S.1464-A/A.1749-A Packaging Reduction and Recycling Infrastructure Act (PRRIA) – Opposition Comparison

Plastic-Related Issue	Original Bill "Packaging Reduction and Recycling Infrastructure Act" S.1464 (Harckham)/A.1749 (Glick)	Amended Bill S.1464-A/A.1749-A (Cite to Bill Provision)	Why This Matters for Plastics
Definition of "producer"	Producer means: - For covered materials sold or served to consumers at a physical retail location in NYS: a. manufacturer of a "product" if sold under a specific brand or without a brand, or b. if "a" is not applicable, the licensee of a brand or trademark under which a product is "sold or served" to consumers (if the producer is operated as a franchise, the producer is the franchisor), or c. if "b" is not applicable, the entity that imported the product into the U.S.	"Producer" means the person responsible for compliance for a covered material introduced: (a) For items sold in or with packaging at a physical retail location in NYS: (1) If the item is sold under the brand of the item manufacturer (or the packaging lacks brand identification): the person that manufactures the item; (2) If (1) does not apply: the person licensed to manufacture and sell/offer for sale to NYS consumers an item with packaging under another person's brand or trademark;	This is an improvement as it more closely adopts the definition used in the Minnesota statute

	- for products sold or distributed to NY consumers “via remote sales: a. manufacturer of a “product” if sold under a specific brand or without a brand, or b. if “a” is not applicable, the manufacturer of the shipping material used. - Exempts: * entities with under $5 million in total gross revenues; * producer selling less than two tons of covered materials in a year. * a not-for-profit corporation that is primarily engaged in preparing and delivering medically tailored meals and medical nutrition therapy, and * an agricultural cooperative with less than fifty employees engaged in the production of dairy products.	(3) If no person is described in (1) or (2): the brand owner of the item; (4) If no person described in (1)–(3) is within the United States: the importer of record for the item into the United States for use in a commercial enterprise that sells/offers for sale/distributes the item in NYS; (5) If none of (1)–(4) applies: the person that first distributes the item in or into NYS. (b) For items sold or distributed in packaging in or into NYS via e-commerce/remote sale: (1) for packaging used to directly protect/contain the item, the producer is determined under (a) above; and (2) for packaging used to ship the item to a consumer, the producer is the person that packages the item to be shipped to the consumer. (c) Note: The definition includes certain covered materials sold/offered for sale/distributed in NYS, subject to limited contractual-assignment and franchise provisions (ECL § 27-3401(22)(a)(iv)). “Producer” does not mean: - a state, a federal or state agency, a political subdivision, or other governmental unit;	

		- a registered 501(c)(3) charitable organization or 501(c)(4) social welfare organization; or - a de minimis producer. De minimis producer means a producer that in its most recent fiscal year: (a) introduced less than two tons of covered material into this state; (b) earned global gross revenues of less than five million dollars; or (c) is an agricultural cooperative with less than fifty employees engaged in the production of dairy products.	
Packaging Material Scope	Packaging defined broadly, primarily consumer-facing (ECL § 27-3401(14)).	Expanded to include residential and commercial packaging, including secondary and tertiary packaging (§27-3401(16); §27-3429).	Sweeps in industrial plastic wrap, film, and transport packaging beyond manufacturer control.
Primary / Secondary / Tertiary Packaging	Reduction standards applied generally (ECL § 27-3427).	Reduction mandates expressly apply to primary plastic packaging and all secondary and tertiary packaging (§27-3429(1)(a)-(e)).	Holds plastics producers responsible for logistics packaging needed for safety and transport.
Single-Use Plastic Definition	Defined as plastics frequenting residential waste stream (ECL § 27-3401(29)).	Expanded to include any plastic not reusable or refillable and those deemed disruptive (§27-3401(33)).	Creates de facto bans through definition rather than legislative prohibition.
Reuse Mandates	Mandatory reuse targets: 5% by 2030, 10% by 2037, 20% by 2052	Mandatory reuse targets: 5% by 2032, 10% by 2040, 20% by 2055 (§27-3433(8)).	Reuse is infeasible for many plastic applications regulated for food, medical, and safety uses.

