

**VILLAGE OF TARRYTOWN  
BOARD OF TRUSTEES  
WORK SESSION 6:00 P.M.  
WEDNESDAY, MARCH 27, 2024  
Tarrytown Village Hall  
One Depot Plaza, Tarrytown, New York**

Members of the public may attend in person or remotely. For those members of the public interested in viewing the meeting remotely visit:  
<https://www.tarrytownny.gov/home/events/46771> for instructions on how to view via Zoom.

Action Item

Part-Time Help to Inventory Lead Water Service Lines as Required by Department of Health

Open Session

1. Board of Trustees Concerns
2. The New York Packaging Reduction and Recycling Infrastructure Act
3. Department of Health Sanitary Survey
4. Resolution Urging Inclusion of the Local Journalism Sustainability Act in the New York State Budget
5. School Speed Zone Support
6. Earth Month Announcements
7. Discussion – Lakes Cleanup by Kayak Volunteers
8. Library Construction Project
9. Closure of Roads for Memorial Day Parade
10. Non-Resident Tennis Court Fee
11. Discussion – 2024 TEAC Priorities
12. Discussion – 2024-2025 Tentative Budget
13. Decorum
14. Special Meeting on Friday, April 5<sup>th</sup>, at 9 a.m. for the Fire Department Officers

Executive Session

- A. Advice of Counsel
- B. Two Seasonal Employees – Parks Department



Appointment of an Intern for the Water Department

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the hiring of Emma N. Clarke as an intern, working in the Water Department, assigned to the Building Department, at \$17.50 an hour to help with records and data management on the lead line cataloging project for the Water Department, including water records in the Building Department, with a start date of Monday, March 25, 2024, for now only working for the week of March 25 through March 28, 2024, subject to the applicable civil service rules and regulations.





The Blake Annex | 1 Steuben Place | Albany, NY 12207  
ph. 518.465.4162 | fx. 518.465.0812 | www.lwvny.org | email: lwvny@lwvny.org

**MEMORANDUM OF SUPPORT**  
**The New York Packaging Reduction and Recycling Infrastructure Act**  
**S4246A (Harckham)/A5322A (Glick)**

**To:** New York State Assembly and Senate  
**Re:** S4246A (Harckham)/A5322A (Glick)

The League has a long history of education and advocacy in policy making to preserve the environment, natural resources, human health and the right of women and their partners to decide whether and when to create a family, all of which are threatened by the proliferation of product packaging.

Approximately 6% of the world's oil and gas resources are used by the plastic industry with most used for packaging.<sup>1</sup> The volume of product packaging, which will continue to proliferate unless addressed, is often infused with hazardous substances, including endocrine disrupting chemicals (EDCs),<sup>2</sup> posing an immediate and escalating threat to the environment, natural resources, such as our constitutionally guaranteed clean air and water, soil, crops, animal life, human health and the fertility of women and men of child-bearing years. These chemicals persist through the waste treatment and recycling process and can end up in "new" recycled- plastic products. Simply put, once produced, these chemicals do not go away. In humans, they bioaccumulate. A

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<sup>1</sup> *Plastics, EDCs & Health: A Guide for Public Interest Organizations and Policy-Makers on Endocrine Disrupting Chemicals & Plastics*, Endocrine Society, December 2020-reference to Forum WEThe new plastics economy-rethinking the future of plastics. 2016.

<sup>2</sup> **The Endocrine System** is a network of glands and organs that produce, store, and secrete hormones. When functioning normally, the endocrine system works with other systems to regulate the body's healthy development and function throughout life.

**Endocrine-Disrupting Chemicals (EDCs)** are substances in the environment (air, soil, or water supply), food sources and packaging, personal care products and packaging, and manufactured products and packaging that interfere with the normal function of the body's endocrine system. EDCs can enter the body through ingestion and the skin, and as fat-soluble substances become stored in body tissue, passed along to gestating fetuses and fed to infants through breast milk.

**Endocrine Connection** EDCs are chemicals or mixtures of chemicals that interfere with the way the body's hormones work. Some EDCs act like "hormone mimics" and trick the body into thinking that they are hormones, while other EDCs block natural hormones from doing their job. Other EDCs can increase or decrease the levels of hormones in the blood by affecting how they are made, broken down, stored or interact in our body.

EDCs can disrupt many different hormones, which is why they have been linked to numerous adverse human health outcomes including alterations in sperm quality and fertility, abnormalities in sex organs, endometriosis, early puberty, altered nervous system function, immune function, certain cancers, respiratory problems, metabolic issues, diabetes, obesity, cardiovascular problems, growth, neurological and learning disabilities, and more.

