



October 20, 2023

New York State Capitol
Washington Ave and State St
Albany, NY 12224

Dear Senator Harckham and Assemblymember Glick:

Thank you for convening a joint New York State Senate and New York State Assembly hearing to consider legislative solutions to reduce packaging in New York State. We write to you today as the Sustainable Food Policy Alliance (SFPA), including member companies Danone North America; Mars, Incorporated; Nestlé USA and Unilever United States. This Alliance has been an active participant in developing and advocating for updated packaging and recycling policy across the United States, including in New York State. All four companies have each made extensive investments and commitments to make consumer product packaging more sustainable and transition to a circular economy. In turn, we also are focused on finding policy solutions that transform our nation's current waste management and recycling systems. Our advocacy is outlined in our [Packaging and Recycling Policy Priorities](#) and supplemented by our [Extended Producer Responsibility \(EPR\) Policy Priorities](#).

SFPA is supportive of Extended Producer Responsibility (EPR) programs, and we encourage New York State to continue to develop EPR legislation to shift away from the status quo and toward a waste and recycling future where companies like ours can set and meet ambitious goals to integrate post-consumer recycled content (PCR) into our packaging, consumers are educated to better navigate their local recycling systems, and we can all be better stewards of the environment. Ultimately, we know that it is essential for stakeholders to come together to make end-to-end system changes that will truly transform our waste management system into a circular economy.

All four companies participate in EPR programs globally and we have worked to set up and support EPR programs and policies in the United States, such as Colorado's Producer Responsibility Program for Statewide Recycling Act. In 2022, we supported NY S. 1185 as well as the EPR program included in the state's budget bill. This year, we have been closely following the debate on EPR and S. 4246-A / A. 5322-A in New York State. While both bills include elements that we support, unfortunately, in current form, we cannot support either measure. We shared a detailed note on our programmatic concerns in June earlier this year. It is our sense that this legislation would create a program with undue burden on the state that focuses on pure packaging reduction at the cost of creating a more circular economy.

Our Alliance supports EPR programs that include best practices identified in our principles and by industry experts more generally, such as:

- A shared governance model led by a single PRO – including producer representation – with oversight by state regulatory authority;
- Fees set by the PRO based on eco-modulation criteria for all materials;
- Fees collected by the PRO to be used specifically for improving recycling infrastructure;
- Waste reduction and recycling goals based on a needs assessment performed by the PRO; and
- Support for a variety of recycling technologies – including mechanical and advanced solutions.



SFPA is eager to be a resource for you and your colleagues moving forward. We look forward to working with you to continue to progress toward a more circular economy in New York State.

Sincerely,

Sustainable Food Policy Alliance