



NEW YORK STATE SENATOR

Pete Harckham

Harckham, Glick and Advocates Call for Packaging Reduction and Recycling Infrastructure Bill to Be Passed

PETE HARCKHAM June 6, 2023

| ISSUE: **SENATOR HARCKHAM. SD40, PACKAGING REDUCTION, RECYCLING, TOXIC CHEMICALS**



Albany, NY – New York State Senator Pete Harckham and Assemblymember Deborah J. Glick, along with a number of important environmental and governmental advocates, called today for the Packaging Reduction and Recycling Infrastructure Act to be passed in the State Legislature.

The landmark legislation ([S.4246A](#) / [A.5322A](#)), which was introduced jointly by the two lawmakers in their respective houses, will institute “extended producer responsibility” (EPR) and require companies with a net annual income of over \$1 million to reduce consumer packaging, improve recycling efforts of their product packaging and help update recycling infrastructure. Additionally, companies will be expected to create and / or maintain reusable and refill infrastructure, support municipal recycling programs financially and reduce the toxins in their packaging.

The legislation is expected to save New York municipalities and taxpayers as much as \$250 million annually.

“The tremendous amount of waste that we create each day is polluting our communities and costing local municipalities—and taxpayers—millions of dollars each year,” said Senator Harckham, chair of the Senate Environmental Conservation Committee. “Much of our waste is recyclable, and the best and most effective way we can begin to mitigate our waste crisis, which is already impacting our natural resources statewide, is for the initial producers of this waste to be fully involved with the end-of-life solutions. This is the best chance to finally do something about recyclable waste, and the many toxins found in packaging. I am grateful for the legislative support and staunch advocacy for this bill; now it’s time to get it passed.”

“For decades, plastic packaging and waste has polluted our environment and has been a burden shouldered by taxpayers and municipalities across New York State. The Packaging Reduction and Recycling Infrastructure Act finally makes manufacturers share responsibility for packaging waste through a framework which provides necessary relief for local governments and important reductions for our environment,” said Assemblymember Deborah Glick, chair of the Assembly Environmental Conservation Committee. “This legislation incentivizes sustainable packaging, has mandatory reductions and bans toxics and advanced recycling, which has toxic waste byproducts. Our taxpayers need this shared financial responsibility and the environment can’t wait any longer. We need to pass this legislation now.”

The average New Yorker creates nearly 5 pounds of trash every day, which means our state produces approximately 15 million tons of waste each year. 14 million tons of waste is produced by New York City alone. This waste primarily goes to landfills and incinerators, but can often end up in our water, natural habitats, and municipal spaces.

The recycling rate for the entire United States was estimated to be between 5-6% in 2021. While New Yorkers understand the importance of reducing their waste, reusing what we can and recycling, our current system is not meeting our environmental demands. Local governments continue to struggle with recycling costs and infrastructure, evidenced through increased taxes or significantly limited materials that can be collected.

Harckham and Glick’s bill will make it mandatory for the eligible producers of consumer packaging and recyclable waste to register with a Producer Responsibility Organization (PRO) within a 30 months of the bill’s enactment and create a plan within two years for submission to an advisory council to gauge compliance with the new packaging and recycling rules.

Once approved, the producers have six months to operate their plan. The bill’s timeline calls for producers to reduce their packaging by 10% of weight within three years, 20% by five years, 30% by eight years, 40% by 10 years and 50% by 12 years. Moreover, there will be specific standards for post-consumer recycled material for packaging. Glass should be at least 35% post-consumer recycled content, paper carry out bags should be 40% and plastic bags should be 20%.

The New York State Department of Environmental Conservation (DEC) will determine a formula for ecomodulated fees for producers to pay to the PRO, which will reimburse local governments for the costs of recycling and disposal of packaging. The PRO will also conduct an education and outreach effort to educate the public on the negative local and environmental impacts of packaging waste, and support

municipalities and producers to comply and fully utilize the program.

There is an enforcement provision that includes the creation of an Office of Inspector General, which, along with DEC, has the ability to investigate, inspect, and audit, holding non-complying producers accountable through civil penalties. Producers and the PRO will be required to annually report data that will be used to inform future reduction decisions and legislation.

A vitally important aspect of the bill is its focus on eliminating toxic chemicals and compounds in packaging material. Once enacted, producers will have two years to remove certain toxic substances—PFAs, heavy metals, formaldehyde, halogenated flame retardants and more—from their packaging. Every two years after the bill's enactment, the Toxic Packaging Task Force will consider whether more toxics substances will be prohibited.

