

NEWS RELEASE

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OVER 160 ENVIRONMENTAL AND COMMUNITY ORGANIZATIONS, RECYCLING BUSINESSES, CALL ON ASSEMBLY AND SENATE TO REJECT EXTENDED PRODUCER RESPONSIBILITY LEGISLATION IN STATE BUDGET

GROUPS LOOK TO POST-BUDGET LEGISLATIVE SESSION TO SUPPORT STRONGER PACKAGING REDUCTION LEGISLATION AND EXPAND NEW YORK'S BOTTLE BILL ON ITS 40th ANNIVERSARY

ALBANY, N.Y. Over 160 environmental groups, community groups and recycling small businesses today called on **Speaker Heastie** and **Majority Leader Stewart-Cousins** to reject Extended Producer Responsibility (EPR) bills in the state's budget process. The coalition argues that adopting EPR is a policy choice, rather than a state spending budgetary decision.

Extended Producer Responsibility (EPR) requires companies to be financially responsible for mitigating the environmental impacts of the packaging they use to sell and transport their products. Nearly 30% of the waste stream is packaging, much of it unrecyclable. Other than through deposits on beverage containers through the state's successful bottle bill, companies have no financial responsibility for the waste management of product packaging, and no requirements to reduce packaging waste or design packaging for recyclability.

The groups expect to see a strong bill proposed by the State Assembly next week. Together with a new expanded bottle bill, studies show these initiatives will substantially reduce the financial burden on taxpayers and municipalities for recycling programs, decrease pollution caused by packaging, and extend the life of municipal landfills.

Both Governor Hochul's budget proposal and Senator Kaminsky's bill on Extended Producer Responsibility have significant problems, including:

- **Putting packaging companies in the driver's seat to reduce their own packaging.**
We do not expect fossil-fuel companies to solve the climate change problem, nor for the tobacco industry to reduce smoking rates. Yet this bill gives control to the packaging industry through the establishment of new Producer Responsibility Organizations that are not accountable to the Legislature or the public.
- **No clear or binding requirements to reduce packaging or achieve higher recycling rates.**
- **Defines recycling in a way that would allow for the burning of plastics.**
- **Fails to phase out of key chemicals in packaging, exacerbating landfill and incineration pollution.**

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In order to create a strong EPR bill, the Governor must require the reduction of PFAS chemicals and phthalates in packaging, as well as a reduction in mercury, arsenic, formaldehyde, cadmium, and styrene. While it's good that Governor Hochul has a separate bill to require the reduction of PFAS chemicals and phthalates, hers and the Senate EPR bill fails to address the other carcinogenic chemicals commonly found in packaging.

"New York is hard hit by plastic pollution. There are serious deficiencies with Governor Hochul's budget proposal on Extended Producer Responsibility. This non-budget policy should not be included in the budget. Instead, lawmakers should spend the rest of the legislative session working on a strong bill that gets the job done. We also need to expand New York's successful bottle bill. We expect to see a strong bill from the Assembly that can be the basis for post-budget legislative discussions," **said Judith Enck, President of Beyond Plastics and former EPA Regional Administrator.**

"One response to this growing problem is to expand New York's successful beverage deposit law, known as the "bottle bill," by requiring deposits on non-carbonated beverages, wine, and liquor. After 40 years of this landmark law, the time has come to increase the deposit from a nickel to a dime. This will increase recycling and provide much needed income to New Yorkers who pick up bottles and cans and return them for recycling. Furthermore, shoppers will find another way to add money back into their wallets by redeeming cans and bottles, as opposed to increased taxes for municipal waste management," **said Ryan Thoresen Carson, Campaign Coordinator for the Bottle Bill 40 Coalition.**

"New York has a growing waste crisis with poisonous plastic packaging waste and bottles filling up landfills and burdening municipalities, " **said Anne Rabe, NYPIRG Environmental Policy Director.** "Expanding the successful "bottle bill" deposit law is long overdue, however the Governor's Packaging Reduction EPR bill is a step backwards as it is rooted in excessive industry-self regulation. Those with a financial conflict of interest have no role in setting the parameters of the program. We call on Assembly Speaker Heastie to 'hit the pause button' and kick the Governor's EPR bill out of the budget negotiations to work on after April 1st."

"These proposals from Governor Hochul and Senator Kaminsky do not do enough and will not work. They maintain the status quo, giving the plastic and packaging industry the power to make up their own rules and define who is held accountable. They provide no mandated metrics, goals, nor reduction to be met. Similar industry-run systems in Europe and British Columbia are failing. Why set ourselves up for failure when we know New York must regulate businesses that create polluting products, not the other way around? We need real change that solves New York's plastic pollution, recycling, and waste crisis," **said George Povall, Executive Director of All Our Energy.**

March 17, 2022

The Honorable Assembly Speaker Carl Heastie
Legislative Office Building
Albany, NY 12248

The Honorable Senate Majority Leader Stewart-Cousins
Legislative Office Building
Albany, NY 12247

Re: Extended Producer Responsibility (EPR) has no place in the budget process, please reject Governor Hochul's and Senator Kaminsky's flawed proposals and address EPR in the legislative session

Dear Speaker Heastie and Majority Leader Stewart-Cousins:

The undersigned 161 organizations urge you not to include EPR in this year's state budget. Plastic pollution is a major environmental problem. Plastic litters our streets, beaches, and communities and results in 15 million tons of plastic entering the ocean each year. Plastics are manufactured in low-income communities of color, jeopardizing the health of people living near these petrochemical facilities. Plastics have been a recycling failure, achieving an anemic recycling rate of only 8.5%. The obvious solution to this problem is to reduce plastic packaging, something voters are eager to do -- a recent poll found that 81% of American voters support state policies that reduce single-use plastic packaging. Unfortunately, both Governor Hochul's and Senator Kaminsky's Extended Producer Responsibility (EPR) packaging proposals would not reduce single-use plastic packaging and would likely exacerbate the plastic pollution problem.

One response to this growing problem is to expand New York's successful beverage deposit law, known as the "Bottle Bill" by requiring deposits on non-carbonated beverages, wine, and liquor, and increasing the deposit from a nickel to a dime, as the deposit has not increased in 40 years. These changes will increase recycling and provide much-needed income to the many New Yorkers who pick up bottles and cans and return them for recycling. Although this should not be a substitute for living wages or expanded social services, the reality is that many low-income New Yorkers have come to rely on the deposits from bottles and cans as a source of income.

The Bottle Bill has not been proposed as part of the state budget. However, there is a deeply flawed, industry-backed EPR proposal included in Governor Hochul's proposed budget and a similarly weak EPR bill (Senate Bill 1185-C) that has been proposed by Senator Kaminsky.

We, the undersigned, strongly recommend that you do not include either of these Extended Producer Responsibility proposals in the state budget. EPR is a policy decision, not a state spending decision, and it should not be decided on in the budget. We expect to see a strong EPR bill proposed by Assemblymember Englebright in the coming weeks that we hope you will consider supporting. Unlike the Governor's and Senator Kaminsky's proposals, this bill would create a program that substantially reduces packaging, especially plastic packaging, and sets

mandatory standards for waste reduction and recycling, similar to the Climate Leadership and Community Protection Act. Along with an expanded, modernized Bottle Bill, studies show these initiatives will substantially reduce the financial burden of recycling programs on municipalities, decrease solid waste pollution, and extend the life of municipal landfills. The value of recycling does not cover the cost to manage it, and in some parts of the state, recycling expenses exceed disposal costs.

After the budget is adopted, we recommend using the remaining time in this legislative session to reach agreement on an effective EPR packaging reduction bill that works in partnership with a strengthened and modernized bottle deposit law.

Both Governor Hochul's budget proposal and Senator Kaminsky's Extended Producer Responsibility bill have significant flaws, including but not limited to:

- Creating a packaging program that relies on excessive industry self-regulation. We do not expect fossil fuel companies to solve the climate change problem nor the tobacco industry to reduce smoking rates, it is similarly unrealistic to give the packaging industry the responsibility of regulating itself and expect good results.
- Lacking clear or binding requirements to reduce packaging or even achieve higher recycling rates.
- Defining recycling in a way that allows for the burning of plastics.
- Failing to include the phase out of known toxic chemicals in packaging. Although the Governor has a good separate bill that would mandate reductions in PFAS chemicals and phthalates, these limits also need to be included in any effective EPR bill, along with reductions in many of the other toxic chemicals that are commonly found in packaging, including mercury, arsenic, formaldehyde, cadmium, and styrene.

This is just a partial list of the problems with Governor Hochul's and Senator Kaminsky's proposals. We urge you to not to include these Extended Producer Responsibility proposals in the state budget and wait to address it effectively in the regular legislative session.

Thank you for your consideration.

Sincerely,

Judith Enck, Beyond Plastics

Blair Horner, NYPIRG

George Povall, All Our Energy

Laura Bierman, League of Women Voters of
New York State

Pete Sikora, New York Communities for
Change

Dianna Cohen, Plastic Pollution Coalition

Joyce Bialik, Manhattan Solid Waste
Advisory Board

Brien Weiner, South Shore Audubon Society

Monica Wilson, Global Alliance for
Incinerator Alternatives (GAIA)

Alison Waliszewski, 5 Gyres Institute

Jill Jedlicka, Buffalo Niagara Waterkeeper
Miriam Gordon, Upstream
Mary Smith, Church Women United in New York State
Dorian Fulvio, 350NYC
Matt Gove, Surfrider Foundation
Teresa Kotturan, Sisters of Charity Federation
Debby Lee Cohen, Cafeteria Culture
Dune Ives, Lonely Whale
Nada Khader, WESPAC Foundation, Inc.
Jennifer Scarlott, North Bronx Racial Justice
Bill Mott, The Ocean Project
Katie Baidon, Northeast Organic Farming Association of New York
Anne Jaffe Holmes, Federated Conservationists of Westchester County
Daniel Lipson, SUNY New Paltz Environmental Task Force
Martin Bourque, Ecology Center
Anton Spitsin, The Environmental Recycling
Mimi Bluestone, 350Brooklyn
Rev. Dr. Leonisa Ardizzone, 4th Universalist Society
Nick Bamonte, 69th Street Beer Distributor
Ellen Neumaier, ACES Aurorans for Climate and Environmental Sense
Anthony Rizzo, AGA Redemption
John Fitzak, Albion Redemption Center

Anthony Burgess, Allegany Beverage and Redemption Center
Andra Leimanis, Alliance for a Green Economy
Temur Alijonov, Amir Holdings Inc
Debbie Loesch, Angels of long Island
Chris Major, Bag O Nickels Redemption
Val Leykin, Belgoods LLC
Rev. Dr. Alan Bentz-Letts, Beloved Earth Community of The Riverside Church
Andrea Knoller, Bodow Recycling Inc.
Kevin Hughes, BottleDrop
David Tavarez, Bottles and Cans Redemption of Queens
Pam Burner, Bottles For The Brave
Dennis Ortlieb, Brentwood UFSD
Jerone Gagliano, Bright Building LLC
Jennifer Scarlott, Bronx Climate Justice North
Rick Sprout, Broome Tioga Green Party
Carol Hinkelman, Burroughs Audubon Nature Club
Renee Parker, Camden Cans & Bottle Return
Brian Eden, Campaign for Renewable Energy
Dorothy Reilly, Carbon CREW Project
Ben Fuller-Googins, Carroll Gardens Association
Christopher Sidote, Christopher Sidote

Emily Terrana, Clean Air Coalition

Christine Primomo, Clean Air Coalition of Greater Ravena Coeymans

Eve Morgenstern, Climate Reality Hudson Valley & Catskills chapter

Joseph Wilson, Coalition for Outreach, Policy & Education

Anthony Feliciano, Commission on the Public's Health System

Abi Buddington, Committee to Preserve the Finger Lakes

Jeffrey Louie, Cordial Concepts, LLC

Michel Lee, Council on Intelligent Energy & Conservation Policy

Jesse Leffler, Creating Change Redemption Center

Kathleen Sweeney, Don't Trash the Catskills

Krae Van Sickel, Drawdown East End

Marie McRae, Dryden Resource Awareness Coalition

Kayli Kunkel, Earth & Me

Amy Rosmarin, Earthkeeper Health Resources

Alfonso Perry, East Side Enterprise Inc

Jonathan Nwaru, Energy Justice Network

Barbara Woods, Environmental Justice Team at Fourth Universalist Society in the City of New York

