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Testimony for the Joint Senate and Assembly Legislative Hearing on Packaging Reduction

David Fisher, New York Farm Bureau President
Tuesday, October 24, 2023

Thank you for the opportunity to submit this testimony on behalf of New York Farm Bureau regarding the proposed extended producer responsibility legislation (EPR) and packaging reduction.

The current versions of the proposed legislation to reduce packaging will have a stark impact on New York State's agricultural industry. As written, the legislation will create an entirely new statewide recycling program and shift the program responsibility from private recycling companies and municipalities to "producers" including farms and agribusinesses that sell dairy, wine, cider, and a variety of other packaged goods. Many of the plastic materials the legislation seeks to restrict are used in dairy food packaging and for food safety to ensure food moving through the supply chain stays fresh and free from bacteria from the journey through production all the way to the consumer. Without proper packaging there would be a huge increase in food waste at a time when we are already struggling to feed all New Yorkers. Shifting the responsibility to producers will likely result in a reduction of the production of small sized dairy products and a significant reduction in food safety due to the additional costs. Dairy cooperatives will take more of a cut from the producers in order to make up for the newly added production costs. Additional industries such as wine producers will be negatively impacted as well because there is currently no market for the recycling of glass wine bottles and no cost-effective method to sterilize and reuse bottles. Farm wineries rely heavily on their tasting rooms are generally small facilities making it near impossible for them to have the space to store a large amount of empty wine bottles. Farm producers are unprepared to assume this type of responsibility, from both a management and financial perspective, especially given the current downturn of the farm economy, and the increased costs of doing business resulting from the rise of inflation impacting all businesses.

We are seeing more farms go out of business each year, further threatening our food security, and the local economy. Farmers do not control the pricing of their products and often times are operating at a loss. Recent programs like Nourish NY have been a lifeline for both farmers and local communities. This critical program has been a great way to help those in our state that are food insecure access healthy food while simultaneously proving a market for farmers to sell their products by allowing emergency food provides purchase surplus products from farmers and dairy manufacturers. As more farms close, the success of this program and keeping New

Yorkers fed is under threat. We are highly concerned that the current proposals, if passed, will result in many more farms closing their operations across the state.

This proposal leaves open many questions regarding operational costs because farms and dairy cooperatives plan their budgets and crops several years in advance. We believe legislation containing this complex level of change and upheaval to the current system, which severely impacts farms and the general business community, needs much more stakeholder input, as well as an impact study prior to the legislation moving forward. Within this legislation there is a lot of uncertainty and many questions regarding the producer responsibility organizations creation, the overall costs, as well as how packaging from out of state will be handled.

Additionally, we are concerned with language in the proposal prohibiting farmers, agribusiness, and other industries from increasing the costs of their products to cover the costs of their new recycling responsibilities. This will only hurt producers further as well as the underserved consumers who need the commodities produced most. If this were to be passed into law, this legislation would create very real negative impact on farm viability, food access and costs all during a time that we are trying to encourage food production and on-farm processing of food products. Given the unique nature of farming and the reliability our state has on farms to produce nutritious food for all New Yorkers, we recommend an agricultural exemption be considered, similar to what other states have done.