



February 1, 2022

Hon. Liz Krueger  
Chair, New York State Senate Finance Committee  
416 Capitol  
Albany, NY 12247

Hon. Helene E. Weinstein  
Chair, New York State Assembly Ways and Means Committee  
LOB 923  
Albany, NY 12248

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**Subject: New York State Executive Budget – TED Part SS “Toxics in Packaging Act”**

Dear Chairperson Krueger and Chairperson Weinstein and Members of the Joint Budget Committee:

The undersigned organizations appreciate the opportunity to provide the following comments on the Executive Budget Proposal, Transportation, Economic Development, Environmental Conservation (TED) Article VII, Part SS, “Toxics in Packaging Act.” Our respective organizations recognize and support the efforts to promote safe, effective packaging that is free of heavy metals. However, we are writing to you today to express concerns about the proposal in TED, Part SS as it strays far from the path paved by the premise of the NY Hazardous Packaging Act and the adopted original toxics in packaging language, disregards sound science, and could potentially have major unintended socioeconomic and environmental consequences.

Packaging plays a critical role in the U.S. from environmental, quality of life, and economic perspectives. According to a study released by AMERIPEN, the American Institute for Packaging and the Environment, the packaging industry contributes \$537.91 billion in total economic output to the national economy, or roughly 2.5% of U.S. GDP, and is responsible for 489,440 direct jobs and an additional 540,554 jobs created by suppliers providing a range of products and services to the packaging industry. Packaging is essential in almost every aspect of the economy: whether it's providing safe, sanitary products in the medical sector, or food packaging that helps American families save money by keeping their groceries fresher for longer.

Packaging is a crucial component in minimizing a growing problem in America: food waste. According to a study by the Natural Resources Defense Council, up to 40% of food in America goes to waste every year with the average American wasting more than 400 pounds of food annually<sup>1</sup>. Effective food packaging can help reduce these numbers by extending longevity of food; however, the proposal in TED, Part SS would not only undermine effective packaging design and cause these numbers to balloon but also would lead to increased greenhouse gas emissions. Food waste accounts for 2.6% of all U.S. greenhouse gas emissions, which is equal to 37 million passenger vehicles worth of emissions<sup>2</sup>. For every ton of food waste prevented, an estimated average gain of 6 to 7 times in greenhouse gas benefits can be reaped compared to alternatives like composting<sup>3</sup>.

In addition to the potential loss of the previously mentioned economic and environmental factors, we have serious concerns over the general regulatory framework, which is not only redundant due to existing federal regulations but also is ripe with fundamental flaws. The U.S. already has a robust regulatory system in place for managing chemicals and packaging which is administered by the U.S. Environmental Protection Agency (EPA) and Food and Drug Administration (FDA). The Executive Budget proposal would sidestep an already rigorous FDA review process where manufacturers are required to prove the safety of their products. Consumer protection and product safety are of paramount concern to the FDA. Failing to meet the very high standards set by the FDA results in the products being blocked from entering the market. Additionally, these federal agencies have the resources and personnel required to effectively administer such rigorous testing.

One of the most concerning aspects of this proposal is that it threatens to upend benefits provided by quality packaging by banning entire classes of chemistry that contribute to the unique properties of packaging materials that make them so effective. This proposal ignores a broad consensus between the scientific community and leading government authoritative bodies: individual compounds within the respective PFAS and phthalate families are not the same. These chemical compounds have varying properties, uses, and environmental and health profiles. In fact, the EPA, FDA, the Interstate Technology and Regulatory Council, and Organisation for Economic Co-operation and Development have all recognized this to be the case.

For the reasons outlined above, we urge you to reject the proposal in the Executive Budget TED Part SS. Thank you for the opportunity to provide comment on this issue.

Sincerely,

American Chemistry Council

Advamed

Alkylphenols & Ethoxylates Research Council

American Coatings Association

Ameripen

The Business Council of New York State

Flexible Packaging Association

National Federation of Independent Business (NFIB)

New York State Chemistry Council

Plastics Industry Association

PRINTING United Alliance

The Toy Association

Upstate United

- 1 National Resources Defense Council (2017). "Wasted: How America is Losing up to 40 Percent of Its Food From Farm to Fork to Landfill".
- 2 National Resources Defense Council (2017). "Wasted: How America is Losing up to 40 Percent of Its Food From Farm to Fork to Landfill".
- 3 Oregon DEQ (2017). "Strategy for Preventing the Wasting of Food".