

Testimony of The Recycling Partnership
Dylan de Thomas VP of Public Policy & Government Affairs

Joint Legislative Hearing of the New York State Standing Environmental Conservation Committees

Dear Chairs, Harckham, Glick, and Environmental Conservation Committee Members of the New York State Senate and Assembly:

On behalf of The Recycling Partnership, I am pleased to provide information and perspective on legislative solutions to reducing packaging and unlocking a circular economy for New York State.

The Recycling Partnership is a mission-driven national non-profit dedicated to improving recycling nationwide. We mobilize people, data, and solutions across the value chain to accelerate change and build a better recycling system. We do this through grant-making, technical assistance, research, and policy engagement. We have been involved in the debate regarding extended producer responsibility (EPR) legislation for packaging in New York for the past several years. EPR is a proven technique for increasing access to recycling, improving resident participation, clarifying what packaging materials are and are not recyclable, saving municipalities money, and reducing the overall waste stream through placing fees on packaging and holding producers responsible for recycling the packaging they send into the marketplace.

New Yorkers want the best possible access to effective recycling systems, and preliminary estimates suggest that 2.5 million households in the state (around 60% of NY households excluding NYC) may benefit from improved access. Furthermore, surveys show that 84% of consumers want packages to be recyclable and made from recyclable material. Current education programs that encourage residential recycling are woefully underfunded, but smart, well-designed policy can capture recyclable materials currently being lost to the trash and help educate residents such that the collection of materials and recycling participation increases.

There are examples from around the world of strong and successful EPR programs. Good program design includes the creation of a non-profit governed by the companies obligated to pay for recycling. This group, commonly called a PRO, or producer responsibility organization, is required to pay for and administer recycling statewide. In turn, the Department of Environmental Conservation (DEC) would be empowered by the law to hold the PRO accountable through multiple enforcement mechanisms. A multi-stakeholder advisory body would advise the PRO and DEC on program design and implementation. By setting fees that reward recyclability and penalize packaging that is not recyclable, the PRO can drive source reduction of virgin materials and increase the amount of recycled content included in new packaging. As part of a well-designed policy, producers would be party to or support the design of the system they are expected to implement.

Based on the EPR programs around the world we have studied; a needs assessment must be in the beginning stages of setting up the system. That assessment must define the baseline system costs, and the investment of needed to achieve program goals including critical components such as infrastructure improvements, statewide education and outreach to increase participation and reduce contamination and increase capture of recyclable material to effectively and responsibly manage.

An analysis of the needs assessment, along with input from the Advisory Council, and approval by the DEC, should set the goals and deadlines for recycling, reuse, and source reduction in order to set the program up for success and ensure that these rates and dates are achievable.

Checks and balances are key to a successful EPR program. The authority of the PRO should remain with the producers and that the accountability of such be assigned to the DEC with an Advisory Council representing the wide range of stakeholders advising both the DEC and the PRO, resulting in a robust, balanced system.

While toxics in packaging materials can be an issue, due to its complexities and its overlap with other, non-packaging industries, we would recommend consideration of this topic in a separate bill and not including it in EPR policy.

Recycled content, source optimization, and reuse goals must be based on data and achievable to be successful. There needs to be a vision for what the reuse and refill system would look like, along with guidelines for how it should be built and supported, to ensure success and not have unintended consequences of greater environmental impact from the status quo.

We believe a well-designed and efficiently implemented EPR program could bring great environmental and economic benefits to New Yorkers if policy is passed. We urge the Legislature and the Governor to move quickly to take advantage of this low-hanging fruit and adopt a smart, well-designed EPR model, as several other U.S. states – including Colorado, California, and Oregon – and 50 countries and provinces around the world already have.

Not all EPR systems are the same, and a successful EPR system for New York should be thoughtfully considered and built to reach the greatest possible environmental outcomes and avoid unintended consequences from poor statutory authority and system design.

The Recycling Partnership stands ready to support an effective policy and implementation of a successful EPR program. We look forward to engaging again this legislative session in Albany.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dylan de Thomas', with a long, sweeping horizontal stroke extending to the right.

Dylan de Thomas

VP of Public Policy & Government Affairs

The Recycling Partnership