



Honorable Pete Harckham and Honorable Deborah Glick  
Co-Chairs, Senate and Assembly Committees on Environmental Conservation  
New York State Legislature  
Albany, NY 12248

**RE: Public Hearing to Examine Legislative Solutions to Reduce Packaging**

October 24, 2023

Dear Senator Harckham, Assembly Member Glick, and Members of the Senate and Assembly Committees on Environmental Conservation,

On behalf of the members of the American Chemistry Council (ACC), thank you for this opportunity to submit testimony on legislative solutions to reduce packaging waste, such as an Extended Producer Responsibility (EPR) program.<sup>1</sup>

**ACC supports efforts to create a more circular economy for plastics.**

ACC and its members support efforts to increase circularity for all materials, divert waste from landfills, and keep our communities clean by working to build waste and recycling infrastructure. In recognition of our commitment to solving the challenge of recycling collection and improving waste management, ACC and its Plastics Division members established ambitious, forward-thinking goals:

- All plastic packaging in the United States is reused, recycled, or recovered by 2040; and
- All U.S. plastic packaging is recyclable or recoverable by 2030.<sup>2</sup>

Achieving these goals will require industry, manufacturers, brands and retailers, recyclers, and waste haulers, as well as citizens, communities, nonprofits, academics, and federal, state, and local governments to come together to support policies and programs to increase the supply of and demand for recycled materials and create the circular economy we all want.

A well-designed EPR program can accelerate progress toward circularity goals by building recycling infrastructure and improving collection for all materials including plastic products. Under an EPR program, the state would contract a nonprofit organization that would administer a packaging reduction and recycling program. Producers would be required to remit fees and comply with program requirements. It is a multipart policy initiative that involves many stakeholders and has broad impacts on many industries as well as residents/consumers in the state.

For this reason, we encourage lawmakers to thoughtfully consider the provisions of an EPR program that encourages innovations to reduce packaging while also maximizing the amount and types of packaging that can be recycled. Conducting a needs assessment and increasing efficiencies in the existing solid waste and recycling system are appropriate first steps as part of creating an EPR program.

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<sup>1</sup> ACC is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in New York State. The industry contributes \$403 million to the economy in NY state and local taxes and is responsible for 16,434 direct jobs; 18,234 related jobs; and an additional 22,352 jobs in rubber and plastics.

<sup>2</sup> "U.S. Plastics Resin Producers Set Circular Economy Goals to Recycle or Recover 100% of Plastic Packaging by 2040," (Washington, DC: American Chemistry Council, May 23, 2018), <https://www.americanchemistry.com/chemistry-in-america/news-trends/press-release/2018/us-plastics-resin-producers-set-circular-economy-goals-to-recycle-or-recover-100-of-plastic-packaging-by-2040>



**With the goal of increasing the amount and types of packaging that can be recycled, we encourage lawmakers to reject any proposal that targets and excludes certain innovative technologies such as advanced recycling.** Advanced recycling technologies are a critical tool to help manage plastic waste, reduce greenhouse gases, displace higher carbon fossil-based production, increase recycling rates, and invite economic opportunities to New York State.

Advanced recycling is a manufacturing process that leverages chemistry to convert used plastic into raw materials for top-quality new plastics. Advanced recycling compliments traditional mechanical recycling by enabling recycling of many more types of plastics.

**An EPR program that bans recycling technologies limits recycling and recovery of post-use plastics.**

**To increase plastics circularity – and, most importantly, to meet recycled content goals – industry must have access to innovative recycling technology solutions.** Through these innovative technologies, many more types of plastics such as films, pouches, tubes, and other less commonly recycled plastics can be recycled into virgin equivalent plastics approved for use in food-, pharmaceutical- and medical-contact applications.

To date, 24 other states have passed legislation to recognize advanced recycling technologies and how they can contribute to a circular economy wherein plastics are repurposed rather than disposed.

