The
Business
Council

NEW YORK STATE
EDC
Economic Development Council

BNP
BUFFALO
NIAGARA
PARTNERSHIP

CAPITAL REGION
CHAMBER

New York State
CHEMISTRY COUNCIL

UPSTATE
UNITED

GREATER
BINGHAMTON
CHAMBER OF COMMERCE

AMERIPEN

FIA
FOOD
INDUSTRY
ALLIANCE
of New York State, Inc.

RETAIL COUNCIL OF
NEW YORK STATE

PLASTICS
INDUSTRY ASSOCIATION

CONSUMER
BRANDS
ASSOCIATION
Sealed Air

NFIB
CTA
Consumer Technology Association, producer of CES®

american
cleaning institute®

ABC Empire State
Associated Builders and Contractors

BREWERS
EST 2003
NEW YORK STATE
ASSOCIATION

FARM
BUREAU
NEW YORK

ACRC
CONTAINER RECYCLING COUNCIL

GREATER
ROCHESTER
CHAMBER

BPI
COMPOSTABLE

CARTON
COUNCIL

acd
ALLIANCE FOR
CHEMICAL DISTRIBUTION

American
Chemistry
Council

PIMA
POLYISOCYANURATE INSULATION
MANUFACTURERS ASSOCIATION

Nc
North Country
Chamber of Commerce
The Power of Region

NEMA
National Electrical Manufacturers Association

OPEI
Outdoor
Power
Equipment
Institute

FPA
Flexible Packaging
Association
Connecting. Advancing. Leading.

jpma
built for baby

CCCA
Communications Cable & Connectivity Association

ICP

Personal Care Products Council
Committed to Safety, Quality & Innovation

HOUSEHOLD &
COMMERCIAL
PRODUCTS ASSOCIATION
Innovative Products For Home. Work. Life.

Chemours
TRINSEO

PLASTIC
ENERGY

سابک
sabic

SVIA
Specialty Vehicle Institute of America

Braskem

PERFORMANCE
FLUOROPOLYMER
PARTNERSHIP

AEM
Association of Equipment Manufacturers

ASSOCIATION OF HOME
APPLIANCE MANUFACTURERS

AGC
Your Dreams, Our Challenge

PRINTING UNITED
ALLIANCE

ROHVA
RECREATIONAL
OFF-HIGHWAY
VEHICLE
ASSOCIATION

Pine Chemicals
ASSOCIATION INTERNATIONAL

AmSty

ALLIANCE
FOR AUTOMOTIVE
INNOVATION

ITI
Promoting Innovation Worldwide

HYDRAULIC
INSTITUTE

inda
Association of the
Nonwoven Fabrics Industry
ADVANCING ENGINEERED MATERIAL SOLUTIONS

AMERICAN
APPAREL &
FOOTWEAR
ASSOCIATION

CPMA
Color Pigments
Manufacturers Association

SIRC
Styrene
Information
& Research
Center

napim
National Association of
Printing Ink Manufacturers

NCTO
NATIONAL COUNCIL OF TEXTILE ORGANIZATIONS

mema.
The Vehicle Suppliers Association

INSTITUTE
vinyl

MOTORCYCLE
INDUSTRY
COUNCIL

API
American Petroleum Institute
Northeast Region

Braven
Environmental

SYENSQO

BASF

ISPA
INTERNATIONAL SLEEP
PRODUCTS ASSOCIATION

Can
Manufacturers
Institute

AFPM
American
Fuel & Petrochemical
Manufacturers

CropLife
AMERICA

NMMA

GFL
GUJARAT FLUOROCHEMICALS
VALUE THROUGH GREEN CHEMISTRY
An INOX GFL Group Company

The undersigned businesses and organizations are committed to working with the Hochul Administration, Senate, Assembly and other stakeholders to fashion an effective, workable "expanded producer responsibility" (EPR) law in New York State that improves the state's current efforts to divert post-consumer materials from disposal and to instead separate, collect, process and remanufacture post-consumer packaging material into new products.

However, we continue to strongly oppose the recently reintroduced legislative proposal, S.1464 (Harckham)/A.1749 (Glick).

Other than several updated implementation dates, this bill is unchanged from last year's version, and late session amendments in 2024 did nothing to address business' key concerns regarding the proposal's unworkable mandates and its increased costs for consumers and businesses alike.

Importantly, in California, Governor Newsom recently ordered his environmental agency to start over on that state's proposed EPR regulations, based on concerns that they would impose unacceptable burdens on consumers and businesses alike. California's change in course should be taken into account by New York lawmakers, as the mandates in S.1464/A.1749 go beyond the California statute on key areas, including material bans, recyclability mandates and source reduction, indicating that the impacts of New York's proposal would be even more severe.

Major issues of concern regarding S.1464/A.1749 include the following.

- it imposes unreasonable mandatory reductions in total packaging used by each individual producer of packaging of 50 percent by weight, applied equally to all categories of materials, with little regard for already achieved source reduction measures, and with no accommodation for shifting market share or consumer demands. For a workable program, these targets need to be established with producer input.

- it imposes a ban on the presence of fifteen specific chemicals in packaging, and allows for additional chemicals to be banned in future years, without clear environmental or public health justification, and without providing for any *di minimis* levels to account for substances that were not intentionally added to packaging products; Chemicals in packaging can and should be addressed outside of packaging producer responsibility and under other existing statutory and regulatory frameworks in New York, including ongoing participation in the Toxics in Packaging Clearinghouse;

- it requires packaging producers to reimburse "participating" municipalities and private haulers/processers for 100% of their costs related to managing post-consumer packaging and paper, leaving those entities with no incentive to assure efficient and cost-effective programs;

- it sets up an unworkable timeframe for business compliance, with producer responsibility plans required to be submitted to the state on the same timeframe for the state to adopt implementation regulations, and with other provisions of the bill allowing the state to expand its list of recyclable materials with no adequate time for businesses to remain in compliance with expanded obligations;

- it fails to prove a clear pathway for certified compostable products to be sold and fails to support industrial and community composting infrastructure;

- it proposes a confusing definition of what constitutes a "producer," that will make it difficult for businesses to understand their specific compliance obligations, rather than reflect negotiated definitions being adopted or considered by other state's legislatures;

- it imposes a mandate on product producers that within two years they assure "a consistent regional market" for all post-consumer packaging and paper product materials collected, a compliance mandate that is beyond the capabilities of individual companies to achieve;

- it inappropriately excludes the use of advanced recycling, such as material-to-material molecular recycling technologies, which can be employed in addition to mechanical recycling to increase material recovery and reducing waste disposal and carbon emissions;

- it would impose significant civil penalties for any violation of this complex new law, including violations based on factors beyond their control (such as the impact of economic conditions on markets) without providing any opportunity for producers to address and correct alleged violations;

- it would establish a new, unnecessary "office of recycling inspector general" that would duplicate oversight and enforcement authority of the DEC and the office of attorney general, and whose costs would be borne by packaging and paper producers;

We welcome the opportunity to meet with the Administration and members of the state legislature to discuss these concerns in detail, and to present our recommendations for a more effective, workable EPR program in New York State.

Respectfully Submitted, on Behalf of the Following Organizations:

Ag Container Recycling Council
AGC Chemicals Americas
Air Conditioning, Heating and Refrigeration Institute
Alkylphenols & Ethoxylates Research Council
Alliance for Automotive Innovation
Alliance for Chemical Distribution (ACD)
American Apparel and Footwear Association (AAFA)
American Fuel and Petrochemical Manufacturers (AFPM)
AMERIPEN - American Institute for Packaging and the Environment
American Apparel & Footwear Association
American Bakers Association
American Chemistry Council
American Cleaning Institute
American Petroleum Institute – Northeast
AmSty
Association of Equipment Manufacturers (AEM)
Association of Home Appliance Manufacturers
Association of the Nonwoven Fabrics Industry(INDA)
Associated Builders & Contractors – Empire State Chapter
BASF
Berry Global
Braskem
Braven Environmental
Business Council of New York State
Business Council of Westchester
Buffalo Niagara Partnership
Binghamton Chamber of Commerce
Biodegradable Products Institute
Can Manufacturers Institute
Capital Region Chamber of Commerce
Carton Council
CJ Biomaterials
Color Pigments Manufacturers Association
Communications Cable and Connectivity Association (CCCA)
Consumer Technology Association
Consumer Brands Association

Chemours Company, The
Covestro
CropLife
Danimer Scientific
DISCUS - Distilled Spirits Council of the United States
Duponty
Empire State Forest Products Association
Flexible Packaging Association
Food Industry Alliance of New York State
Foodservice Packaging Institute
Greater Binghamton Chamber of Commerce
Gujrat Fluorochemicals (GFL)
Household and Commercial Products Association (HCPA)
Hydraulic Institute
IDI Distributors
Ingevity Corporation
ITI
International Sleep Products Association
Juvenile Products Manufacturers Association (JMPA)
Long Island Association
Milipore Sigma
Motor & Equipment Manufacturers Association (MEMA)
Motorcycle Industry Council (MIC)
National Association of Chemical Distributors (NACD)
National Association of Printing Ink Manufacturers
National Confectioners Association
National Council of Textile Organizations (NCTO)
National Electrical Manufacturers Association (NEMA)
National Federation of Independent Business- NY (NFIB-NY)
National Marine Manufacturers Association (NMMA)
Natur-Tec
New York Alliance of Fine Wine Wholesalers
New York Farm Bureau
New York State Chemistry Council(NYSCC)
New York State Economic Development Council
New York State Distillers Guild
New York State Brewers Association
North Country Chamber of Commerce
Outdoor Power Equipment Institute
Pactiv Evergreen Inc.
Performance Fluoropolymer Partnership (PFP)
Personal Care Products Council

Pine Chemicals Association
Plastic Energy
Plastics Industry Association
Polymeric Exterior Products Association (PEPA)
Polyisocyanurate Insulation Manufacturers Association (PIMA)
PRINTING United Alliance
Recreational Off-Highway Vehicle Association (ROHVA)
Responsible Industry for a Sound Environment (RISE)
Retail Council of New York State
Rochester Chamber of Commerce
Rockland Business Association
Sabic
Sealed Air
Sinclair Systems International
Specialty Vehicle Institute of America (SVIA)
Styrene Information and Research Center
Sun Chemical Corporation
Syensqo
3M
Toy Association, The
Trinseo
Upstate United
Vinyl Institute
Western Plastics Association
WinCup, Inc.