





The undersigned businesses and organizations are committed to working with the Hochul Administration, Senate, Assembly and other stakeholders to fashion an effective, workable and achievable “extended producer responsibility” law in New York State that improves the state’s current efforts to divert post-consumer materials from disposal and to instead separate, collect, process and remanufacture post-consumer packaging material into new products.

However, we continue to strongly oppose the recently amended “Packaging Reduction and Recycling Infrastructure Act” (PRRIA), S.1464-A (Harckham)/A.1749-A (Glick).

These latest amendments do little to address business’ key concerns.

In contrast, the most recently adopted state-level EPR laws (passed in 2025 by Maryland and Washington) clearly show that the proposed PRRIA is far out of mainstream EPR policy. In key issue areas, PRRIA imposes mandates and prohibitions that are not found in any of the other state EPR statutes to date. Maryland’s and Washington’s laws are based on Minnesota’s 2024 statute, and provide a reasonable alternative approach focused on diverting materials from disposal and expanding recycling, reuse and compositing. Also, unlike PRRIA, the Maryland, Washington and Minnesota laws received support from business, environmental and municipalities sectors, and was the product of multi-party negotiations.

Major issues of concern regarding S.1464-A/A.1749-A include the following:

- it imposes unreasonable mandatory reductions in total packaging used by each individual producer, with the mandate increasing to 30 percent in twelve years, with no accommodation for shifting market share or consumer demands. The bill exempts primary non-plastic packaging, but applies to all other categories, including tertiary packaging used primarily for business-to-business transactions. For a workable program, these targets need to be established with meaningful producer input;

- it bans five categories of material and the intentional use of ten categories of chemicals in packaging, with an ultimate restriction based on lowest feasibly achieved levels. No other states’ EPR law includes material bans. Chemicals in packaging should be addressed outside of packaging producer responsibility and under other existing statutory and regulatory frameworks in New York, including ongoing participation in the Toxics in Packaging Clearinghouse;

- it requires packaging producers to reimburse “participating” municipalities and private haulers/processors for 100% of their costs related to managing post-consumer packaging and paper, leaving those entities with no incentive to assure efficient and cost-effective programs;

- it inappropriately excludes the use of advanced recycling, such as material-to-material molecular recycling technologies, which is being employed in other jurisdictions -- in addition to

mechanical recycling -- to increase material recovery, reduce waste disposal, and lower carbon emissions;

- it would limit “post-consumer recycled material” (PCRM) to that produced by North American recycling, with DEC authorized to apply PCRM mandates to an unlimited number of product categories. This is an unworkable restriction, as businesses purchase materials and manufacture products in world-wide markets.

- it would apply to all “commercial” and “tertiary” packaging, capturing all business-to-business packaging – a significant expansion which makes vastly more businesses and more materials subject to the PRRIA;

- it would impose significant civil penalties for any violation of this complex new law, including violations based on factors beyond producers’ control (such as the impact of economic conditions on markets) without providing any opportunity for producers to address and correct alleged violations;

- it has several provisions that would require producers to pay for disposal fees incurred by municipalities and private service providers – something that is not required in other states’ EPR statutes;

- unlike six other states’ EPR laws, PRRIA does not allow producers to designate the producer responsibility organization. Instead, it allows DEC to select the PRO from among any non-profit seeking to serve – an approach that would leave producers with little, if any, meaningful input into the design and operation of the PRO.

In summary, these draft amendments make limited changes to two of our priority issues and make no material change to others, while adding to or expanding other mandates. As such, the amended bill falls well short of the goal of a workable, affordable, and achievable EPR program. While the amendments adopted some language from Minnesota, Washington and Maryland, stark differences remain between PRRIA and other states’ EPR statutes.

Therefore, the amended bill raises the same significant concerns that we, and others, have raised about its likely impact on consumer prices and consumer choices, as well as the direct impact on the businesses that produce and use packaging. We continue to strongly oppose adoption of S.1464-A/A.1749-A.

As always, we welcome the opportunity to meet with the Administration and members of the state legislature to discuss these concerns in detail, and to present our recommendations for a more effective, workable EPR program in New York State.

Respectfully Submitted, on Behalf of the Following Organizations (as of 5/19/26 – we continue to add organizations and will issue updates):

Ag Container Recycling Council
Air Conditioning Heating and Refrigeration Institute
Alliance for Chemical Distribution
Amcor
American Apparel & Footwear Association
American Bakers Association
American Beverage Association
American Chemistry Council
American Cleaning Institute
American Fuel and Petrochemical Manufacturers
American Wood Council
AMERIPEN - American Institute for Packaging and the Environment
Associated Builders & Contractors – Empire State Chapter
Associated General Contractors - New York State
Association of Home Appliance Manufacturers
Association of the Nonwoven Fabrics Industry (INDA)
BASF
Braskem
Buffalo Niagara Manufacturing Alliance
Buffalo Niagara Partnership
Business Council of New York State
Business Council of Westchester
Can Manufacturers Institute
Capital Region Chamber of Commerce
Carton Council
CenterState CEO
CJ Biomaterials
Cleaning Equipment Trade Association
Coalition for Protein Packaging
Communications Cable and Connectivity Association
Consumer Brands Association
Consumer Technology Association
Cortland Chamber
Council of Industry of the Hudson Valley
Covestro
CropLife
Dupont
Empire State Forest Products Association

Flexible Packaging Association
FMI - Food Industry Association
Food Industry Alliance of New York State
Foodservice Packaging Institute
Greater Binghamton Chamber of Commerce
Greater Rochester Chamber of Commerce
Henkel
Household and Commercial Products Association
IDI Distributors
International Dairy Products Association
International Sleep Products Association
Long Island Association
Manufacturers Alliance of New York
MACNY - Manufacturers Association of Central New York
Manufacturers Association of the Southern Tier
Motor & Equipment Manufacturers Association
Motorcycle Industry Council
National Association of Printing Ink Manufacturers
National Confectioners Association
National Council of Textile Organizations
National Federation of Independent Business- NY
National Marine Manufacturers Association
National Waste and Recycling Association
New York Construction Materials Association
New York Farm Bureau
New Yorkers for Local Business
New Yorkers for Save and Affordable Groceries
New York State Chemistry Council
New York State Concrete Masonry Association
New York State Distillers Guild
New York State Economic Development Council
New York State Restaurant Association
North Country Chamber of Commerce
Northeast Dairy Foods & Suppliers Association
Outdoor Power Equipment Institute
Outdoor Power Parts & Accessories Association
Partnership for New York City
Personal Care Products Council

Print & Graphic Communications Association
Plastics Industry Association
Plumbing Manufacturers International
PRINTING United Alliance
Recreational Off-Highway Vehicle Association
Responsible Industry for a Sound Environment
Retail Council of New York State
Rochester Technology & Manufacturing Association
Rockland Business Association
Sabic
Sealed Air
Seneca County Chamber of Commerce
SNAC International
Specialty Vehicle Institute of America
Syensqo
Toy Association
Truck & Engine Manufacturers Association
Trucking Association of New York
Upstate United
Vinyl Institute
Western Plastics Association
Window and Door Manufacturers Association
Wine Institute
Woodpack Global

For additional information, please feel free to contact :

Ken Pokalsky, Business Council of NYS, 518-694-4460, ken.pokalsky@bcnys.org

Andy Hackman, Serlin Haley LLP for AMERIPEN, (202) 570-8526, ahackman@serlinhaley.com