as a critical incentive for manufacturers to minimize packaging materials, improve recyclability, and reduce the toxicity of their products. We commend Senator Kaminsky and Assemblyman Engellbright for their leadership and call for swift passage of this important policy.”

“New York is facing an unprecedented solid waste crisis. Our rivers, fields, and oceans are brimming with plastic waste and our landfills are choked. Approaching this at many angles is part of the solution. We have to prioritize Extended Producer Responsibility (EPR) legislation which will hold producers accountable for the complete life cycle of their products and packaging. EPR programs hold promise to help unburden local communities, boost recycling efforts and programs, and usher in a new era and way of thinking about the way we live. We are grateful for the leadership of Senator Kaminsky and Assemblymember Englebright for spearheading solutions to our solid waste and recycling crisis,” **said Kate Kurera, Deputy Director, Environmental Advocates NY**.

Patrick McClellan, Policy Director at the New York League of Conservation Voters said, "Our recycling markets are in crisis and county and municipal sanitation services are straining to responsibly manage the waste stream. Extended producer responsibility legislation for packaging materials would help to address a significant environmental and budgetary burden placed on local governments. That's why this legislation is one of NYLCV's top priorities for the 2021 session. We look forward to working with Senator Kaminsky to enact this bill quickly."

"Senator Kaminsky and Assemblyman Englebright's Extended Producer Responsibility legislation for consumer packaging offers a bold approach to engage the entire supply chain

to support community recycling in New York," **said Andrew Radin, Chair of the New York Product Stewardship Council.** "Through enactment of this legislation, we can make sure that the companies that design and produce the product packaging and printed paper generated in New York contribute to recycling this material at the end of its useful life."

"I thank Senator Kaminsky and the State Legislature for advancing Extended Producer Responsibility (EPR) for packaging materials. Municipal recycling programs are in crisis due to the collapse of markets for recycled paper and challenging markets for other materials. This affects every local government and resident in New York State. Unfortunately, there is no end in sight for the market conditions we are now experiencing. Not only will packaging EPR save existing programs, it will motivate municipalities to institute the most robust and inclusive programs possible, and it will incentivize product manufacturers to choose packaging materials that are most favorable for recycling. Recycling is a public service and environmental necessity. EPR is a way to decouple that service from volatile commodity markets. Packaging EPR is the single largest action the State can take to shore up public recycling programs, and it will firmly place New York as a leader in the US on progressive recycling legislation," **said Tom Outerbridge, General Manager, Sims Municipal Recycling.**

Gary Carrel, President of the New York State Association for Reduction, Reuse and Recycling (NYSAR3) said, "Senator Kaminsky and Assemblyman Englebright have a vision for modernizing and improving our state's recycling system. The state's professional recycling association, NYSAR3, supports and shares that vision, which includes higher material recovery rates, less waste, and reduced municipal costs by requiring financial support from the producers of the products we use every day."

"The producer responsibility bill introduced by Senator Kaminsky and Assemblyman Englebright will serve as a cost-effective and sustainable model for other states in the nation," **said Scott Cassel, CEO and Founder of the Product Stewardship Institute.** "The bill will

modernize the state's recycling system, reduce greenhouse gas emissions, and grow the New York economy, all of which are especially important now given the devastating impacts of COVID-19."

"Extended producer responsibility is an important policy tool to reduce the environmental impact of the products we consume and relieve a financial burden on local governments," **said NYS Association of Counties (NYSAC) Executive Director Stephen J. Acquario.** "We commend Senator Todd Kaminsky and Assemblyman Steve Englebright for continuing to champion legislation to make manufacturers responsible for the recovery or recycling of their products. Counties support this proposal to modernize New York State's recycling system, keep waste out of landfills, and create green jobs."

Luann Meyer, President of the New York Chapter of the Solid Waste Association of North America (SWANA) said, "Thanks to the collaboration of Senator Kaminsky and Assemblyman Englebright, New Yorkers may soon see much needed improvements in how consumer product packaging is produced and recycled. This bill will rightly align the costs for recovering consumer product packaging and printed paper with the producers of these materials."

Rich Bills, President of the New York State Association for Solid Waste Management (NYSASWM) said, "Product manufacturers aim to maximize profits, yet it is the local municipality that faces the burden of the wastes that are generated. Senator Kaminsky and Assemblyman Englebright's Packaging EPR bill aims to rethink that paradigm and provide not only systemic improvements to the state's recycling system, but financial support at a time when local governments need it the most."

Each year, the United States generates roughly 290 million tons of solid waste, roughly a third of which is comprised of paper and plastic products. On top of that, the U.S. only recycles around 69 million tons of that waste, with the majority of the rest going to landfills.

Increased recycling costs put localities in the difficult situation of raising taxes or significantly limiting what materials they accept. Accordingly, it is imperative for the recycling market to shift end-of-life responsibility from local governments and their taxpayers to producers. Indeed, extended producer responsibility programs are common throughout the world, and have been proven to increase recycling rates while reducing methane emissions.

Under Senator Kaminsky and Assemblymember Englebright's bill, producers will be required to finance the recycling of their paper products and packaging materials, while also being rewarded for enhancing the recyclability of such items. Producers can comply with bill's provisions individually or through joining a producer responsibility organization (PRO). The program will also create a funding mechanism to cover its costs, and charges will also be adjusted based on the post-consumer recycled content rate of the materials. After the implementation of the plan, no producer will be permitted to sell any covered materials unless covered by a PRO plan that has been approved by state regulators.

In addition to reducing waste and saving taxpayer dollars, Kaminsky and Englebright's bill will also help provide financial relief to municipalities during this difficult time, modernize recycling systems in localities throughout the State, and create new, green jobs for New Yorkers — from Buffalo to Brooklyn to Baldwin.

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RELATED LEGISLATION

2021-S1185

-
- Introduced

 - ◦ In Committee Assembly
 - In Committee Senate

 - ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

 - ◦ Passed Assembly
 - Passed Senate

 - Delivered to Governor

 - Signed By Governor

 -

Establishes the extended producer responsibility act

January 08, 2021

In Senate Committee **Finance**

Sponsored by **Todd Kaminsky**

Do you support this bill?