<https://www.endocrine.org/patient-engagement/endocrine-library/edcs>

study performed in 2016 concluded that “EDC exposure in the USA contribute[s] to disease and dysfunction, with annual costs taking up to more than 2% of the GDP.”<sup>3</sup>

To properly place responsibility where it belongs, the League fully supports shifting the end-of-life fiscal responsibility for packaging materials management away from taxpayer-funded municipalities and to product producers by establishing a comprehensive statewide Extended Producer Responsibility (EPR) program. In addition, the League supports the enforcement of common-sense penalties collected from the industries’ failure to comply with the law. In this context, the League supports the passage by the New York State Legislature of The Packaging Reduction & Recycling Infrastructure Act (S4246A/A5322A).

### **Climate and Waste Crisis**

New York State’s Climate Leadership and Community Protection Act (CLCPA) of 2019 seeks to address climate change by reducing greenhouse gas emissions to 40% below 1990 levels by 2030 and then to 85% below 1990 levels by 2050. This includes reducing solid waste, which as of 2019 contributed to 11% of all greenhouse gas emissions in New York<sup>4</sup>. Reducing the formidable and otherwise escalating volume of product packaging through the EPR program will have a direct positive impact on the effects of climate change and assist New York in meeting the goals of the CLCPA.

### **Health Impacts from Product Packaging**

The current presence in product packaging of such toxic substances and EDCs as phthalates, bisphenols, polyvinyl chloride and per and polyfluoroalkyl substances (known as “PFAS” or *forever chemicals*) among others, is correctly addressed in the EPR legislation by requiring that packaging exclude the list of fifteen (15) classes of toxic substances within two years following promulgation of the rules and regulations, followed by other toxic substances designated in future years by the EPR legislation’s mandated toxic substances committee.

### **The Packaging Reduction & Recycling Infrastructure Act (S4246A/A5322A).**

This proposed legislation would reduce plastic packaging by 50%, gradually over the next twelve years. It would reduce pollution in low-income communities and/or communities of color (environmental justice communities) where packaging is produced, landfilled, and incinerated. As noted above, it would reduce greenhouse gas emissions and make packaging safer for all New Yorkers by prohibiting certain toxic chemicals, including: PFAS, vinyl chloride, lead, mercury, formaldehyde, bisphenols, toluene and others which are used in common food packaging, including baby food. It would save taxpayers hundreds of millions of dollars and reinvigorate the state’s recycling system. Only 5-6% of plastic waste is actually recycled,<sup>5</sup> and it is most often turned into products or materials of lesser value (downcycled).<sup>6</sup> Because packaging will be reduced, reused, or redesigned to be truly recyclable, recycling facilities will no longer be

<sup>3</sup>Plastics, EDCs & Health: A Guide for Public Interest Organizations and Policy-Makers on Endocrine Disrupting Chemicals & Plastics, Endocrine Society, December 2020-reference to Attina TM, Hauser R, Sathyanarayana S, Hunt PA, Bourguignon JP, Myers JP, DiGangi J, Zoeller RT, Trasande L. *Exposure to endocrine-disrupting chemicals in the USA: a population-based disease burden and cost analysis.* Lancet Diabetes & Endocrinology. 2016; 4(12):996-1003.

<sup>4</sup> [https://www.dec.ny.gov/docs/administration\\_pdf/ghgwaste22.pdf](https://www.dec.ny.gov/docs/administration_pdf/ghgwaste22.pdf)

<sup>5</sup> <https://www.theguardian.com/us-news/2022/may/04/us-recycling-plastic-waste>

<sup>6</sup> <https://www.scientificamerican.com/article/why-recycling-isnt-the-answer-to-the-plastic-pollution-problem/>

inundated with worthless plastic waste. Additionally, the cost to pay for the management and recycling of packaging waste would fall to companies instead of taxpayers. Finally, the bill doesn't allow chemical "recycling" - a false solution advanced by the plastics industry that creates more pollution - to count as recycling.

**For the aforementioned reasons, the League of Women Voters of New York State supports the Packaging Reduction and Recycling Infrastructure Act (S4246B/A5322B) and urges Legislature to pass the bill this session.**

**THE VILLAGE OF TARRYTOWN**

**RESOLUTION NO: [INSERT # HERE]**

**Support for the New York State Assembly and Senate to Pass a Strong Packaging Reduction and Recycling Infrastructure Act (A.5322-A/S.4246-A) and Expand the State’s Bottle Bill (A.6353/S.237-B)**

WHEREAS, packaging makes up approximately 40 percent of the waste in New York State, and

WHEREAS, managing packaging waste costs New York taxpayers hundreds of million of dollars annually, and

WHEREAS, some packaging is not recyclable and reusable and refillable packaging systems are not readily available, and

WHEREAS, plastic causes serious pollution including litter and use of toxic chemicals, and

WHEREAS, companies that produce packaging should help bear the costs of packaging waste, not just taxpayers and

WHEREAS, enacting the Packaging Reduction and Recycling Infrastructure Act, as drafted in the New York Assembly A.5322-A and the New York Senate S.4246-A, would reduce waste, increase recycling rates, create jobs, reduce toxicity in products, provide millions of dollars in savings for local governments and taxpayers, and lower greenhouse gas emissions, and

WHEREAS, the Packaging Reduction and Recycling Infrastructure Act should work in tandem with and supplement New York State’s Returnable Container Act, and

WHEREAS, New York’s Returnable Container Act should be modernized to reflect an expanded market of beverages, and the deposit on beverage containers should be increased to 10 cents.

BE IT RESOLVED, that THE VILLAGE OF TARRYTOWN urges the New York State Legislature to pass and Governor Kathy Hochul to sign into law a strong and effective Packaging Reduction and Recycling Infrastructure Act A5322-A/S4246-A, and an expanded and modernized Bottle Bill A.6353/S.237-B, and

RESOLVED, further, That THE VILLAGE OF TARRYTOWN shall forward copies of this resolution to Governor Kathy Hochul, the New York Assembly Speaker, the Honorable



Carl Heastie, the New York State Senate Majority Leader, The Honorable Andrea Stewart-Cousins, The Honorable Mary Jane Shimsky, and all others deemed necessary and proper.



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# Memorandum of Support

200+ Groups Support The New York Packaging Reduction and Recycling Infrastructure Act, Senate 4246-a (Senator Harckham)/Assembly 5322-a (Assemblymember Glick)

January 18, 2024

This bill:

## Reduces plastic packaging by 50%, gradually over the next twelve years.

Most companies that sell consumer products in New York State would be required to reduce single-use plastic packaging. Remaining packaging would have to be redesigned to be refilled within a refill system or recyclable. Most plastic packaging is currently sent to landfills, burned in incinerators, or is a major source of litter on our streets, parks, and beaches, with 33 billion pounds of plastic pollution entering the ocean each year worldwide.<sup>1</sup> Plastic waste persists in the environment, harming wildlife and breaking down into microplastics that disrupt the food chain and enter human bodies. Microplastics have been found in the air,<sup>2</sup> drinking water,<sup>3</sup> human blood,<sup>4</sup> lungs,<sup>5</sup> breast milk,<sup>6</sup> and placentas.<sup>7</sup>

## Reduces pollution in low income communities and/or communities of color (environmental justice communities) where packaging is produced, landfilled, and incinerated.

Plastic production is a major environmental justice, climate change, and human health problem. When burned in incinerators or processed in chemical recycling facilities, plastic waste releases toxic chemicals. New York State relies on 10 aging incinerators to dispose of 15% of the state's municipal solid waste.<sup>8</sup>

## Makes packaging safer for all New Yorkers.

The bill prohibits certain toxic chemicals, including: PFAS, vinyl chloride, lead, mercury, formaldehyde, bisphenols, toluene and others which are used in common food packaging, including baby food. These chemicals are carcinogenic, endocrine disrupting, or otherwise harmful to human health.<sup>9</sup>

## Save taxpayers hundreds of millions of dollars.

Companies will be required to pay for the management and recycling of their packaging waste, rather than taxpayers. New York City proposed spending \$477 million on waste exports in 2025.<sup>10</sup> Nearly 30% of NYC trash is dumped in landfills in the Finger Lakes,<sup>11</sup> including the infamous Seneca Meadows landfill.<sup>12</sup> The City of New York also sends waste to Covanta incinerators in Niagara Falls and Newark, NJ.<sup>13</sup> These communities are also environmental justice communities, and residents in some communities have filed lawsuits alleging that waste burning and dumping violates their rights under the state constitution.<sup>13</sup>

## Key statistics

# 33 billion

lbs of plastic pollution entering the ocean each year worldwide.

# \$477 million

proposed for NYC waste exports in 2025.

