

Environmental

Advocates

NY

EANY SUPPORTS Recycling Truth in Labeling



Memo #60

[A.7668 \(Englebright et. al\)](#)

[No Same As](#)

Explanation:

This bill helps address the issue that many U.S. consumer companies and retailers sell plastic products that cannot be readily recycled, but still label those products as recyclable. This practice is misleading and deceptive to consumers who purchase these products, thinking they are making a greener choice and attempt to recycle these products only to have them end up in a landfill. This legislation would help ensure that products labeled as recyclable are, in fact, recyclable in New York.

Many materials recovery facilities (MRFs) only accept post-consumer plastic items PET #1 and HDPE #2 – bottles and jugs – due to insufficient market demand for other materials. Plastics #3 and above have minimal to a negative value and were commonly exported to China before the China National Sword Policy went into effect in 2018, banning imports of low-quality plastics that are difficult to sort and recycle.

Although it depends on the municipality, most plastic packaging is economically impractical to recycle. Companies have labeled these plastics as recyclable to mislead consumers into believing single-use plastics have a more sustainable, practical end of life than they do. In turn, plastics #3 and above contaminate and overwhelm MRFs, making it difficult to operate cost-effectively and wasting energy and labor.

Summary:

This legislation amends the environmental conservation law by adding a new section addressing deceptive or misleading claims about product or packaging recyclability and sets up a regulatory process for the Department of Environmental Conservation to develop a list of material types and forms that are recyclable. The legislation further requires all rigid plastic containers sold in this state to be labeled with a code that indicates the resin used to produce such containers.