Recycling Rate Calculation	Based on weight recycled vs. generated (ECL § 27-3401(25)).	Based on delivery to responsible end markets, excluding contaminated material (§27-3401(26); §27-3433(9)).	Plastics are disproportionately penalized due to contamination risk beyond producer control. They have fewer qualifying end markets, higher rejection rates, and greater volatility. This creates systemic under-performance risk even when producers fund collection.
Definition of "recycling" excludes chemical conversion / energy recovery	Recycling excludes recovery or energy generation by any means, including but not limited to, combustion, incineration, pyrolysis, gasification, solvolysis, or waste-to-fuel; or any chemical conversion process; or landfill disposal (ECL § 27-3401(24)).	"Disposal" is broadened to explicitly include energy recovery and chemical conversion processes including pyrolysis, gasification, and solvolysis (§27-3401(10)). "Recycling" excludes energy recovery, waste-to-fuel, and any chemical conversion process, including solvolysis (§27-3401(25)).	Limits ability to count chemical recycling / advanced recycling pathways toward "recycling" performance, and may constrain investments, compliance strategies, and claims for plastics that rely on chemical conversion technologies.
"Minimum recyclables list" drives "contamination" definition	"Minimum recyclables list" is a regulatory list of materials that are identified by the department in regulations and managed through the PRO, local governments and service providers (ECL § 27-3401(13)).	"Minimum recyclables list" is a regulatory list of materials that must be managed through the program (§27-3401(14)). "Contamination" includes (a) materials in a collected stream that are not on the minimum recyclables list, and (b) materials in delivered recycled feedstock not specified/accepted as a component (§27-3401(5)(a)-(b)).	Creates a statutory linkage between list-design decisions and "contamination," which can increase plastics' rejection risk, fee impacts, and compliance exposure (especially for mixed plastics, film, and formats with higher contamination rates).
Eco-Modulation Factors Explicitly Penalizing Contamination	Eco-modulation generally referenced without detailed statutory factors.	Eco-modulated fees must now factor: • Labels, inks, adhesives • Toxic substances • Residual contamination	Plastics are disproportionately penalized for contamination that often occurs: • Post-consumer

		• Commodity value including allowances for "excessive residual contamination"	• Outside producer control • Due to consumer behavior or municipal system design
Responsible End Markets	No statutory definition.	New definition requiring environmental, labor, permitting, and Environmental Justice compliance (§27-3401(27)).	Exposes producers to downstream market failures they cannot control because DEC will determine compliance, what documentation is required, and how "minimizing adverse impacts to disadvantaged communities" will be measured – remains open to interpretation.
Service Provider Compliance Obligations	Service providers eligible for reimbursement if providing covered services. General requirement to provide covered services and submit invoices for reimbursement.	Service providers must accept all materials on the department's minimum recyclables list, meet statewide performance standards, and ensure all covered recyclable materials are delivered to responsible end markets (§27-3401(14); §27-3421).	Expands service providers into regulated entities, increasing passthrough cost risk to plastics producers when materials are difficult or costly to process.
Responsible End Market Liability (Service Providers)	No explicit service provider liability for downstream market compliance. Responsible end markets referenced but primary compliance responsibility unclear.	Service providers are affirmatively responsible for ensuring materials are delivered to responsible end markets meeting environmental, labor, permitting, and environmental justice criteria (§27-3401(27); §27-3421).	Downstream market failures for plastics now create direct compliance and cost exposure that ultimately flows back to producers through higher fees or restricted acceptance.

Billing Transparency & Cost Disclosure	No explicit billing transparency requirements. Limited discussion of service provider billing practices.	Service providers that invoice customers must disclose charges net of PRO reimbursement and charge customers only the remaining balance (§27-3421(7)).	Prevents recovery of unreimbursed system costs and increases pressure on producers to absorb plastics related recycling expenses.
Special Assessments on Packaging Materials	Not explicitly mentioned.	Explicitly authorizes "special assessments" on specific packaging categories if they impose "unusual costs" in collection or processing. This authority is open-ended, discretionary and not limited by statute or caps.	Plastics are the most likely category to be deemed "unusual" due to contamination, sorting complexity, or low commodity value. Enables de facto punitive fees without legislative bans.
Expanded Service Provider Reporting & Data Disclosure	Basic reporting tied to reimbursement.	Service providers must report material volumes, material types, service methods, cost data, and material value data used to determine reimbursement rates (§27-3421(6); §27-3413(11)).	Enables targeted fee escalation for plastics based on contamination rates, low commodity value, and processing costs.
Reimbursement Eligibility Restrictions	Reimbursement generally available for covered recycling services.	Reimbursement is conditioned on handling all materials on minimum recyclables lists and compliance with statewide performance standards (§27-3415). It is 100% paid by producers.	Service providers may limit acceptance of challenging plastic materials, increasing cost escalation and access risk for producers.
Service Provider Enforcement Exposure	Producer focused enforcement and inclusion of the Office of the Recycling Inspector General within the DEC.	Enforcement authority is vested in the Department of Environmental Conservation (DEC) and the New York Attorney General, who may investigate compliance, including inspecting operations, facilities, and records, and auditing producers and packaging	Heightened enforcement discourages providers from handling low value or complex plastics, further destabilizing recycling access.

