

MEMORANDUM IN OPPOSITION

Extended Producer Responsibility for Paper and Paper-based Packaging S. 1185-A Establishes the Extended Producer Responsibility (EPR) Act

AF&PA serves to advance a sustainable U.S. pulp, paper, packaging, tissue and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative — Better Practices, Better Planet 2020. In New York, the industry employs more than 27,000 individuals, with an annual payroll of over \$1.69 billion. The estimated state and local taxes paid by the forest products industry totals \$211 million annually.

We write in opposition to requiring producers to create or participate in a “producer responsibility plan” in order to sell or distribute products for use in New York State. The paper industry has a demonstrated, measurable record of success in making paper and paper-based packaging more circular and sustainable through market-based approaches.

Paper Recovery is an Environmental Success Story

- For the past 20 years, the paper industry has recycled **about fifty million tons of recovered paper each year**; over one billion tons in total.¹
- The paper recycling rate has grown over decades, and remained consistently high, meeting or exceeding 63 percent since 2009.²
- 66.2 percent of paper consumed in the United States was recovered for recycling in 2019. The three-year average recycling rate for the material that would be most impacted by EPR, old corrugated containers (OCC), is already 92.3 percent.³
- Paper recovery is already at a high level, and approaching the maximum levels that are practically achievable. The recovery rate of containerboard (cardboard) in 2018, for example, was 96.4 percent. EPR would not improve the recovery rate.

Robust investment in end market use for recovered paper is an essential pillar of the industry's success

- **Any EPR fees paid by producers reduce the capital available to support further investment in manufacturing capacity using recovered fiber.**
- Between 2019 and 2023, U.S. packaging and pulp producers committed to investing more than \$4.1 billion in new manufacturing capacity specifically designed to use over 7 million additional tons of recovered paper per year.⁴
- While the bill requires funding to be given to municipalities to pay for their collection of readily recyclable materials, this is a cost-shifting mechanism common in other EPR programs that do not create added value or end markets for recyclable materials.

¹ <https://www.paperrecycles.org/statistics/paper-paperboard-recovery>

² <https://www.paperrecycles.org/media/news/2020/05/12/u.s.-paper-industry-achieves-consistently-high-recycling-rate>

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⁴ Publicly announced capacity expansions and additions tracked by The Recycling Partnership, June 2020

US EPA data confirms the superior record and environmental success story of paper recycling from municipal collection programs.⁵

- According to the U.S. EPA, in 2018 paper & paper-based packaging had a far higher recycling rate from municipal solid waste (MSW) streams than other major recyclable commodities: Paper (68.2%); Steel (33.1%); Glass (25.0%); Aluminum (17.2%); and Plastics (8.5%).⁶ Put another way, **more paper by weight is recovered for recycling from municipal solid waste streams than plastic, glass, steel and aluminum combined.**⁷
- More than twice as much paper is recycled than is sent to landfills, and every ton of paper recovered for recycling saves 3.3 cubic yards of landfill space.⁸
- EPA statistics show that in 2018, 46 million tons of paper and paperboard were recycled from municipal solid waste, compared to 3 million tons of plastics. By contrast, that year 27 million tons of plastics in municipal solid waste were sent to landfills. That's 76 percent of all plastic waste.⁹

Advocacy organizations often exaggerate the benefits of EPR, which is unlikely to improve upon the paper industry's already high recycling rate.

- EPR shifts financial responsibility for recycling without offering corresponding resources to improve collection or processing, often resulting in increased costs with no improvement in program performance.
- Recycling programs in the U.S. are operated by local governments, which have more freedom to tailor recycling programs to the needs of local communities. The record of highly centralized, command-and-control EPR programs in Canada and Europe offers no real proof of advantages over the market-based approaches and locally-operated programs prevalent in the U.S.
- A recent research paper performed by York University in Ontario concluded there is no evidence to indicate that the steward-operated EPR program in Canada will result in cost containment or increases recycling performance.¹⁰

Responsibility for materials recovery must be shared across the entire supply chain, including consumers

- The paper industry is doing its part by meeting or exceeding voluntary recovery goals for our products.
- The Legislature should consider promoting increased participation in community recycling programs and other best practices in addition to focusing on hard-to-recycle materials where there may not yet be a well-developed collection infrastructure or good recovery results.
- New York should also increase consumer education to drive increased participation across the entire supply chain.
- Future legislation drafted to regulate the production and use of paper and packaging should be based on sound policy to the benefit of the environment and best practices for doing business in the state.

We encourage the Committee to avoid measures that might penalize paper and paper-based packaging. We look forward to continuing our work with the state of New York. Please feel free to contact Abigail Szein, Director, Government Affairs at Abigail_szein@afandpa.org for further information.

⁵ [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020.](#)

⁶ <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>

⁷ [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020.](#)

⁸ <https://www.paperrecycles.org/about/paper-recycling-a-true-environmental-success-story>

⁹ [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020](#)

¹⁰ Review of Recycle BC Program Performance, Dr. Calvin Lakhan, York University

AF&PA Member Facilities in New York Include:

Company	Location
Essity	Greenwich
Essity	South Glens Falls
Georgia-Pacific	Jericho
Georgia-Pacific	Plattsburgh
Georgia-Pacific	Batavia
Hollingsworth & Vose	Greenwich
Hollingsworth & Vose	Easton
International Paper	Glenville
International Paper	Lake Pleasant
International Paper	Ticonderoga
International Paper	Utica
International Paper	Conklin
International Paper	Rochester
International Paper	Buffalo
Packaging Corp of America	Liverpool
PaperWorks	Baldwinsville
Pratt Industries	Staten Island
Pratt Industries	New Windsor
Pratt Industries	Eagle Bridge
Sonoco	Chatham
WestRock	Patchogue
WestRock	Deer Park
WestRock	Hicksville
WestRock	New York
WestRock	Camillus
WestRock	Syracuse
WestRock	North Tonawanda