



2022 In Review: EPR Takes Center Stage in New York State

Our Mission

Extended producer responsibility (EPR) is the future of materials management in New York State. It's a future that the New York Product Stewardship Council (NYPSC) has been building since 2009. Our work is part of a nationwide movement to transform materials management toward a more sustainable and more circular system that engages producers in the end-of-life management of their products and packaging and reduce the financial burden on local governments. The EPR programs that NYPSC has helped establish provide financial and managerial relief to municipal waste managers and have spurred business development in the private waste, recycling, and environmental management sector. Furthermore, these programs incentivize the production of less toxic, more recyclable, higher recycled-content products, which is better for the environment and for New York State residents.

Results

Producers in 7 product categories – consumer electronics, rechargeable batteries, mercury thermostats, pharmaceuticals, paint, solar panels, and most recently carpet – are engaged in this innovative materials management approach in NYS at either the state or local level. Additionally, NYPSC has laid the groundwork for a similar approach to other products, including packaging, e-bike batteries, and mattresses.

2022 was a record-setting year for EPR bills in New York State. Surpassing all other states across the U.S., NYS legislators considered twelve unique EPR bills during the 2022 session – 10 would have established new EPR programs and 2 would have amended existing programs. These EPR bills covered six product areas: carpet, batteries, electronics, packaging, paint, smoke detectors, and solar panels. The carpet bill passed both chambers and was signed by Governor Hochul on December 28, thanks in large part to the leadership of NYPSC board members who spearheaded advocacy efforts and deftly navigated nuanced negotiations.

Thank You

Our success has been possible because of the generous financial support and sustained collaboration of NYPSC's multi-stakeholder coalition, including the NYS Association for Reduction, Reuse, and Recycling (NYSAR³), the NYS Chapter of SWANA; the Federation of NY Solid Waste Associations, Covanta Energy Corporation, New York City Department of Sanitation, Call2Recycle, Sims Municipal Recycling, and others. NYPSC works closely with these organizations and with the Product Stewardship Institute (PSI), Environmental Advocates NY, Citizens' Campaign for the Environment, municipalities, and other partners to achieve its objectives.

Objectives & Actions

NYPSC implements the principles of product stewardship by:

- Developing and recommending practical policies.
- Providing educational tools to individuals, businesses, organizations, institutions, local governments, the state legislature and elected officials.
- Providing effective leadership and guidance on product stewardship initiatives.
- Coordinating product stewardship initiatives locally, regionally and nationally.
- Working with manufacturers and their trade associations to develop effective product stewardship initiatives.
- Educating manufacturers, stakeholders, the public, elected officials and other decision makers on the benefits of EPR and product stewardship.
- Providing a forum for the exchange of information.
- Evaluating and, where necessary, recommending improvements to product stewardship programs once they are implemented.

We are pleased to share with you the following summary of the remarkable progress we made together in 2022 and our goals for 2023. We look forward to working again with you and all our supporters to advance this beneficial transformation of our materials management economy.

2022 Achievements

Carpet Stewardship

New York State became the second in the nation to establish an EPR law for carpet when Governor Hochul signed A09279A/S05027-C into law on December 28. The law, much modernized from its 2013 predecessor in California, is the first in the country to include artificial turf. The law also includes mandatory goals for recycling and post-consumer content in new carpet, convenient collection statewide, producer funding for consumer education and awareness, and the phase-out of per- and polyfluoroalkyl substance (PFAS) chemicals from new carpet production, which have been linked to developmental and reproductive disorders and cancer. The bill was a truly collaborative and extraordinary effort that built on a PSI legislative model that was refined for New York State and supported by NYPSC, New York environmental groups, and carpet recyclers, with tenacious advocacy by Signalfire Group and many others. The bill was advanced and championed in the legislature by Senator Brian Kavanagh and Assemblymember Steve Englebright.

Packaging Stewardship

Packaging EPR all but passed in 2022 and will be NYPSC's top priority in 2023. Thanks in part to NYPSC's dogged advocacy, packaging EPR was included in Governor Hochul's proposed Executive Budget at the start of the 2022 legislative session. Her proposal was followed by a bill introduced by Senator Todd Kaminsky and another bill from Assemblymember Englebright. NYPSC, with assistance from PSI, launched a municipal toolkit to make it easy for local governments to support the packaging legislation. We also championed packaging EPR with a growing coalition of supporters that have been advocating for packaging EPR since 2019. Despite a flurry of activity, however, the three legislative proponents were unable to reconcile their proposals into a unified vision before the session ended in early June.

Packaging EPR is critically important for the health of New York State's communities, environment, and economy. If passed, packaging EPR will save local governments millions of dollars in waste management and recycling costs each year. The program will also reduce waste, modernize the recycling system, reduce consumer confusion about recycling, and generate green jobs. This legislation continues to be a top priority for NYPSC and our collaborators, including Citizens' Campaign for the Environment, the New York League of Conservation Voters, Environmental Advocates NY, the Natural Resources Defense Council, the NY State Association of Counties, PSI, and others. We're committed to making it easier than ever to support effective, balanced EPR bills for packaging by expanding our [municipal tool kit](#) and strengthening our coalition in 2023.

