



**SENATE STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION
ASSEMBLY STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION**

HEARING ON PACKAGING REDUCTION

Tuesday, October 24, 2023

Comments from New York's Wine Producers

1. I'm Carol Doolittle. In 1979 my husband and I co-founded Frontenac Point Vineyard Estate Winery – Farm Winery #44. There are now almost 500 wineries in NYS.
2. I am testifying on behalf of the New York Wine Policy Institute, which represents the state's wine industry on policy issues.
3. We appreciate this opportunity to comment on solutions to reduce packaging. In some cases, such as wineries, we have no option but to package our liquid product in non-porous material, and currently do so minimally.
4. Since 2020 we have been working to be a part of the solution to the challenges of packaging waste.
5. We are involved with current projects at Cornell and Alfred Universities which will provide recommendations on the feasibility and consumer acceptance of re-used wine bottles – along with technical aspects. Treleaven Winery owner Pete Saltonstall is working with professors at both universities. Two years ago, he found an extensive study in Catalonia on re-using/refilling wine bottles. Called reWine it's being reviewed by others now. Let me know if you'd like a [copy](#).
6. We are also watching Conscious Container - the CA wash/re-fill wine bottles operation, and Revino, a similar initiative in Oregon. Mr. Saltonstall recently spoke with the founders of Revino. They are happy to share information with us, which we would be pleased to share with legislators. But what we do in NY is dependent on what happens with EPR and the bottle bill in the next legislative session. We urge these Committees not to rush us into a mandate without exploring what wineries are finding out about alternative approaches that may provide better recycling results more cost-effectively.
7. One thing has already become clear from the analysis of bottle reuse as a strategy: A public-private partnership with New York State is absolutely necessary to support the development and implementation of bottle washing/re-fill operations.
8. Another example is Billsboro Winery on Seneca Lake, which is working with Casella on Clean Glass Collection by separating wine bottles to be sold for recycling to make jars and bottles. The Tompkins County Recycling and Materials Management Department's **Source-separated** "Clean Glass" collection is very successful according to its Director, Leo Riley.

9. Each packaging material should be treated **separately**. Wine Bottles are re-fillable. The uses of crushed glass are many - asphalt extender, fiberglass insulation and more. Aluminum and metal are in demand by scrap yards so clearly have markets. Paper and cardboard have been recycled since the 1950's. Plastic packaging for consumer convenience seems to be a problem?
10. The **Manufacturers** of the recyclable packaging must be held accountable for using virgin materials to produce new packaging. Instead, they should be required to invest in recycling what they have already produced.
11. **Consumers** must be included in packaging reduction legislation. What are their recycling responsibilities? If they don't recycle appropriately, the goals will not be reached.
12. Lastly, one important point about the proposed EPR bills' "one-size-fits-all" **packaging reduction mandates** is that, given our normal glass packaging practices and based on the expert opinions of bottle manufacturers, it may well be impossible for us to comply with the weight reduction standards under the timetable proposed by the drafts (i.e., 50% packaging weight reduction within 12 years).

Additional Comments on the last versions of the EPR Law (S4246A/A5322A):

1. **Packaging Reduction and Recycling Organization (PRRO):** We were pleased to see that S-4246A stipulated that should be only one PRRO covering all materials and all sectors in the State for the first 10 years to reduce needless complexity and compliance confusion.
- 2.. **Packaging reduction and recycling organization plan:** We question the provision in paragraph 3 that a producer shall be liable for noncompliance penalties if no plan is approved within a 3-year time frame. Producers should only be subject to penalties for violations under their control.
3. **Funding mechanism and Fees:** We were pleased to see that S4246A adopted the approach proposed in Senator May's version of the bill that directs the DEC to work with stakeholders (presumably representing all sectors and size businesses) to determine suitable fee structures. However, we would point out that neither Maine nor Oregon has provisions like paragraph 10 in their laws that interfere with business pricing decisions.
4. **Producer Responsibilities – Exemption Threshold:** We remain concerned that Paragraph 6 of §27-3417 exempts small businesses with less than one million dollars in annual revenues or generates less than one ton of covered materials. We believe the small business threshold for exemption from this responsibility should be far higher. One million tons of packaging represents only about 90 cases of wine bottles, which is clearly too low. For annual revenues, gross revenue fails to take into account the narrow margins New York's small wineries experience after factoring in production and land costs. We would note that recent legislation in Maine and Oregon set more realistic thresholds of \$5 million.
5. **Packaging Reduction and Recycling Advisory Council:** We question why the producer or PRRO members of this Advisory Board should be non-voting. We would note that under Oregon's new law four of the seventeen representatives of the "Oregon Recycling System Advisory Council" must be producers of covered products or producer trade associations or suppliers with voting rights intact. We would also prefer to have a representative of the agriculture sector represented as provided in Senator Hochul's Advisory Council proposal (§ 27-3405, Para 1(j)).