

S.5062 (Martinez)/A. 6191 (Jackson)

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BILL S.5062 (Martinez)/A. 6191 (Jackson)
SUBJECT The “Affordable Waste Reduction Act”
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SUPPORT

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The Business Council supports this legislation that would adopt the “The Affordable Waste Reduction Act.” Modeled on recently adopted Minnesota legislation, and informed by programs adopted in other states, it creates a workable approach to increasing the recovery and reuse of post-consumer packaging and paper products, thereby reducing the disposal of this material, which would result in significant environmental and economic benefits to the state.

The Business Council is a statewide, industry-wide business association, with members that produce and use the materials and feedstocks regulated under this bill; sell these products at retail and on-line; collect and manage wastes; process and reuse post-consumer material, in short, our members engage in virtually every activity that would be impacted by this legislation.

Importantly, this legislation reflects key policy objectives that should guide the development of a new, expanded producer responsibility law. It focuses on diverting post-consumer materials from disposal and into productive reuse, it promotes product designs that reduces material use and wastes and facilitates reuse, and it applies a material- and technology-neutral approach to EPR which will promote innovation in product design and material processing.

Equally important, the bill provides producers a central role in setting up a “producer responsibility organization” (PRO) to help develop and then implement the program, and requires producers to develop recycling, recovery, reuse and reduction targets based on real world experiences, including those coming from the handful of other states’ that have already adopted EPR laws and are ahead of New York in the implementation process.

The bill avoids major problems with other EPR proposals in New York State, which focus more on material bans, unrealistic material reduction mandates and the disregard of new material management technologies.

Also, at a time when “affordability” is a major focus of lawmakers, we believe the EPR program to be established under S.5062/A.6161 will minimize costs and inconveniences imposed on consumers. It will also result in the shift of significant share of municipal waste management costs onto the PRO set up and funded by producers, reducing direct costs on consumers. At the same time, it will maintain a small, ongoing financial commitment by municipal and private sector waste haulers and processors and will require waste management “service providers” who receive PRO reimbursement to meet performance standards established in a state-approved EPR stewardship plan – measures to help ensure an overall effective and cost-effective program. Even so, under this legislation, 90% of the cost of managing post-consumer wastes will be borne by the PRO, not households.

It is essential that the affected business have a major role in the EPR program design. But the PRO will have significant input from stakeholders. Importantly, this legislation requires an active role of a diverse advisory committee and all components of the PRO’s stewardship plan – including recovery, recycling, reuse, reduction and composting targets – are subject to public review and comment and to final approval by the Department of Environmental Conservation. In this respect, S.5062/A.6161 follows the approach set forth in statute that created other product specific producer responsibility laws in New York, including but not limited to e-wastes, paint, car tires and batteries, among others. And the DEC will be establishing lists that identify categories of material that are considered recyclable and compostable, for which the PRO stewardship plan must provide collection and management services.

The PRO’s stewardship plan will also be informed by - and be required to reflect the findings and recommendations of a detailed recycling and material management needs assessment mandated by the bill. In fact, this process is already underway through a data assessment and collection process being financed separately by the DEC.

Other key features of the bill include: a definition of “producer” that has been informed by successive negotiations in other states that will place compliance obligations on entities best situated to assure compliance; a workable timetable for the development, review and implementation of this new EPR program that will capture the products of thousands of businesses; and requirements that the PRO help producers achieve material use reduction and the reduction of intentionally added hazardous materials.

The creation of a statewide producer responsibility program covering the thousands of products purchased and used by everyday by New Yorkers will be complex undertaking, It will impose new costs on the producers, who will be

required to redesign products and production facilities, invest in local material collection and processing equipment, and expand their capacity to introduce greater amounts of post-consumer materials into new products.

Therefore, it is essential that New York ensure that any such program is carefully designed to set realistic targets, avoids significant direct or indirect cost increases on consumers, and avoids significant restrictions on products used and enjoyed by New Yorkers.

The Business Council believes that S.5062/A.6161 effectively addresses these concerns, and would result in a workable, affordable EPR program that advances key state environmental goals.

For these reasons, The Business Council supports approval of S.5062/A6161.