The legislation was amended recently, the work of collaborations with advocates and stakeholders. The main changes in the bill now charge the DEC with creating a single PRO with a nonprofit chosen from a pool in a bidding process and create a waiver for products, mostly foodstuffs, that need to be compliant with federal safety laws. A toxic packaging task force, with representatives from all stakeholders, will be created to recommend additional guidelines.

The legislation creates a structure that allows all parties to have a voice in the process, including manufacturers, the New York State Department of Environmental Conservation (DEC), municipalities, and environmental advocates.

Adrienne Esposito, executive director of Citizens Campaign for the Environment (CCE), said, “It’s time for corporations to take out their own trash. We are at a tipping point; the cost of waste disposal has skyrocketed and the amount of waste we generate continues to grow. Continuing with the status quo is no longer an option.”

Added Esposito, “Consumer brand-owners have externalized the cost of disposing of their product packaging, leaving municipalities and taxpayers to foot the bill. Instead of putting the onus on taxpayers to recycle and pay for products excessive packaging, we need to hold manufacturers responsible to not only pay for their waste but also reduce it all together. CCE applauds Senator Harckham and Assemblywoman Glick for their leadership in addressing New York’s solid waste and recycling crisis by championing the Packaging Reduction and Recycling Infrastructure Act. Now it’s time for New York to pass this critical bill!”

New York League of Conservation Voters Director of Policy Pat McClellan said, “To achieve our goal of zero waste, New York State must adopt policies to create a circular economy that prioritizes recycled and recyclable materials and incentivizes the use of less packaging in the first place. That is exactly what the Packaging Reduction and Recycling Infrastructure Act does. We applaud Senator Harckham and Assemblymember Glick for introducing this measure, and with the legislative session coming to a close, we urge both houses to pass this bill before it’s too late.”

New York State Association of Counties Executive Director Stephen Acquario said, “Packaging waste poses significant challenges to our communities, straining resources and threatening the viability of local recycling programs. It is time for producers to play an active role in reducing both the environmental

footprint of their products and the financial burden counties and municipalities bear in disposing of them.”

Acquario added, “An EPR program for packaging will shift the burden of waste management from local governments and taxpayers to the very producers who distribute packaging in New York State, creating a more sustainable and equitable system. We commend Senator Harckham and Assemblymember Glick for championing this legislation to pave the way towards a greener and more sustainable future for all New Yorkers.”

Former EPA Regional Administrator and President of Beyond Plastics Judith Enck, said, “Plastic pollution is turning our rivers and ocean into a landfill, polluting communities of color, making climate change worse and threatening human health. When it is adopted, New York’s Packaging Reduction and Recycling Act will save tax dollars and protect the environment. Immense thanks to Senator Harkham and Assemblymember Glick for their bold leadership.”

New York City Deputy Mayor for Operations Meera Joshi said, “The passage of the Packaging Reduction and Recycling Infrastructure Act would be a major win for a greener, more efficient New York. It's time to look upstream to the point of production so the items New Yorkers buy or rely on are made with recycling in mind from the very start. Holding producers responsible for reducing waste and increasing recyclability of their products will save cities hundreds of millions of dollars and ensure more products have a second life instead of ending up in a landfill. I urge our legislative leaders to take action to pass this historic legislation this session.”

Natural Resources Defense Council Senior Attorney Kate Donovan said, “We are down to the wire and extremely hopeful that the legislature will pass the Packaging Reduction and Recycling Infrastructure Bill in the final days of session.”

Natural Resources Defense Council Senior Attorney Eric A. Goldstein said, “New York cannot wait any longer to implement solutions that reduce plastic waste and consumption, protect our vulnerable communities from so-called chemical recycling technologies, support municipal recycling programs, build out refillable and reusable infrastructure and hold producers of packaging responsible for the tons and tons of waste generated each year. We thank Senator Harckham and Assemblymember Glick for their sponsorship and support in working to get this critical piece of environmental policy done this year.”

Clean+Healthy Executive Director and JustGreen Partnership Co-Leader Bobbi Wilding said, “The Packaging Reduction and Recycling Infrastructure Act includes important provisions to get toxic chemicals out of packaging - which is critical in the quest for a just, nontoxic, circular economy. Also essential in this pursuit is a clear definition of recycling that excludes toxic processes that harm communities. We urge both houses to pass this bill this week.”