

Supporting Extended Producer Responsibility

Referred to: The Environmental, Energy and Technology Committee (Chairman Belfiglio and Legislators Bartels, Lopez, John Parete, Ronk, Wawro and Wishnick) and The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and Robert Parete)

Chairman of the Environmental, Energy and Technology Committee, Carl Belfiglio, offers the following:

WHEREAS, manufactured goods and packaging constitute approximately 75% of the materials managed by solid waste authorities in the United States, based on figures reported by the U.S. Environmental Protection Agency; and

WHEREAS, residents, businesses, and local municipal governments in Ulster County are required to fund the management of discarded manufactured goods and packaging; and

WHEREAS, hazardous and hard-to-recycle product management costs are expected to increase substantially in the short term unless policy changes are made; and

WHEREAS, there may be significant environmental and human health impacts associated with improper management of hazardous products; and

WHEREAS, New York State policy currently calls for local governments to take responsibility for achieving waste diversion goals, which is an unfunded mandate; and

WHEREAS, the municipal waste management system in the United States was established a century ago to manage far simpler and more homogeneous wastes like ashes, food scraps and horse manure, rather than the manufactured goods and packaging which dominate today's municipal waste; and

WHEREAS, local solid waste authorities such as the Ulster County Resource Recovery Agency have no input into the design or marketing of products, make no profit from the products, and do not have the resources to adequately address the rising volume of discarded products; and

WHEREAS, costs paid by citizens, businesses, and local governments to manage products are, in effect, subsidies to producers that enable and encourage producers to design products for disposal and without regard to end of life management; and

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WHEREAS, Extended Producer Responsibility (“EPR”) is an environmental policy approach in which producers (brand owners and importers) accept responsibility for the management of post-consumer products, so those who produce products help bear the costs of recycling and responsible disposal; and

WHEREAS, some corporate producers have implemented so-called “take-back” efforts which have been helpful but there is a need for consistent industry-wide practices and this can only be accomplished by EPR legislation on a State or Federal level; and

WHEREAS, when producers are responsible for ensuring their products are reused or recycled responsibly, and when health and environmental costs are included in the product price, there is an incentive to design products that are more durable, easier to repair and recycle, and less toxic; and

WHEREAS, EPR is a form of industry-led recycling that creates jobs and economic development in direct proportion to the amount of material recycled while businesses that provide take-back opportunities for their customers or participate in EPR programs can gain a distinct advantage in the marketplace, create customer loyalty, and enhance the image of their brand; and

WHEREAS, the Board of Directors of the Ulster County Resource Recovery Agency adopted Resolution No. 2292 supporting statewide efforts to hold product producers responsible for hazardous product discard management and other product waste management costs, and has requested the Ulster County Legislature do the same; now, therefore, be it

RESOLVED, that the Ulster County Legislature urges the New York State Legislature to enact EPR legislation which will give producers the incentive to design products that are less toxic and easier to reuse and recycle by requiring such producers to help bear the costs for the proper recycling and responsible disposal for their hazardous and hard to recycle products; and, be it further

RESOLVED, that the Clerk to the Ulster County Legislature shall forward copies of this resolution to The Ulster County Resources Recovery Agency, Governor Andrew M. Cuomo, New York State Senators James Seward, John J. Bonacic, William J. Larkin, Jr. and Cecilia Tkaczyk, Assembly Speaker Sheldon Silver, and New York State Assemblymembers Kevin A. Cahill, Claudia Tenney, Frank K. Skartados, and Peter Lopez,

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and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Gregorius)

Passed Committee: Environmental, Energy and Technology on May 2, 2013

Passed Committee: Laws and Rules, Governmental Services on May 13, 2013

FINANCIAL IMPACT:

NONE

0243

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th Day of May, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 15th Day of May in the year Two Thousand and Thirteen.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature