



2023 In Review: Continued EPR Leadership 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 –electronics, rechargeable batteries, mercury thermostats, pharmaceuticals, paint, solar panels, and carpet – are engaged in this innovative materials management approach in NYS at the state or local level. NYPSC has also laid the groundwork for a similar approach to other products, including packaging, e-bike batteries, mattresses, textiles, and refrigerant-containing appliances.

2023 was another record-setting year for EPR activity in New York State. Legislators considered 9 unique EPR bills during the session – 7 would have established new EPR programs and 2 would have amended existing programs. These bills covered six product areas: refrigerant-containing appliances, batteries, carpet, mattresses, packaging, and textiles. The carpet amendment passed in March 2023, making technical corrections to the law enacted in December 2022. It also extended the effective date to July 1, 2026 to ensure smooth implementation.

Thank You

Our success is possible because of the generous financial support and sustained collaboration of our 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, PaintCare, Sims Municipal Recycling, and others. NYPSC works closely with these organizations and 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.

We are pleased to share with you the following summary of the remarkable progress we made together in 2023 and our goals for 2024. We look forward to working again with you and all our supporters to advance this beneficial transformation of our materials management economy.

2023 Achievements

Packaging Stewardship

The Packaging Reduction and Recycling Infrastructure Act ([S4246A](#) / [A5322A](#)) made it farther in the 2023 legislative session than packaging EPR bills in any prior session. However, despite negotiating changes intended to garner support from key industry stakeholders, the bill failed to pass in the 2023 legislative session. Industry stakeholders objected most strongly to the characterization of “toxic substances” in some plastics and the exclusion of chemical recycling, both bill components for which some environmental groups strongly advocated.

NYPSC’s multi-stakeholder coalition – which includes voices from government, industry, recyclers, and environmental nonprofits alike – advocated passionately for passage of the companion bills. Co-sponsored by Senator Pete Harckham and Assemblymember Deborah J. Glick, they were the most collaborative versions of packaging EPR in the New York Legislature to date.

Had the bills been enacted into law, they would have saved New York local governments more than \$250 million each year, expanded access to recycling for all state residents, and tripled stagnant recycling rates. The law would have reduced contamination, created green jobs, and fostered waste reduction through ambitious, yet achievable, standards. It would also have lowered greenhouse gas emissions from waste, helping the state to reach the climate goals established by the Climate Action Council (CAC). In fact, the CAC strongly recommends that a packaging EPR bill be enacted in New York state for that very reason.

Packaging EPR is critically important for the health of New York State’s communities, environment, and economy. 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, the Product Stewardship Institute, and others, will continue to advocate for passage of common-sense packaging EPR in 2024.

Batteries Stewardship

In response to devastating and deadly fires in New York City caused by lithium and lithium-ion batteries, NYPSC Board Directors Tom Outerbridge (Sims Municipal Recycling) and Kate Kitchener (New York City Department of Sanitation) launched a multi-stakeholder effort in fall 2022 to expand New York’s rechargeable battery EPR law to include larger-format batteries like those used in e-bikes. Working with Sen. Kavanagh’s staff, Call2Recycle, and PRBA, and others, we developed bills ([S643D](#) / [A7339B](#)), which would have brought the state closer to an expanded scope similar to those established in the District of Columbia (2021), California (2022), and Washington State (2023). Unfortunately, other legislative priorities prevented the bill from passing before the session ended. Expanding the scope of batteries EPR is the first step in boosting battery collection and ensuring that e-bikes remain safe for residents, sanitation workers, and recycling facilities staff alike, and remains an NYPSC priority.

Mattress Stewardship

NYPSC also supported mattress EPR bill [S6419-C](#), sponsored by Senator Kavanagh. The bill passed through the Senate but did not come up for a vote in the Assembly. The legislation builds on four established mattress EPR laws in Connecticut, Rhode Island, California, and most recently Oregon. S6419-C and a similar bill in the Assembly sponsored by Assemblymember Amy Paulin, [A6436](#), included many best practices in EPR legislation, including cost reimbursement to collection sites, plan renewal requirements, minimum convenience standards, an advisory board, and performance goals. NYPSC will continue to support mattress legislation in 2024, when the bill will be reintroduced with additional provisions from the most recent law in Oregon, including measures to address illegal dumping and to ensure equitable service for multifamily residences and low-income residents, will be considered.

Paint Stewardship

PaintCare celebrated its one-year anniversary in New York State in May 2023! Launched in May 2022 under the management of former NYPSC Chair Andrew Radin, the nonprofit postconsumer (leftover) paint stewardship program, created by the American Coatings Association, has collected more than 1.4 million gallons of leftover paint from 328 year-round drop-off sites. Today, 98.7% of New York State residents live within 15 miles of a permanent drop-off site. About 83% of the latex paint collected was either reused or recycled back into paint. In the program year ending June 30, 2023, it saved New York municipalities \$5.5 million in paint transportation and processing costs and provided an additional \$4.4 million benefits such as public education and program operations. The law, which is built on a model facilitated by the PSI, passed in 2019 thanks to years of steadfast advocacy from NYPSC and its coalition. It is one of 12 programs in 11 states and the District of Columbia.

2024 Legislative & Stewardship Advocacy Priorities

1. **Establish a packaging EPR program** in New York State, aligned with the 2023 legislation that was based on NYPSC's model, by working closely with the governor's office, elected officials, and our multi-stakeholder, statewide coalition.
2. **Amend New York State's existing rechargeable battery law to include e-bike batteries** and enable cities of over 1 million to administer the law through their own agency.
3. **Support mattress EPR legislation that incorporates best practices in EPR**, including equitable service for multifamily residences and low-income residents.
4. **Support the smooth implementation of carpet EPR** in New York State.
5. **Support the continued implementation of PaintCare** and pharmaceuticals EPR in New York State.
6. **Support EPR solutions for other products** such as refrigerant-containing appliances and textiles.
7. **Explore a framework approach to EPR** implementation in New York State.

2024 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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