

March 17, 2022

The Honorable Assembly Speaker Carl Heastie  
Legislative Office Building  
Albany, NY 12248

The Honorable Senate Majority Leader Stewart-Cousins  
Legislative Office Building  
Albany, NY 12247

Re: Extended Producer Responsibility (EPR) has no place in the budget process, please reject Governor Hochul's and Senator Kaminsky's flawed proposals and address EPR in the legislative session

Dear Speaker Heastie and Majority Leader Stewart-Cousins:

The undersigned 161 organizations urge you not to include EPR in this year's state budget. Plastic pollution is a major environmental problem. Plastic litters our streets, beaches, and communities and results in 15 million tons of plastic entering the ocean each year. Plastics are manufactured in low-income communities of color, jeopardizing the health of people living near these petrochemical facilities. Plastics have been a recycling failure, achieving an anemic recycling rate of only 8.5%. The obvious solution to this problem is to reduce plastic packaging, something voters are eager to do -- a recent poll found that 81% of American voters support state policies that reduce single-use plastic packaging. Unfortunately, both Governor Hochul's and Senator Kaminsky's Extended Producer Responsibility (EPR) packaging proposals would not reduce single-use plastic packaging and would likely exacerbate the plastic pollution problem.

One response to this growing problem is to expand New York's successful beverage deposit law, known as the "Bottle Bill" by requiring deposits on non-carbonated beverages, wine, and liquor, and increasing the deposit from a nickel to a dime, as the deposit has not increased in 40 years. These changes will increase recycling and provide much-needed income to the many New Yorkers who pick up bottles and cans and return them for recycling. Although this should not be a substitute for living wages or expanded social services, the reality is that many low-income New Yorkers have come to rely on the deposits from bottles and cans as a source of income.

The Bottle Bill has not been proposed as part of the state budget. However, there is a deeply flawed, industry-backed EPR proposal included in Governor Hochul's proposed budget and a similarly weak EPR bill (Senate Bill 1185-C) that has been proposed by Senator Kaminsky.

We, the undersigned, strongly recommend that you do not include either of these Extended Producer Responsibility proposals in the state budget. EPR is a policy decision, not a state spending decision, and it should not be decided on in the budget. We expect to see a strong EPR bill proposed by Assemblymember Englebright in the coming weeks that we hope you will consider supporting. Unlike the Governor's and Senator Kaminsky's proposals, this bill would create a program that substantially reduces packaging, especially plastic packaging, and sets

mandatory standards for waste reduction and recycling, similar to the Climate Leadership and Community Protection Act. Along with an expanded, modernized Bottle Bill, studies show these initiatives will substantially reduce the financial burden of recycling programs on municipalities, decrease solid waste pollution, and extend the life of municipal landfills. The value of recycling does not cover the cost to manage it, and in some parts of the state, recycling expenses exceed disposal costs.

After the budget is adopted, we recommend using the remaining time in this legislative session to reach agreement on an effective EPR packaging reduction bill that works in partnership with a strengthened and modernized bottle deposit law.

Both Governor Hochul's budget proposal and Senator Kaminsky's Extended Producer Responsibility bill have significant flaws, including but not limited to:

- Creating a packaging program that relies on excessive industry self-regulation. We do not expect fossil fuel companies to solve the climate change problem nor the tobacco industry to reduce smoking rates, it is similarly unrealistic to give the packaging industry the responsibility of regulating itself and expect good results.
- Lacking clear or binding requirements to reduce packaging or even achieve higher recycling rates.
- Defining recycling in a way that allows for the burning of plastics.
- Failing to include the phase out of known toxic chemicals in packaging. Although the Governor has a good separate bill that would mandate reductions in PFAS chemicals and phthalates, these limits also need to be included in any effective EPR bill, along with reductions in many of the other toxic chemicals that are commonly found in packaging, including mercury, arsenic, formaldehyde, cadmium, and styrene.

This is just a partial list of the problems with Governor Hochul's and Senator Kaminsky's proposals. We urge you to not to include these Extended Producer Responsibility proposals in the state budget and wait to address it effectively in the regular legislative session.

Thank you for your consideration.

Sincerely,

Judith Enck, Beyond Plastics

Blair Horner, NYPIRG

George Povall, All Our Energy

Laura Bierman, League of Women Voters of  
New York State

Pete Sikora, New York Communities for  
Change

Dianna Cohen, Plastic Pollution Coalition

Joyce Bialik, Manhattan Solid Waste  
Advisory Board

Brien Weiner, South Shore Audubon Society

Monica Wilson, Global Alliance for  
Incinerator Alternatives (GAIA)

Alison Waliszewski, 5 Gyres Institute

Jill Jedlicka, Buffalo Niagara Waterkeeper  
Miriam Gordon, Upstream  
Mary Smith, Church Women United in New York State  
Dorian Fulvio, 350NYC  
Matt Gove, Surfrider Foundation  
Teresa Kotturan, Sisters of Charity Federation  
Debby Lee Cohen, Cafeteria Culture  
Dune Ives, Lonely Whale  
Nada Khader, WESPAC Foundation, Inc.  
Jennifer Scarlott, North Bronx Racial Justice  
Bill Mott, The Ocean Project  
Katie Baidon, Northeast Organic Farming Association of New York  
Anne Jaffe Holmes, Federated Conservationists of Westchester County  
Daniel Lipson, SUNY New Paltz Environmental Task Force  
Martin Bourque, Ecology Center  
Anton Spitsin, The Environmental Recycling  
Mimi Bluestone, 350Brooklyn  
Rev. Dr. Leonisa Ardizzone, 4th Universalist Society  
Nick Bamonte, 69th Street Beer Distributor  
Ellen Neumaier, ACES Aurorans for Climate and Environmental Sense  
Anthony Rizzo, AGA Redemption  
John Fitzak, Albion Redemption Center

Anthony Burgess, Allegany Beverage and Redemption Center  
Andra Leimanis, Alliance for a Green Economy  
Temur Alijonov, Amir Holdings Inc  
Debbie Loesch, Angels of long Island  
Chris Major, Bag O Nickels Redemption  
Val Leykin, Belgoods LLC  
Rev. Dr. Alan Bentz-Letts, Beloved Earth Community of The Riverside Church  
Andrea Knoller, Bodow Recycling Inc.  
Kevin Hughes, BottleDrop  
David Tavarez, Bottles and Cans Redemption of Queens  
Pam Burner, Bottles For The Brave  
Dennis Ortlieb, Brentwood UFSD  
Jerone Gagliano, Bright Building LLC  
Jennifer Scarlott, Bronx Climate Justice North  
Rick Sprout, Broome Tioga Green Party  
Carol Hinkelman, Burroughs Audubon Nature Club  
Renee Parker, Camden Cans & Bottle Return  
Brian Eden, Campaign for Renewable Energy  
Dorothy Reilly, Carbon CREW Project  
Ben Fuller-Googins, Carroll Gardens Association  
Christopher Sidote, Christopher Sidote

Emily Terrana, Clean Air Coalition  
Christine Primomo, Clean Air Coalition of Greater Ravena Coeymans  
Eve Morgenstern, Climate Reality Hudson Valley & Catskills chapter  
Joseph Wilson, Coalition for Outreach, Policy & Education  
Anthony Feliciano, Commission on the Public's Health System  
Abi Buddington, Committee to Preserve the Finger Lakes  
Jeffrey Louie, Cordial Concepts, LLC  
Michel Lee, Council on Intelligent Energy & Conservation Policy  
Jesse Leffler, Creating Change Redemption Center  
Kathleen Sweeney, Don't Trash the Catskills  
Krae Van Sickel, Drawdown East End  
Marie McRae, Dryden Resource Awareness Coalition  
Kayli Kunkel, Earth & Me  
Amy Rosmarin, Earthkeeper Health Resources  
Alfonso Perry, East Side Enterprise Inc  
Jonathan Nwaru, Energy Justice Network  
Barbara Woods, Environmental Justice Team at Fourth Universalist Society in the City of New York  
Ami Blackmore, Exchange Redemption Inc AC, FoodPrint EDU  
Diana Wright, Foodscraps360, LLC

Brahvan Ranga, For the Many  
Irene Weiser, Fossil Free Tompkins  
Joseph Campbell, Gas Free Seneca  
Patti Wood, Grassroots Environmental Education  
Jesse Leffler, Green Bottle Redemption Center  
Joseph Naham, Green Party of Nassau County  
Chuck Manning, Green Sanctuary Committee of Albany UU  
Tom Seaney, HeatSmart  
Margaret Bradbury, Indivisible New Rochelle  
Melissa Jung, Inland Ocean Coalition  
Margaret McCasland, Interfaith Action for Healing Earth  
Roger Cook, Interfaith Climate Justice Community of WNY  
Sharon Waskow, It's Easy Being Green  
Diana Abadie, Keep It Greene  
Rebecca Martin, Kingston Citizens  
Amy Goldman, Larchmont Mamaroneck Indivisible  
Conrad Cutler, Mega Beverage Redemption Center, Inc  
Katherine Bini, Metro New York Catholic Climate Movement  
Caroline Fenner, Mothers Out Front - Dutchess County  
Elisa Evett, Mothers Out Front -Tompkins

Guy Jacob, Nassau Hiking & Outdoor Club  
Charles Bell, National Jobs for All Network  
Lauren Cosgrove, National Parks  
Conservation Association  
Nick Shattuck, Neighborhood redemption  
center inc  
Jess Mullen, New Paltz Climate Action  
Coalition  
Janelle Peotter, New Paltz Climate Smart  
Jean Chung, New York Youth Climate  
Leaders  
Paul Tick, News from the Neighborhood  
Jerry Rivers, North American Climate,  
Conservation and Environment (NACCE)  
Mark Haubner, North Fork Environmental  
Council  
Timothy Judson, Nuclear Information and  
Resource Service  
Jill McManus, NYC Grassroots Alliance  
Ryan Brenner, NYC H2O  
Natalie Polvere, Indivisible NYCD16  
Sally Jane Gellert, Occupy Bergen County  
Cassia Patel, Oceanic Global  
Lauren Mathis, Omega Institute for Holistic  
Studies  
Chet Opalka, Opalka Family Investments  
Karen Blumer, Open Space Council  
Tracy L Roberts, Otsego Land Trust  
Kim barlow, Papa Cans Bottle Return  
Dr Anne Rogan, Partners in Nutrition

Diana L Wright, PAUSE - People of Albany  
United for Safe Energy  
David Walker, Peckham Action Group  
Doug, People for a Healthy Environment  
Jean F Curlee, Pleasant Valley Climate  
Smart  
Katie Chao, Progressive Schenectady  
Iris Marie Bloom, Protecting Our Waters  
Meredith Faltin, Queens Climate Project  
Matthew J Miller,  
Ravena-Coeymans-Selkirk Teachers  
Association  
Kwesi Amoa, Recycle For Education  
Benjamin Righi, Righis Redemption  
Centers, LLC  
Courtney M. Williams, Safe Energy Rights  
Group  
Lynne Jackson, Save The Pine Bush  
Yvonne Taylor, Seneca Lake Guardian  
Sara Schultz, Sierra Club Niagara Group  
Sister Joan Agro, Sisters of St. Dominic of  
Blauvelt, New York  
Howard Brandstein, Sixth Street  
Community Center  
Mazeda Uddin, South Asian Fund For  
Education Scholarship and Training Inc (   
SAFEST)  
Nancy Norton, Stone Quarry House  
Suzannah Glidden, Stop the Algonquin  
Pipeline Expansion (SAPE)  
Memo Salazar, Sunnyside CSA

Gay Nicholson, Sustainable Tompkins, Inc.

Carol Baum, Syracuse Peace Council

Karen Blumer,, TALZ -- Taking a Lead on Zero Waste

Christopher Chin, The Center for Oceanic Awareness, Research, and Education (COARE)

Jan Dell, The Last Beach Cleanup

Sarah Currie-Halpern, Think Zero, LLC

Kevin Cawley, Thomas Berry Forum for Ecological Dialogue at Iona College

Peter Bardaglio, Tompkins County Climate Protection Initiative

Joanie Steinhaus, Turtle Island Restoration Network

Dr. Lori Morris, Ulster Activists

Kelly Travers-Main, United Neighbors Concerned About GE Dewey Landfill (UNCAGED)

Elaine Klein, Upper Hudson Peace Action

Christine Primomo, Watervliet Huddle

Linda Parks, West Dryden Residents Against Pipeline

Caitlin Chang, Westchester Alliance for Sustainable Solutions (WASS)

Charley Bowman, Western New York Drilling Defense

John R. Whitney, Western New York Environmental Alliance

Catherine Cavanaugh, Women Against War

Eve Fox, Woodstock Farm Festival

Elisa Zazzera, Zero Waste Action Team, Hastings-on-Hudson

Tina Lieberman, Zero Waste Capital District

Nicole Grossberg, Zero Waste NYC Workshop

Tracy Frisch, Zero Waste Warren County

Nancy S. Vann, Safe Energy Rights Group

Mark Dunlea, Green Education and Legal Fund

Marie Inserra, Resist Spectra

Christine Primomo, Clean Air Coalition of Ravena