Batteries Stewardship

Spurred on by devastating fires in New York City from lithium and lithium-ion batteries, NYPSC Board Directors Tom Outerbridge (Sims Municipal Recycling) and Kate Kitchener (New York City Department of Sanitation) established a multi-stakeholder group to develop a comprehensive battery EPR bill for introduction in the 2023 legislative session. The group, which is jointly funded by NYPSC and multiple industry stakeholders and facilitated by PSI, is developing a bill that would cover all single-use and rechargeable batteries. The focus, however, is to reduce the occurrence of costly and deadly fires from lithium and lithium-ion batteries, particularly from e-bikes which have proliferated in recent years. The group is considering the option of introducing a version of the bill in New York City for e-bike batteries only, but prefers a statewide bill if feasible. Expanding EPR for batteries in New York to cover primary and e-bike batteries, in addition to rechargeable batteries, is NYPSC's second priority in 2023.

Paint Stewardship

PaintCare has arrived in New York State! The new paint stewardship program launched in May of 2022. Since then, PaintCare has established over 260 drop-off sites throughout the state with paint retailers, municipalities, and reuse stores joining together to provide convenient, year-round paint recycling opportunities. The program, which launched under the management of former NYPSC Chair Andrew Radin, continues to add additional drop-off locations to its network, making it significantly more convenient for households, schools, and businesses to responsibly recycle paint, stain, varnish, and other architectural coatings. In addition to establishing convenient drop-off sites, PaintCare has implemented additional services to maximize recovery of leftover paint, including supporting the paint recovery costs of over 100 household hazardous waste (HHW) collection events, offering a free large volume pickup (LVP) program for anyone with over 100 gallons of paint, and supporting the costs of paint-only collection events in central New York and Capital District. The paint stewardship program is also spurring growth in the recycled paint manufacturing industry – Green Sheen and Empire Recycled Paint both opened new paint reprocessing facilities in NY State because of the Post Consumer Paint Stewardship Law. The law, which is built on a model facilitated by PSI, passed in 2019 thanks to years of steadfast advocacy from NYPSC and its coalition, joining 10 other states and the District of Columbia.

Electronics Stewardship

Long-awaited new e-waste recycling regulations – for which NYPSC has advocated and fought since 2019 – took effect January 1, 2023. The new regulations, adopted February 8, 2022, clarify stakeholder obligations under the program, including manufacturers' obligation to cover all collection and recycling costs throughout the entire year, even after minimum goals have been met. Municipalities will no longer be stuck with costs for collecting and recycling e-waste. The regulations also establish rules around credits, set strong convenience standards, clarify DEC's authority to enforce, and add an annual reporting requirement for registered collection sites, including municipalities. The new regulations include most of the changes that NYPSC recommended and steadfastly advocated to bolster the program.

Pharmaceuticals Stewardship

Free pharmaceuticals take-back is available in New York State! After a long delay, NYS Department of Health (DOH) approved stewardship plans from MedProject and Inmar in June. NYPSC helped hasten the program's arrival; responding in fall 2021 to a lack of transparency on the rule making process and slow implementation, NYPSC and a broad coalition developed and submitted to DOH joint recommendations on the proposed regulations. By June, DOH had approved stewardship plans enabling MedProject and Inmar's Safe Medicine Drop program to provide free, safe and convenient drug take-back service to New York State residents. Since then, take-back sites have popped up across the state. Residents can also request a mail back envelope through either stewardship program's website, and mail pharmacies are required to provide return envelopes to customers with their prescriptions. The entire cost of the programs – including collection, transport, safe disposal, consumer education, program administration, and DOH oversight – is covered by drug manufacturers. The programs were borne out of a decade of collaboration among NYPSC, DEC, and PSI to lay the groundwork for the Drug Take Back Act through pilots, infrastructure development, and education.

2023 Legislative & Stewardship Advocacy Priorities

1. **Establish a packaging EPR program** in New York State that is based heavily on NYPSC's model by working closely with the governor's office, elected officials, and our multi-stakeholder, statewide coalition.
2. **Promote the tremendous benefits that packaging EPR would provide** to alleviate the statewide recycling crisis, especially by collecting data about the state of recycling in New York State and by educating municipal recycling coordinators and their elected officials.
3. **Establish EPR for primary batteries and/or e-bike batteries** by developing and introducing EPR legislation in New York City and/or New York State.
4. **Continue advocating for the strong implementation of the NY Drug Take-back Act** to ensure adequate collection convenience, full manufacturer funding, and superb public education.
5. **Support the continued implementation of PaintCare**, the paint stewardship program in New York State.
6. **Support the implementation of solar panel EPR** in Niagara County and promote statewide solar panel EPR.
7. **Seek voluntary or legislated product stewardship solutions to address mattresses** and explore a framework approach to EPR implementation in New York State.

2023 NYPSC Board of Directors

The NYPSC Board of Directors represents a wide range of stakeholders working in solid waste and recycling, including businesses, the environmental community, and local and state governments representing rural, upstate, New York City, and Long Island. Find out more about NYPSC programs and the Board at [NYPSC.org](https://www.nypsc.org).

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