



New York State Extended Producer Responsibility (EPR) proposals - side by side comparison

How It Works:	Englebright A10185	Kaminsky S1185-C
Maintains endangered existing curbside recycling pickups	✓	✓
Mandates improvements to the recycling system after pickups	✓	
Requires producers pay for the ENTIRE life cycle costs of materials (1)	✓	
Bill sponsor stance on complimentary bill to expand highly successful Bottle Deposit Recycling Law (A10184, S9164), necessary to address container materials' recycling	Supports & sponsored	Opposes: "can't do both"
Mandates reduction of materials to stop clogging up the system	✓	
Requires labeling whether an item is truly recyclable or not (2)	✓	
Moves to 90% recyclable or truly compostable over 12 years	✓	
Mandates recycled content is made into new items to assure recycling happens	✓	
Bans toxics and poisonous chemicals currently in packaging, by name	✓	
Environmental Justice consideration of equitable access & community burdens	✓	
Rules, benchmarks, goals, targets, timelines, and fees defined in the legislation for good oversight	✓	
Rules, benchmarks, goals, targets, timelines, fees, to be decided later, by a self-regulating plastics and packaging industry		✓
Strong oversight originating at the state regulatory agency (DEC), with fines	✓	Very Limited
NY waste & recycling new rules and regulation outsourced to the industry at the heart of the recycling & waste crisis, few standards in the law for them to follow		✓
Requires climate emissions to be accounted for in the fee	✓	
Prevents environment & climate damaging chemical recycling, a/k/a plastic burning (3) from being considered "recycling" (4)	✓	
Takes effect in 2 years, 1 year for toxics, with 2-year reviews, to assure it works	✓	
Takes effect in 4 years, no timeline for progress included. Specifically allows to reduce compliance with no method to increase it. Will take 8-10 years to fix, if at all, vs an entrenched industry in charge of the system, who have \$billions to fight accountability		✓

Senator Kaminsky, avoiding public debate on this for two years, insisted on NPR Radio (5) that without any mandates, industry will magically make all the other benefits happen, so why don't they just do it now? The plastics industry wants recycling pickups to continue with no further requirements, so New Yorkers think that their polluting materials are recycled when they are not (6).

(1) "Eco-modulated" fees: meaning the harder to deal with, or the worse for the environment, the more it will cost producers, putting the incentive on using more sustainable materials and using less.

(2) "Readily Recyclable" will mean it is BEING recycled currently, and is more likely to be recycled, incentivizing recycling

(3) Plastic burning, a/k/a expensive & unproven "chemical recycling" or "advanced recycling of Plastic Is Just Greenwashing Incineration, NRDC, <https://www.nrdc.org/resources/recycling-lies-chemical-recycling-plastic-just-greenwashing-incineration>

(4) "Chemical recycling" is a false solution industry uses to pretend plastic is recyclable. It has failed in the municipalities who paid to adopt the system, but nothing got recycled. "THE RECYCLING MYTH: BIG OIL'S SOLUTION FOR PLASTIC WASTE LITTERED WITH FAILURE" Reuters, <https://www.reuters.com/investigates/special-report/environment-plastic-oil-recycling>

(5) NYS Sen. Kaminsky of Budget Climate Proposals <https://www.wnyc.org/story/nys-sen-kaminsky-budget-climate-proposals/>

(6) The Real Truth About the U.S. Plastic Recycling Rate: 2021 Facts, Beyond Plastics and The Last Beach Cleanup <https://bit.ly/US-plastics-recycling-rate>