



Northeast Region

**NWRA Testimony Before Joint Legislative Public Hearing to Examine
Effective Legislative Solutions to Reduce Packaging
by Lew Dubuque NWRA, New York Chapter
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The National Waste & Recycling Association (NWRA) is a national trade association that is the voice for the private sector waste, recycling, and organics industry that is essential to maintaining the quality of life for all New Yorkers. The delivery of waste and recycling services impacts all residential, commercial, and industrial properties on a daily basis.

NWRA members:

- Collect, process, and manage waste, recyclables, organics, and medical waste
- Operate and manage landfills in compliance with all federal and state laws
- Manage and service truck fleets and collection vehicles
- Design, manufacture, sell and service equipment and supplies
- Provide engineering and consulting services

New York State Chapter members operate in every New York Community and employ more than 24,000 New York residents. This also includes an annual \$1.4 billion state payroll and responsibility for \$6.0 billion in state revenues. Nation-wide, it is estimated that the private sector waste and recycling industry account for more than one million jobs and generate nearly a quarter of a trillion dollars in U.S. GDP.

We are here this morning to discuss the extended producer responsibility legislative proposals that are currently making their way through both houses of the legislature today.

NWRA and our members strongly believe that while EPR MAY assist New York's entire recycling system, it will not solve many of the problems negatively effecting statewide recycling rates, such as contamination, confusion over what materials can be recycled, and inadequate markets for recycled materials. Moreover, EPR that fails to acknowledge the importance of creating demand for recyclable materials will simply add cost to an already stressed system, without achieving net environmental benefits.

While NWRA supports legislative proposals that will encourage producers to achieve circular economy targets, S4246A/05322A overlook three critical issues:

1. EPR legislation should be limited to residential recycling and should not cover commercial or industrial recycling. It is unclear whether the language in S4246A/05322A is intended to cover non-residential recycling sources but, to the extent the bills are intended to cover recycling programs for commercial and industrial customers, NWRA opposes the inclusion of those programs in the bills. New York's businesses are fully capable of assuming responsibility for their own recycling needs. A statewide EPR bill should not subsidize businesses, particularly because doing so could threaten plans for private infrastructure investment in the State.
2. EPR legislation should provide that, in lieu of using the objective reimbursement formula established in the PRO's reduction and recycling plan, PROs shall reimburse local governments in accordance with the rates the local government has agreed to pay as a result of a fair, open, competitive negotiation process. Such competitively negotiated rates should be deemed presumptively reasonable for the purpose of calculating reimbursements to local governments.
3. The deadline for a packaging reduction organization (PRO) to submit its initial packaging reduction and recycling plan should be at least 18 months after the conclusion of a needs assessment. The timing will give the PRO a sufficient opportunity to thoughtfully incorporate the data and recommendations of the needs assessment into its plan. S4246A/05322A currently requires the DEC to complete a needs assessment within one year of the bills' effective date and requires the PRO to submit its initial packaging reduction and recycling plan within two years of the bills' effective date. However, one year is an insufficient amount of time for the DEC to complete a thorough statewide needs assessment and, assuming the needs assessment is completed by S4246A/05322A's one year deadline, one additional year is insufficient for the PRO to draft a packaging reduction and recycling plan that fully synthesizes and incorporates the results of the needs assessment. The deadline for the PRO to submit its initial packaging reduction and recycling plan should accordingly not begin to "run" until the completion of the needs assessment. Additionally, in April 2023, the Center for Sustainable Materials Management (CSMM) entered into a partnership with Resource Recycling Systems (RRS) to conduct a statewide needs assessment and



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gap analysis for New York's recycling system funded by the State. Rather than requiring the DEC to complete a duplicative needs assessment, a statewide EPR bill should require a PRO to submit its initial reduction and recycling plan within 18 months of the conclusion of the CSMM/RRS needs assessment.

Again, NWRA strongly believes that these current proposals fail to fully capture all the elements necessary for the implementation of a successful statement EPR program for packaging and paper products. Harmonizing the concepts reflected in these legislative proposals will likely be a difficult task, given the complexities and economics of New York's recycling programs and the conflicting priorities of the stakeholders whose interests will be impacted by the implementation of a statewide EPR program.

However, we continue to emphasize that there is a simpler alternative intervention to increase recycling rates and support local end markets. Instead of establishing EPR programs run by producers, this solution would be setting post-consumer content standards for materials including plastic, and paper packaging and containers. This standard would create more robust markets for materials recovered through existing recycling programs, thereby supporting their use for manufacturing into new products and packages.

For many years, legislative bodies at the State, county and local levels have adopted bans on the sale of certain materials and set recycling and reuse goals, but very little has been done to create markets for recyclable material. As a result, the costs of recycled materials remain high, and producers have little incentive to purchase and use recycled materials in their products when brand new material costs less. Strengthening end markets for recycled materials will encourage, rather than disrupt, the recycling industry's ongoing plans to invest in new processing and collection infrastructure and innovation throughout the state.

In fact, New Jersey and most recently Connecticut have signed into law bills establishing postconsumer recycled content requirements for plastics and paper containers, packaging materials, and trash bags. Adopting guidelines that mirror New Jersey's standard would jumpstart demand for recycled materials throughout the entire region and could ultimately inspire nationwide recycled content standards, while protecting New York's existing recycling programs and infrastructure.



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I thank you for your time today, and look forward to continuing our collaborative work together to keep New York one of the nation's leaders in recycling and waste diversion programs.