



New York Farm Bureau

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MEMORANDUM OF OPPOSITION

Senate Bill 4246-B (Senator Harckham) / Assembly Bill 5322-B (Assemblymember Glick)

AN ACT TO AMEND THE ENVIRONMENTAL CONSERVATION LAW, IN RELATION TO ENACTING THE PACKAGING REDUCTION AND RECYCLING INFRASTRUCTURE ACT

Date: 4/15/2024

New York Farm Bureau, the state's largest agricultural advocacy organization, respectfully requests your opposition to the above referenced legislation. If enacted, this proposal would create an entirely new statewide recycling program and shift the responsibility from private recycling/waste management companies and municipalities to "producers" (including farms, nurseries and agribusinesses that sell dairy, wine, cider and other packaged goods, along with the forest product industry). Farm producers are entirely unprepared to assume this type of responsibility, from both a management and financial perspective, especially given the current farm economy. Legislation containing this magnitude of change, and frankly upheaval, to the current recycling system, which severely impacts agriculture, and the general business community requires much more stakeholder input and should not be rushed through.

The source reduction and recycling rate goals required by the legislation are unachievable and not consistent with other states' proposals. Additionally, there is major concern for the impact this legislation would have on food packaging when it comes to safety, structural integrity, and shelf life. Other states such as, California have included specific language in their EPR legislation that prevents any requirements on packaging that are in conflict with USDA or FDA regulations. Without this specific language, there would be a tremendous amount of food waste at a time when many within our state do not have enough food. The legislation also would require farmers to be on the hook for end-of-life costs for products covered by the legislation. Farmers do not have the margins for any added and burdensome costs, as their costs of doing business continue to rise and they are often operating at a loss. Lastly, dairy cooperatives, processing and production facilities use millions of dollars in equipment, retrofitting the equipment for a new packaging type would come at a high cost that most cooperatives simply would not be able to afford. This would lead to many products not being sold in New York any more due to the different required packaging needed to meet the post-consumer content requirements as well as processing facilities closing.

According to the latest agriculture census, New York State has lost nearly 3,000 farms and USDA is predicting farm income to be down 25% in 2024. We simply cannot bear to lose any more farms and food production in the state. If passed and signed into law, this legislation could create very real negative impacts on farm viability, food access and cost all during a time that we are trying to encourage and strengthen food production and on-farm processing of food products.

For these reasons, the New York Farm Bureau requests your opposition to this legislation.