



BENNINGTON COLLEGE

Memorandum of Support

A 10185: Extended Producer Responsibility Program for Packaging (New York Assemblymember Englebright)

May 9, 2022

Beyond Plastics strongly urges support of A. 10185, the Extended Producer Responsibility for Packaging. This legislation would shift the financial burden of managing packaging waste from taxpayers to the producers that put packaging on the market and will significantly reduce the amount of packaging and plastic waste produced in New York State. This is a pathbreaking bill that will have a tremendous positive impact on New York's waste problem.

An average of 6.8 million tons of packaging waste is produced each year in New York, constituting 40% of the total waste stream. Most of this packaging is sent to landfills, burned in incinerators, or winds up as litter on our streets and beaches. Litter that washes into streams, rivers, and ultimately the ocean amounts to between 9 and 16 million metric tons of plastic pollution entering the ocean each year, the equivalent of a garbage truck dumping its load into the ocean every minute.

Plastic production is an environmental justice, climate change, and human health problem, and an estimated 40% of plastic produced is for single-use packaging. In 2020, 35.7 million tons of plastics were made in the United States, and that number is expected to triple by 2050. Plastic manufacturing facilities, which are disproportionately located in communities of color, are on track to contribute more greenhouse emissions than coal plants by 2030.

Plastic waste persists in the environment, destroying wildlife and breaking down into microplastics that disrupt the food chain and enter human bodies as well. When burned in incinerators or so-called chemical recycling facilities, plastic releases the toxins used in its manufacture. And only 5-6% of plastic is actually recycled. The cost of waste disposal, litter clean-up, and recycling is currently shouldered by taxpayers, not by the companies that make decisions about packaging.

A.10185 includes key provisions that would effectively reduce packaging waste in New York:

- It sets forth specific numeric requirements for packaging reduction that are phased in and ultimately require at least 50% reduction ten years after implementation of a producer plan. Reduction can be achieved through elimination of packaging or by switching to reuse + refill systems.
- It requires companies to transition 90% of their remaining packaging over 12 years to be either recyclable, compostable, or made of recycled content.
- It eliminates known toxic substances from packaging, making packaging safer for consumers and more recyclable.
- It transfers the responsibility for managing packaging waste to the companies that have caused the packaging waste problem, shifting this burden away from taxpayers.
- It provides funding to local governments for recycling and waste disposal through the use of new fees, which are adjusted based on the environmental impacts of the packaging.
- It excludes “chemical recycling” and other plastic burning and waste-to-fuel processes from the definition of recycling, providing protection from new sources of pollution that disproportionately impact environmental justice communities.
- It includes accountability and enforcement mechanisms, such as reporting and auditing requirements.
- It requires collection and reporting of data that will inform spending decisions for local recycling and waste management systems.

A. 10185 recognizes the urgency of the plastics and packaging waste problem by creating a program that reduces packaging waste, makes packaging less toxic and more recyclable, makes investments in reuse and recycling infrastructure, and saves taxpayers money. Adopting this bill into law would reduce air pollution, including greenhouse gas emissions, reduce the release of plastic pollution into our environment, reduce the demand on new natural resources, extend the life of municipal landfills, reduce unsightly litter, and ease financial burdens on taxpayers. It is the strongest and most effective state-level bill that addresses packaging waste to be introduced in the United States. We strongly urge its adoption, which would distinguish New York as a global leader on this issue.

For more information contact:

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