

The logo for 'horizon futures' is located in the top left corner. It features a stylized yellow and white circular graphic above the text 'horizon' and 'futures' stacked vertically. The background of the entire page is a photograph of the Statue of Liberty in New York City, with a sky filled with soft, white, circular bokeh light effects.

horizon  
futures

# NEW YORK 2023

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Packaging Legislative Analysis

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## LEGISLATION – NEW YORK

### Overarching Packaging Requirements

Several EPR Bills have been proposed In New York over the past 2 years, all of which are still at proposal stage and sit with various different government committees to be either progressed through to approval stage or rejected. It is common in US legislation for several bills to be proposed within a year or so of each other that are very similar, if not identical. This is due to proposed legislation failing to be enacted in a Congress (each year within the two-year period is known as a session, and together both sessions in the two-year period are known as a Congress). When this happens, the legislation must be reintroduced in the next Congress in order to be reconsidered, these Bills may be very similar but are often submitted by different members of congress.

### EPR

#### EPR Scheme Description

##### Senate Bill 1185

New York's Senate Bill 1185, 2021 on Extended Producer Responsibility for packaging, paper and plastic products was proposed on 8<sup>th</sup> January 2021. The Bill proposes to prohibit producers from selling or distributing any covered materials in New York, unless they have an approved producer responsibility plan.

The Bill states that producers can comply individually or by joining a producer responsibility organization (PRO). The Bill also requires a funding mechanism to be created to cover the costs of the program or cover the cost of a municipality for partaking in the program. This program will be structured in a way that includes incentives to reward producers for product designs that reduce waste, increase the recyclability of the packaging or remove toxins in packaging. It is proposed that charges will also be adjusted based on the post-consumer recycled content rate of the covered material.

Furthermore, the Bill stipulates that producers or the PRO must submit a plan to establish the EPR program to the State Department for Environmental Conservation (DEC) for approval, with the recommendation of an advisory panel. The plans must include the following details:

- The proposed funding mechanism
- A description of how municipalities will be utilized (they will recoup costs if they decide to be utilized by the PRO)
- A proposed minimum recovery rate, recycling rate and post-consumer recycled content rate
- How stakeholders will be able to give input on the plan

**The DEC on approval of the plan will take into consideration current state and federal rates with regard to the proposed recycling rates and post-consumer content that will also be adjusted on an annual basis so the market continues to improve. If the plan is implemented, no producer**



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**shall be allowed to sell or offer for sale any covered materials unless covered by a producer responsibility plan that has been approved by DEC.**

**This Bill currently sits in Senate Finance Committee for review. No further update has been published.<sup>1</sup>**

## **Assembly Bill 10185**

**On 4th May 2022, Assembly Bill 10185 was proposed to Establish an extended producer responsibility program for packaging in New York which creates provisions related to improved recycling practices. The Bill outlines the responsibilities of packaging producers and establishes a packaging producer responsibility program by which producers will be required to do the following<sup>2</sup>**

- **Optimize their product design to reduce packaging consumption and increase waste reduction.**
- **Pay fees based on the amount, by weight and type, of packaging material sold, offered for sale, or distributed for sale in New York.**
- **Be responsible for packaging waste disposal by providing "widespread, convenient and equitable access" to recycling, at a level equal to that of municipal waste.**

**Producers may choose to participate individually or collectively. The Proposal also outlines the following packaging labelling requirements to be implemented within two years of the effective date of the Bill:**

- **Producers shall indicate on all packaging material sold, offered for sale, or distributed for sale in or into New York, one of the following:**
  - **The percentage of post-consumer recycled material.**
  - **Whether the packaging material is readily-recyclable and how it should be recycled.**
  - **Whether the unit is compostable.**
- **Labels shall be in a form deemed appropriate by the department pursuant to regulations.**
- **All packaging material sold in the state shall conform with the state's labelling requirements within two years of the effective date of this Bill. Packaging that does not meet the requirements of this Bill may not be sold, offered for sale, or distributed for sale into the state of New York.**

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<sup>1</sup> <https://www.nysenate.gov/legislation/bills/2021/S1185>

<sup>2</sup> <https://www.nysenate.gov/legislation/bills/2021/A10185>



# Appendix



## Introducing aura

### About Us

At the heart of our business is a sheer fascination with packaging and the impact it has on our world. Packaging's relationship with the environment is complex and we work with true ethical partners to educate, unite like-minded thinkers and share knowledge.

A global business, the reference point for packaging sustainability, utilising knowledge and data to provide the justification required to drive positive change.

### Services

Our expertise falls into three categories designed to deliver a strategic programme focused on the sustainability goals of our clients. These services are supported by a multi-disciplinary team made up of packaging, sustainability, technology and retail experts committed to making a measurable difference every day.

#### Consulting – Pioneering Packaging Strategy

We are packaging sustainability pioneers committed to true partnerships, focused on the delivery of mutual goals.

Our breadth of packaging sustainability knowledge across substrates, design, technical packaging, legislation, and recyclability allows us to evolve strategies to make a measurable difference both now and in the future.

Our Consultants build road maps for global change, our Technical Engineers develop specifications to refine the impact of your packaging and our Supplier Success Managers are on hand to assist with client education, communications and engagement.

As a result, we will deliver a robust strategy compliant with your sustainability goals aligned to current and future legislation.





### Technology – Managing Sustainability Everyday

We provide live data and control to deliver the accurate information you require to make real time decisions that impact your business and our planet.

**e-halo** is an unrivalled packaging sustainability platform combining state-of-the-art technology with consulting services, designed to manage the changing landscape of global packaging legislation, compliance, and sustainability commitments.

**e-halo** provides packaging component data at a granular level, making sustainable packaging part of everyday decision making.

**e-halo** manages compliance to evolving legislation and recyclability requirements with a comprehensive reporting suite allowing for real-time measurement against your business and sustainability targets.



### Insights – Data Driven Decisions

We utilise knowledge and data to provide the justification required to drive positive change.

**Data Management** – We interact with digital information every day. We gather, check, manage and translate data into valuable insights that our clients can use to measure and motivate positive change.

**Horizon Futures** – We offer horizon scanning services for global packaging legislation across 54 countries and for this we are unique. We interpret legislation rather than just quoting a legal directive, to help you understand the current and future packaging landscape. We then consider how emerging trends might potentially affect current policy and practice, enabling our clients to take a longer-term strategic approach to packaging sustainability.

## Our Management Team

We are packaging sustainability pioneers committed to true partnership, which means to us a relationship focused on the delivery of the mutual goals of our business and that of our clients.

### **Visionary**

Pioneering strategies which educate, unite and influence change

### **Responsible**

Real-time data drives the changes needed to positively impact our planet

### **Honest**

Decisions are informed, and our communications are authentic

### **Collaborative**

Ethical Partnerships unify our mutual goals to create a vision fit for the future



**Greg Lawson**  
Managing Director



**Gillian Garside-Wight**  
Consulting Director



**Harriet Young**  
Marketing Director

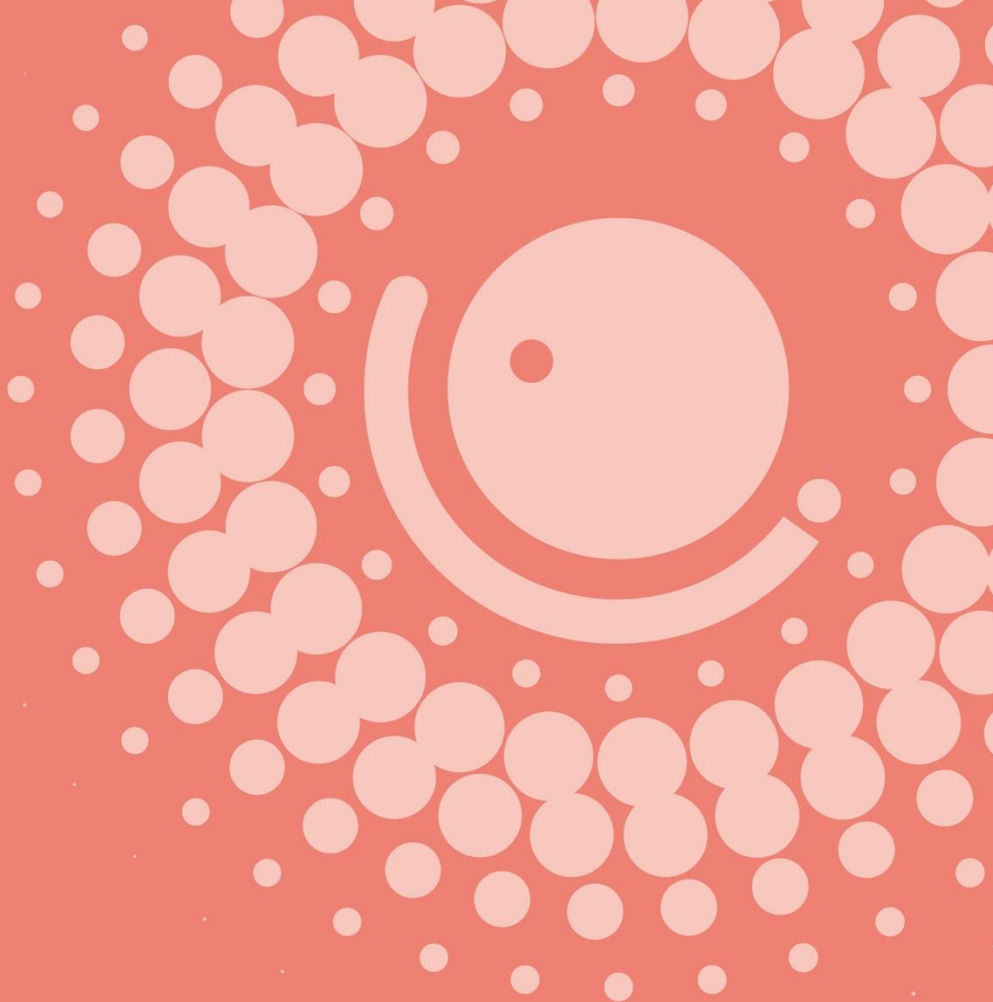


**Sarah Kroon**  
Operations Director



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Thank you from Team Aura