**Advanced recycling is NOT incineration.** Advanced recycling converts post-use plastics into their original building blocks, specialty polymers, feedstocks for new plastics, waxes and other valuable products. This process takes place in the absence of oxygen. Combustion requires oxygen. Incineration is the combustion or destroying of unsorted municipal solid waste.

**Advanced recycling facilities are subject to federal, state and local regulatory authorities.**

Advanced recycling facilities are subject to the Clean Air Act under sections 111 and 112, the Clean Water Act, and state and local authorities. These types of facilities also need to obtain operating permits from the states and are required to continue to monitor and report various air emissions as they operate. Advanced recycling facilities would also be subject to fines and closure for any operational and product safety violations. The NYS Department of Environmental Conservation already has the tools they need to properly regulate the facilities.

A Good Company report found that advanced recycling facilities have emissions that are on par or lower than industrial facilities such as food manufacturing and community institutions such as hospitals and universities.<sup>3</sup>

**Advanced recycling allows us to reuse materials that otherwise would go to waste and can also help reduce CO2 emissions during the production process.**

A recent report by the City College of New York's Grove School of Engineering found significant environmental benefits of advanced recycling:<sup>4</sup>

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<sup>3</sup> "Study: Comparison of Pyrolysis-Based Advanced Recycling Air Emissions to Common Manufacturing Emissions," [Pyrolysis-Based Advanced Recycling — Good Company](https://goodcompany.com/pyrolysis-based-advanced-recycling). <https://goodcompany.com/pyrolysis-based-advanced-recycling>

<sup>4</sup> Lauren T Creadore and Marco J Castaldi, "Quantitative Comparison of LCAs on the Current State of Advanced Recycling Technologies" (New York, NY: City University of New York, October 2022), <https://ccnyeec.org/wp-content/uploads/2022/10/comparisonOfAdvRecyclingLCAs.pdf>



- Advanced recycling technologies produce plastic and chemical products with reduced global warming potential compared to products made from virgin resources, and
- Advanced recycling can reduce fossil energy use by up to 97 percent compared to landfilling.

**Diverting residential and commercial plastics from New York’s landfills would displace the need for plastic made from virgin natural sources such as oil and natural gas.**

The U.S. Department of Energy’s Argonne National Laboratory just published a multi-year, peer-reviewed life cycle analysis that found plastic production through advanced recycling of used plastic can help displace higher carbon fossil-based production.<sup>5,6</sup>

The DOE Argonne National Laboratory study is the first analysis of multiple operating pyrolysis facilities in the U.S. taking used plastics all the way to new plastics again. It found when 5% pyrolysis oil is used as a raw material for new plastic products instead of virgin feedstock, there is an 18-23% reduction in GHG emissions and 65-70% reduction in fossil energy use.

**The report concludes that advanced recycling will “promote the circularity of the plastic packaging industry by reducing the dependence on fossil resources,” as well as “reduce plastic waste accumulation.”**

**Advanced recycling offers New York State economic opportunities.**

A [2019 report](#) by the Closed Loop Partners, a N.Y.-based investment firm, estimated that there is a \$120 billion-dollar economic opportunity directly connected to the commercialization of advanced recycling technologies.

**In New York alone, it is estimated that through advanced recycling, 877,000 tons of plastic products created from virgin resin could be replaced each year with feedstock from plastics that are currently being diverted into state landfills.**

These new investments have the potential to serve new markets in the coming months and years. Banning advanced recycling from an EPR program would prevent New York State from benefitting from these investments.

Thank you for this opportunity to provide comments.

Sincerely,

*Craig Cookson*

Craig Cookson  
Senior Director, Plastics Sustainability  
American Chemistry Council

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<sup>5</sup> “Plastic production via advanced recycling lowers GHG emissions,” (Lemont, IL: Argonne National Laboratory, Oct. 12, 2023), <https://www.anl.gov/article/plastic-production-via-advanced-recycling-lowers-ghg-emissions>

<sup>6</sup> “Life-cycle analysis of recycling of post-use plastic to plastic via pyrolysis,” (ScienceDirect, Nov. 2023), <https://www.sciencedirect.com/science/article/pii/S0959652623030251>

