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February 1, 2022

NY State Budget Forum

RE: Governors FY23 Executive Budget, Title 33, Extended Producer Responsibility Act

Honorable Senators and Members of the Assembly:

The Product Stewardship Institute (PSI) **supports** the inclusion of extended producer responsibility (EPR) for packaging and printed paper (PPP) in the FY 2022-23 New York State Executive Budget proposal.

PSI is a national nonprofit that has built the capacity for EPR in the United States for the past 21 years. We work closely with 47 state environmental agency members (including New York), hundreds of local government members (including many in New York), and more than 100 partners from companies, organizations, universities, and international governments.

PSI worked closely with the New York Product Stewardship Council to develop packaging EPR legislation for New York, much of which is included in the Governor's budget proposal. PSI's packaging EPR model has also shaped the EPR policy at the center of the federal Break Free from Plastic Pollution Act, as well as EPR for PPP bills introduced in Washington, Colorado, Maryland, Massachusetts, and Vermont, and in states currently developing bills such as Connecticut, Illinois, and Minnesota.

A robust EPR for PPP law is critical to establishing a circular economy for New York that will modernize the recycling system and decrease waste and greenhouse gas emissions across the state. This policy will create recycling jobs, reduce greenhouse gas emissions, and address the inequitable environmental and health impacts of our waste system on vulnerable communities. Under the current system, there is little incentive for producers to choose sustainable packaging because they are not held accountable for the impacts of the materials they use. To drive real transformation, producers must be responsible for both the upstream design and downstream management of packaging materials.

This bill contains many of the necessary elements of successful stewardship programs, including a statewide needs assessment, a producer responsibility organization (PRO), a stewardship plan, material fees that incentivize environmental performance, annual reporting requirements, and performance targets. It also includes a multi-stakeholder advisory council to ensure input into

the program by local governments, collectors, recyclers, environmental groups, and other organizations. Even so, the proposed EPR language in the Executive Budget proposal can still be strengthened in the following ways to ensure the most effective program:

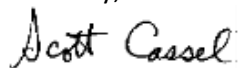
- Inclusion of a collection convenience standard, which is critical to maximizing the recovery of materials.
- Statewide list of recyclables and compostables to ensure program consistency and efficiency, and to avoid consumer confusion.
- Clearly define the roles of municipal governments so that they can elect to maintain their current recycling operations and obtain cost reimbursement, elect not to participate in the program, or have the PRO provide the collection and recycling services.
- Clarify the definition of “producer” because as currently written the language inconsistently refers to consumer brands in some instances and packaging manufacturers in others.

New York already has EPR laws for electronics, mercury thermostats, rechargeable batteries, pharmaceuticals, and household paint. PSI has helped develop the bedrock policies that are included in each of these bills, and they contain many of the same elements that appear in the packaging EPR bill in the Executive Budget proposal.

The need for a new recycling approach has never been clearer. With staffing and budget disruptions caused by the continuing COVID-19 pandemic and volatile commodity prices due to uncertainty in global markets, local governments are struggling to maintain recycling programs. Municipalities in New York have faced increases in residential trash and recycling volumes since the start of the pandemic and continue to grapple with high rates of contamination due to consumer confusion over complex packaging and inconsistent local recycling program guidelines. Many municipalities have been forced to dispose of recyclable material, suspend curbside service, or even stop recycling programs altogether. EPR for PPP will provide sustainable funding from producers to relieve municipalities of the financial burdens they currently face in operating recycling programs and require clear, consistent consumer education on the proper end-of-life management of consumer packaging to reduce confusion and contamination.

PSI looks forward to working with the Governor and Legislature to adopt an effective packaging EPR policy in the final budget. Please feel free to contact me at (617) 236-4822, or Scott@ProductStewardship.US.

Sincerely,



Scott Cassel
Chief Executive Officer/Founder