

MEMORANDUM IN SUPPORT OF S.1464 (HARCKHAM) / A.1749 (GLICK)

NAME OF BILL: **PACKAGING REDUCTION AND RECYCLING
INFRASTRUCTURE ACT**

An act to amend the environmental conservation law, in relation to enacting the packaging reduction and recycling infrastructure act.

SUMMARY: Requires brand owners to take responsibility for their products throughout the entire product life cycle, by bearing the cost of proper recycling of product packaging, while minimizing packaging materials, improving recyclability, and reducing the toxicity of their packaging materials.

STATEMENT OF SUPPORT:

Consumer Reports supports the enactment of the Packaging Reduction and Recycling Infrastructure Act to protect consumers from the adverse health impacts and environmental damage of dealing with plastic packaging waste.

Plastic packaging waste and the chemicals used to make it are contaminating our oceans, littering our streets, and leeching toxic chemicals into our water and food after disposal. Currently, producers bear no responsibility for disposing of packaging waste they create. Large brands have externalized the cost of collection, transportation, sorting, and processing of waste onto our municipal recycling programs and onto consumers. While the responsibility to reduce single-use plastics is often placed on consumers, the reality is that individual consumers have little control over the amount of plastic packaging used for the products we buy. Thus, the burden to reduce plastic packaging waste should be put on the manufacturers who place these plastics into the stream of commerce in the first place.

Tests conducted by Consumer Reports last year found plastic chemicals called bisphenols and phthalates in hundreds of common food products.¹ A growing body of research shows that these chemicals are endocrine disruptors, which means that they can interfere with the production and regulation of estrogen and other hormones that impact human growth, development, metabolism, and reproduction. Even minor disruptions in hormone levels can contribute to an increased risk of several health problems, including diabetes, obesity, cardiovascular disease, certain cancers, birth defects, premature birth, neurodevelopmental disorders, and infertility.

¹ Consumer Reports, *The Plastic Chemicals Hiding in Your Food*, Jan. 4, 2024, <https://www.consumerreports.org/health/food-contaminants/the-plastic-chemicals-hiding-in-your-food-a7358224781/>.

This policy would:

- **Incentivize producers to produce less packaging** in the first place by requiring a reduction of wasteful packaging by 30% in 12 years.
- **Save local governments money** across the state - hundreds of millions of dollars annually that they are spending now to keep their recycling programs afloat.
- **Increase New York's recycling rate - which now is only 17%**, while countries that have adopted extended producer responsibility (EPR) policies have rates reaching 70% - 80%.
- **Provide funding to upgrade recycling infrastructure** and require 75% of packaging to be recycled or reused by 2052.
- **Reduce plastic pollution in our waterways** - the bill would reduce plastic packaging that is ending up our waterways. According to scientists at the Rochester Institute of Technology (RIT), Lake Erie is polluted with 381 metric tons of plastic, and Long Island Sound has an estimated 165 million plastic particles floating in the water at any given time.
- **Lower greenhouse gas emissions** by 2.3 million metric tons - the equivalent of taking half a million cars off the road or reducing the state's GHG emissions from waste by 18%. The NYS Climate Action Council's Scoping Plan recommends EPR for packaging and paper to address GHG emissions from the waste sector.
- **Prohibit any substances credibly shown to cause cancer, reproductive harm, or organ damage, or cause adverse impacts to the environment**, in plastic packaging. This includes prohibiting the use of toxic chemicals such as PFAS and heavy metals, and also establishes a process to prohibit additional toxic chemicals in the future.

It is important to note that there is no evidence that consumer prices go up as a result of an EPR policy. A study funded by the Oregon Department of Environmental Quality analyzed actual prices of products on shelves before and after EPR legislation was passed in Canada and found that they did not increase. In Europe, which has had packaging EPR programs in operation for over 35 years, prices have also remained stable. Further, under the current system, consumers are subsidizing the collection, recycling, and disposal of plastic packaging via municipal taxes. This bill would shift the financial burden to the producers.

Further, **only large companies that can afford to support improved recycling systems will be impacted.** The bill offers an exemption to small businesses if they generate less than \$5 million in gross revenue or produce less than two tons of packaging, as well as agricultural cooperatives with fewer than 50 employees that produce dairy products. The bill also allows businesses to apply for state tax credits, which will help companies invest in new equipment needed for implementation.

New York State has the opportunity to be a leader in the movement to keep consumers safe and healthy, alongside the four states that have already passed similar legislation - Maine, Oregon, Colorado, and California. Given these considerations, **Consumer Reports strongly urges you and your colleagues to support S.1464 / A.1749** to require companies with a minimum net income who sell or distribute certain materials and products to reduce packaging, improve recycling and recycling infrastructure, financially support municipal recycling programs, and reduce toxic substances in packaging.

Sincerely,

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