Ami Blackmore, Exchange Redemption Inc AC, FoodPrint EDU

Diana Wright, Foodscraps360, LLC

Brahvan Ranga, For the Many

Irene Weiser, Fossil Free Tompkins

Joseph Campbell, Gas Free Seneca

Patti Wood, Grassroots Environmental Education

Jesse Leffler, Green Bottle Redemption Center

Joseph Naham, Green Party of Nassau County

Chuck Manning, Green Sanctuary Committee of Albany UU

Tom Seaney, HeatSmart

Margaret Bradbury, Indivisible New Rochelle

Melissa Jung, Inland Ocean Coalition

Margaret McCasland, Interfaith Action for Healing Earth

Roger Cook, Interfaith Climate Justice Community of WNY

Sharon Waskow, It's Easy Being Green

Diana Abadie, Keep It Greene

Rebecca Martin, Kingston Citizens

Amy Goldman, Larchmont Mamaroneck Indivisible

Conrad Cutler, Mega Beverage Redemption Center, Inc

Katherine Bini, Metro New York Catholic Climate Movement

Caroline Fenner, Mothers Out Front - Dutchess County

Elisa Evett, Mothers Out Front -Tompkins

Guy Jacob, Nassau Hiking & Outdoor Club
Charles Bell, National Jobs for All Network
Lauren Cosgrove, National Parks
Conservation Association
Nick Shattuck, Neighborhood redemption
center inc
Jess Mullen, New Paltz Climate Action
Coalition
Janelle Peotter, New Paltz Climate Smart
Jean Chung, New York Youth Climate
Leaders
Paul Tick, News from the Neighborhood
Jerry Rivers, North American Climate,
Conservation and Environment (NACCE)
Mark Haubner, North Fork Environmental
Council
Timothy Judson, Nuclear Information and
Resource Service
Jill McManus, NYC Grassroots Alliance
Ryan Brenner, NYC H2O
Natalie Polvere, Indivisible NYCD16
Sally Jane Gellert, Occupy Bergen County
Cassia Patel, Oceanic Global
Lauren Mathis, Omega Institute for Holistic
Studies
Chet Opalka, Opalka Family Investments
Karen Blumer, Open Space Council
Tracy L Roberts, Otsego Land Trust
Kim barlow, Papa Cans Bottle Return
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Diana L Wright, PAUSE - People of Albany
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Katie Chao, Progressive Schenectady
Iris Marie Bloom, Protecting Our Waters
Meredith Faltin, Queens Climate Project
Matthew J Miller,
Ravena-Coeymans-Selkirk Teachers
Association
Kwesi Amoa, Recycle For Education
Benjamin Righi, Righis Redemption
Centers, LLC
Courtney M. Williams, Safe Energy Rights
Group
Lynne Jackson, Save The Pine Bush
Yvonne Taylor, Seneca Lake Guardian
Sara Schultz, Sierra Club Niagara Group
Sister Joan Agro, Sisters of St. Dominic of
Blauvelt, New York
Howard Brandstein, Sixth Street
Community Center
Mazeda Uddin, South Asian Fund For
Education Scholarship and Training Inc (
SAFEST)
Nancy Norton, Stone Quarry House
Suzannah Glidden, Stop the Algonquin
Pipeline Expansion (SAPE)
Memo Salazar, Sunnyside CSA

Gay Nicholson, Sustainable Tompkins, Inc.

Carol Baum, Syracuse Peace Council

Karen Blumer,, TALZ -- Taking a Lead on Zero Waste

Christopher Chin, The Center for Oceanic Awareness, Research, and Education (COARE)

Jan Dell, The Last Beach Cleanup

Sarah Currie-Halpern, Think Zero, LLC

Kevin Cawley, Thomas Berry Forum for Ecological Dialogue at Iona College

Peter Bardaglio, Tompkins County Climate Protection Initiative

Joanie Steinhaus, Turtle Island Restoration Network

Dr. Lori Morris, Ulster Activists

Kelly Travers-Main, United Neighbors Concerned About GE Dewey Landfill (UNCAGED)

Elaine Klein, Upper Hudson Peace Action

Christine Primomo, Watervliet Huddle

Linda Parks, West Dryden Residents Against Pipeline

Caitlin Chang, Westchester Alliance for Sustainable Solutions (WASS)

Charley Bowman, Western New York Drilling Defense

John R. Whitney, Western New York Environmental Alliance

Catherine Cavanaugh, Women Against War

Eve Fox, Woodstock Farm Festival

Elisa Zazzera, Zero Waste Action Team, Hastings-on-Hudson

Tina Lieberman, Zero Waste Capital District

Nicole Grossberg, Zero Waste NYC Workshop

Tracy Frisch, Zero Waste Warren County

Nancy S. Vann, Safe Energy Rights Group

Mark Dunlea, Green Education and Legal Fund

Marie Inserra, Resist Spectra

Christine Primomo, Clean Air Coalition of Ravena