

S.7375 (Liu) / A.7668 (Englebright)

STAFF CONTACT : Melvin Norris | Senior Director, Government Affairs | 518-694-4464

BILL S.7375 (Liu) / A.7668 (Englebright)
SUBJECT False Claims About Recyclability and Plastic Container Labelling
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OPPOSE

The Business Council opposes S.7375 (Liu) / A.7668 (Englebright), which seeks to address public misconceptions about plastics recycling by requiring the Department of Environmental Conservation (DEC) to develop regulations for plastic bottles and containers. It prohibits the sale of any product with misleading claims about recyclability and requires that all plastic bottles that are sold in the state must be labeled with the resin code that was used in its production.

There has been a lot of confusion about the meaning of the chasing arrows symbol that is seen on several products packaged in plastic. Consumers have seen them on nearly every plastic product in distribution and believe it means the product is recyclable. The logo has never meant that the packaging is made from recycled plastic and that it will be recycled if it is placed in a recycle bin. The chasing arrows with the resin identification codes (RIC) is an aid that identifies the plastic resin used in a manufactured product designed to help recyclers in sorting out plastics for end-of-life management.

The bill sets forth criteria for DEC to use in determining which types and forms of plastic items are recyclable. After a recyclable list is published by DEC, it gives companies only 180 days to exhaust the product with its current labeling and would restrict the use of the chasing arrows logo or any other symbol that would indicate that the packaging is recyclable.

However, if the intent of this legislation is to address false claims about recyclability by taking definitive action on the chasing arrows, it's impact would be further confusion as it mandates that all rigid plastic bottles and plastic containers sold in the state be labeled with the resin identification code placed inside of the chasing arrows symbol. If the argument and purpose of the legislation is that these symbols create confusion or are somehow deceitful, how does this approach alleviate the core issue of what plastic products are recyclable?

Currently, over half of U.S. states require resin identification codes to be used on plastic bottles or containers. Some of them have chasing arrows and others have the solid triangle with the resin identification code. This bill will result in heightened confusion since RIC symbols were changed from chasing arrows to solid triangles in 2013. With such a wide variety of symbols to interpret, it appears that consumers would become frustrated with this unclear information.

If this bill were to be adopted, businesses would incur an additional burden that would be onerous. For example, beverage companies have different mechanisms for the bottling of their products with some performing this function by region. As stated, different states have different state requirements to which they must adhere. By changing the labeling on the products that are sold in New York, the new printing required to meet these new regulations would result in additional material costs severely impacting their in-state operations since the requirement in New York would be different from those in Connecticut and New Jersey. The bill also raises concerns about its impact on existing product inventory that remains unsold past the 180-day compliance period.

Supplying consumers with truthful information that can alleviate confusion on what is and what is not recyclable is laudable, but it appears that this bill will do little to improve public understanding of recycling and the proper disposal of plastic waste. Unfortunately, it could produce several unintended and significant consequences resulting in additional regulation and unresolved confusion for the consumer.

For these reasons, the Business Council strongly opposes the enactment of S.7375 (Liu) / A.7668 (Englebright).