A.9279 (Englebright)/S.5027-B (Kavanagh)

Title: An act to amend the environmental conservation law and the state finance law, in relation to establishing a carpet stewardship program.

Statement of Support: Understanding the full lifecycle of products we use every day has become increasingly important as we are beginning to see the full ramifications of our consumer habits and the resulting mountains of garbage that come from those habits. Each year in New York, millions of pounds of carpet waste end up in landfills and the cost of that waste stream falls entirely on municipalities and communities. In the current system, once a manufacturer produces a carpet, they do not have to deal with any of the issues associated with its disposal. This system does not provide any incentive for the manufacturers to make their carpets less toxic, more durable, lighter or easier to recycle. These production adjustments are standardly made when a company is required to think beyond the production phase and take full responsibility for the “cradle to grave” financial considerations of their products. Carpet is an especially difficult material to dispose of because it is bulky and often laced with toxic flame retardants.

A.9279/S.5027-B will create a carpet stewardship program that embodies the concept of Extended Producer Responsibility, or EPR. EPR is defined as a policy approach that assigns manufacturers the responsibility for how their products are recycled/disposed of at the end of their useful life. This can include both financial responsibility and operational responsibility, though the amount and type may differ. Producers are required to provide funding and/or services that assist in managing covered products after the use phase.¹ By working with the manufacturers of carpets, A.9279/S.5027-B will establish goals for recycling efforts, require disclosure of carpet composition for consumers, provide collection locations for communities, phase out the use of toxic PFAS chemicals in new carpet production, and also focus on a diversified governance structure - all with the ultimate goal of creating a circular economy for the carpet industry. Ideally, this model would be something other industries could replicate in the push for further EPR standards and the concept of zero waste.

The NYS Department of Environmental Conservation has laid out a Solid Waste Management Plan² and this bill aligns with the plan's goals - shifting “from a perspective of focusing on 'end-of-the-pipe' waste management techniques to looking 'upstream' and more comprehensively at how materials that would otherwise become waste can be more sustainably managed through the state's economy. This shift is central to the state's ability

¹ https://epr.sustainablepackaging.org/
to adapt to an age of growing pressure to reduce demand for energy, reduce dependence on disposal, minimize emission of greenhouse gases and create green jobs.\(^3\)

As we grapple with the impacts of a changing climate, we must recognize that consumption without planning is not sustainable, and makes the crisis worse. Clearly, there are roles that individuals (as consumers), the government (smart policies and plans), and the private sector can all play to achieve a zero waste society. Through mandates and innovative redesign, the private sector has shown they can produce products that can be completely recycled and do not contribute to landfills or incinerators. A.9279/S.5027-B will put the carpet industry on the same path of innovation.

The Sierra Club Atlantic Chapter Strongly Urges Your Support of A.9279/S.5027-B

\(^3\) https://www.dec.ny.gov/chemical/41831.html