		reduction and recycling organizations to determine compliance with Title 34 (§ 27-3435(1)–(2)).	
DEC Authority Over Plastic Lists	DEC maintains minimum recyclables list (§27-3419).	DEC creates multiple recyclable lists and may amend annually (§27-3433(1)-(6)). DEC can adjust recycling and reuse targets by rulemaking, subject only to broad floor/ceiling limits. Service providers must accept all materials on the list to remain eligible for reimbursement.	Creates regulatory instability for plastic product design and investment. It encourages fee escalation for hard-to-recycle plastics, or exclusion from acceptance entirely if providers opt out.
Prohibited toxic materials and chemicals in packaging	Prohibits the sale or distribution of packaging containing certain toxic substances and authorized DEC to regulate toxics in packaging materials, but provided less specificity on timelines, concentration thresholds, and the scope of prohibited materials.	Explicitly bans packaging with intentionally added toxic substances, including PFAS, bisphenols, ortho-phthalates, PVC, non-EPS polystyrene, benzophenone, formaldehyde, toluene, heavy metals (lead, cadmium, mercury, hexavalent chromium), antimony, and others. Prohibitions take effect four years after rulemaking, with stricter concentration-based bans seven years after rulemaking, and violations are subject to fines of up to $10,000 per product line (ECL § 27-3427).	This provision directly restricts widely used plastic resins, additives, and processing chemicals, increasing reformulation costs, supply-chain disruption risk, and compliance exposure. The statutory ban—rather than a purely regulatory approach—limits flexibility, creates long-term uncertainty for materials innovation, and increases liability for producers of plastic packaging and downstream brand owners operating in New York.
Waiver Process for Reduction, Reuse, and Recyclability Standards	There is a waiver process in the original bill that must be applied for annually.	Producers may apply for partial or complete waivers from reduction, reuse, or recyclability requirements if compliance is "impossible due to federal law or substantially impairs compliance	The criteria for granting waivers, required documentation, and the likelihood of approval are not fully defined. This leaves ambiguity for regulated entities,

		with health, safety, or labeling requirements." Applicants must cite relevant federal law, explain why compliance is impaired, and demonstrate all feasible actions taken. Waivers are reviewed by DEC and must be renewed every five years. §27-3429(6), §27-3433(11)-(12)	especially those in food, medical, or other sensitive sectors.
State preemption	Not expressly addressed.	Vests jurisdiction over "costs and funding mechanisms" of PRROs related to recovery of packaging materials exclusively in the state, limiting local action in that area (§27-3439).	Centralizes program cost/funding decisions, which may reduce local flexibility but increases predictability of statewide producer obligations and can constrain local ordinances affecting plastics program cost recovery.
Antitrust protections for compliance activity	Not expressly addressed.	Provides that a producer is not liable for antitrust / restraint of trade / unfair trade practice claims arising from conduct undertaken to comply, with carve-outs (e.g., does not protect agreements on price/output or restricting customers/territory) (§27-3443).	May reduce legal risk for coordinated EPR compliance steps (e.g., joint actions through a PRO) while leaving key antitrust guardrails in place.
Labor peace agreement requirement (plan approval / contracting)	Not expressly addressed as a condition of plan approval or PRO/service-provider contracting.	Requires labor peace agreement in certain contexts, including as a material condition of plan approval, and for certain private contracts for collection/services (§27-3407(4)(k); §27-3409(5)-(6); §27-3413(10); §27-3415(3)(c)).	Adds an additional contracting/implementation condition that could affect vendor selection, timelines, and costs (including for plastics-related collection/sorting contracts).

Program implementation & registration timelines	Less detail in statute on specific timing sequences for producer registration, plan submission/approval backstops, and implementation triggers.	Sets multiple statutory deadlines including: initial PRO selection within 6 months (§27-3403(2)); plan due within 30 months (§27-3407(1)); producers begin implementation within 1 year after plan approval and no later than 4 years after effective date (§27-3407(3)); producers register within 1 year of effective date (§27-3417(1)); first fee payment within 6 months of plan approval (§27-3417(4)).	Creates a relatively compressed, multi-step implementation calendar with several backstop dates—important for plastics producers' compliance planning and budgeting.
Timeline / Compliance Dates	Earlier compliance timeline (e.g., reuse targets begin 2030; reuse targets 5% by 2030, 10% by 2037, 20% by 2052).	Revised compliance dates in multiple areas (examples already captured elsewhere in table): reuse targets shift to 5% by 2032, 10% by 2040, 20% by 2055 (§27-3433(8)); toxics prohibitions take effect 4 years after rulemaking, with additional concentration-based prohibitions 7 years after rulemaking (ECL §27-3427).	The amended bill changes the timing and structure of compliance obligations, which affects planning, capital investment cycles, and enforcement exposure for plastics producers.

Top 5 Deal-Breakers

- Aggressive **source-reduction mandates** apply broadly to plastic packaging (including primary, secondary, and tertiary), forcing redesign and material reduction regardless of operational or safety needs.
- The bill effectively **bars advanced/chemical recycling** from compliance by defining chemical conversion processes (e.g., pyrolysis, gasification, solvolysis) as "disposal" and excluding them from "recycling."
- A sweeping **toxics list** and prohibitions on intentionally added substances (e.g., PFAS, bisphenols, ortho-phthalates, PVC, certain polystyrenes, heavy metals, and other additives) create major reformulation, supply-chain, and enforcement risk for plastic resins and additives.

- Producers must provide **100% reimbursement** for covered collection/recycling system costs, with limited ability to manage cost escalation (including potential special assessments for “unusual costs” tied to plastics).
- DEC is granted sweeping authority to set and amend recyclable lists, contamination definitions, and performance targets—creating regulatory instability for plastics and enabling **de facto bans/fee penalties** through rulemaking rather than legislation.