



**Public Hearing, February 2, 2022 - 2pm - 6pm
NY State EPR Proposed Legislation**

10 Focus areas for testimony

Please comment on any or all of the following concerns in your remarks as they specifically refer to the City of New York and your area of expertise. [Specific questions are below](#) these general areas of concern for our SWAB members.

1. **Equity:** Social Justice, Environmental Justice, Workers/Labor
2. **Financial responsibility:** municipal reimbursement
3. **Control:** balance among producers, govt, public/consumers (e.g. advisory committee, who sets the targets, etc.)
4. **Performance Targets:** Collection, recycling, recycled content (recycled content rpts address the demand side of recycling economics)
5. **Scope of packaging:** e.g. Deposit material - How to simultaneously modernize/expand the bottle bill while implementing EPR for all other packaging (current version has provision to essentially dismantle the bottle bill)
6. **Definitions and measurement:** Definitions of recycling should follow the waste hierarchy; recycling should be measured by what enters recycling (not what enters the MRF), EU is currently going through this revision
7. **Environmental benefits:** circularity, eco-modulated fees/incentives, follows waste hierarchy
8. **Oversight, penalties, enforcement**
9. **Reporting:** transparency
10. **Convenience for consumer:** access to recycling, communication (clear systems, standardized)

See [Specific questions](#) on next page



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Specific FOCUS Questions that Specify the 10 Areas of Concern:

Please comment on any or all of the following concerns in your remarks as they specifically refer to the City of New York and your area of expertise.

1. **Equity:** Social Justice, Environmental Justice, Workers/Labor
 - a. Since there is no specific mention of Environmental Justice workers or labor in Title 33 or in S1185C, are there any provisions in this bill that you could identify as protecting consumers for having the cost of EPR directly passed to them from producers, (taking a progressive tax scheme and making it regressive)?
 - b. Is there room in this proposed EPR bill to ensure safe and acknowledged work and equity for those working in the system, and environmental justice for those living near disposal and/or processing sites?
2. **Financial responsibility:** municipal reimbursement
 - a. How will reimbursement of municipalities be structured in this bill?
 - b. As municipalities are reimbursed by producers for recycling and other activity costs, does the bill require that a portion of those funds be added to the budget of the municipal collection and hauling system?
3. **Control:** balance among producers, govt, public/consumers (e.g. advisory council, who sets the targets, etc.)
 - a. Can we have EPR without Producer Responsibility Organization involvement?
If not, why?
 - b. Does this proposed legislation provide active citizen planning, administration, and oversight powers that are funded by EPR fees?
 - c. Assuming we all agree that EPR should do more than just shift costs to producers, but also improve the system, and what moves through the system, how will performance be measured(what types of targets will be required)? How do we ensure that producers alone do not set the targets?
 - d. Do we fundamentally believe that producers will truly pay and the costs will not simply be borne by consumers?

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4. **Performance Targets:** Collection, recycling, recycled content (recycled content requirements address the demand side of recycling economics)
 - a. Does this bill include eco-modulated fees to incentivize more sustainable packaging - e.g. lower fees for higher recycled content; design for recycling, etc.
5. **Scope of packaging:** e.g. Deposit material
 - a. How to simultaneously modernize/expand the bottle bill while implementing EPR for all other packaging (current version has provision to essentially dismantle the bottle bill.)
 - b. How can we expand and modernize the bottle bill and not allow EPR for packaging to eclipse this effective program? For example, the European Union's Single Use Plastic Directive sets high targets for separate collection of plastic beverage containers -- 77% by 2025 and 90% by 2029 -- and deposit is the primary program used to reach those targets. The version of the EPR bill in the Governor's budget adds an annual reporting requirement to determine if/how to handle bottle deposit material, (this was not in the previous version from Sen. Kaminsky) which runs the risk of deconstructing the state's bottle deposit system.
 - c. This bill applies to household packaging waste only. Commercial waste should also be addressed. Multi-family housing in some municipalities is part of the commercial waste system and would therefore be excluded from EPR, a huge wasted opportunity and lack of equity in access to recycling.
6. **Definitions and measurement:**
 - a. Definitions of recycling should follow the waste hierarchy; recycling should be measured by what enters recycling (not what enters the MRF), EU is currently going through this revision.
 - b. Should only the largest producers which produce more than \$1 million in annual global revenue per year in packaging waste be subject to fees and surcharges under EPR; not small and middle sized producers?

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7. **Environmental benefits:** circularity, eco-modulated fees/incentives, follows waste hierarchy
 - a. Is there adequate Zero Waste criteria in this proposed Legislation for investing/using EPR funds? How will this criteria be established?
8. **Oversight, penalties, enforcement**
 - a. Is there sufficient oversight and enforcement in this piece of Legislation to make this proposed legislation work in NY City?
 - b. Will it be possible to adequately assess plans and monitor implementation of the program for all of the PROs and separate producers that could emerge from this bill?
9. **Reporting:** transparency
 - a. How does this proposed legislation provide appropriate transparency?
10. **Convenience for consumer:** access to recycling, communication (clear systems, standardized)
11. **Follow-up:** If this EPR bill is defeated, how should NY City/NY State invest the funds received from the federal government via the Build Back Better or other programs in long-term recycling and waste-reduction infrastructure?