# 6%

of plastic waste from the state is actually recycled

# 12%

of state's overall greenhouse gas emissions

# 35.7 million

tons of plastic was made in the US in 2020

<sup>1</sup> [https://usa.oceans.org/wp-content/uploads/sites/4/263943\\_FactSheet\\_v2-1.pdf](https://usa.oceans.org/wp-content/uploads/sites/4/263943_FactSheet_v2-1.pdf)

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8520415/>

<sup>3</sup> <https://www.whoi.int/publications/item/9789241516198>

<sup>4</sup> <https://www.theguardian.com/environment/2022/mar/24/microplastics-found-in-human-blood-for-first-time>

<sup>5</sup> <https://www.medicalnewstoday.com/articles/microplastics-in-humans-after-blood-scientists-find-traces-in-the-lungs>

<sup>6</sup> <https://www.theguardian.com/environment/2022/oct/07/microplastics-human-breast-milk-first-time>

<sup>7</sup> <https://pubmed.ncbi.nlm.nih.gov/33395930/>

<sup>8</sup> <https://dec.ny.gov/sites/default/files/2023-12/finalsswmp2023.pdf>

<sup>9</sup> <https://www.endocrine.org/news-and-advocacy/news-room/2020/plastics-pose-threat-to-human-health>

<sup>10</sup> Mayor Eric Adams' Preliminary Budget for Fiscal Year (F.Y.) 2025, January 16, 2024.

<sup>11</sup> <https://www.democratandchronicle.com/story/news/2018/07/06/finger-lakes-landfills-booming-monroe-ontario-and-seneca-counties-residents-angry/754940002/>

<sup>12</sup> <https://abcnews.go.com/US/small-town-big-landfill-new-yorks-largest-garbage/story?id=99571685>

<sup>13</sup> <https://citylimits.org/2022/09/19/outsourced-nyc-trash-is-causing-a-never-ending-odor-event-update-lawsuit-eligible/>



Hugette Roe / Shutterstock.com

### Reinvigorate the state's recycling system.

Only 5-6% of plastic waste is actually recycled,<sup>14</sup> and it is most often turned into products or materials of lesser value (downcycled).<sup>15</sup> Because packaging will be reduced, reused, or redesigned to be truly recyclable, recycling facilities will no longer be inundated with worthless plastic waste. New funding will help local governments support effective recycling of metal, paper, cardboard and glass and, most importantly, reuse and refill programs such as dishwashing equipment in schools or public drinking water fountains.

### Reduce greenhouse gas emissions.

Plastic packaging is a major source of climate pollution. Globally, plastic contributes double the greenhouse gas emissions as the aviation industry<sup>16</sup> and, according to the Climate Action Council Scoping Plan, New York's waste sector accounts for 12% of the state's overall greenhouse gas emissions. In 2020, 35.7 million tons of plastic was made in the U.S.<sup>17</sup> and plastic production is slated to double in the next 20 years<sup>18</sup> - most of it manufactured in communities of color or low income communities in Louisiana, Texas, and Appalachia. These facilities are on track to produce more greenhouse gas emissions than coal plants in the U.S. by 2030.<sup>19</sup> The Climate Action Council Scoping Plan specifically calls for legislation to set up a producer responsibility program for packaging and to "phase out" single-use packaging. The legislature must pass S4246-a/A5322-a in order to meet the State's greenhouse gas reduction goals, as mandated by the Climate Leadership and Community Protection Act.

### Doesn't allow chemical "recycling" - a false solution advanced by the plastics industry that creates more pollution - to count as recycling.

Chemical recycling has been widely debunked and is a false solution to plastic waste.<sup>20,21,22,23,24</sup> Chemical recycling technologies mostly use a lot of energy and sometimes chemicals to turn plastic waste into fuel to be burned. They are costly and mostly not effective at turning plastic waste into new plastic.

This bill would save tax dollars and position New York as a global leader in reducing plastic pollution.

<sup>14</sup> <https://www.theguardian.com/us-news/2022/may/04/us-recycling-plastic-waste>

<sup>15</sup> <https://www.sciencemag.com/article/why-recycling-isnt-the-answer-to-the-plastic-pollution-problem/>

<sup>16</sup> <https://theconversation.com/plastic-warms-the-planet-twice-as-much-as-aviation-here-how-to-make-it-climate-friendly-116376>

<sup>17</sup> <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>

<sup>18</sup> <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>

<sup>19</sup> [https://static1.squarespace.com/static/5bd91260bb7e74b6326d11/616e12922198521961b64e0/1634661022294/REPORT\\_The\\_New\\_Cool\\_Plastics\\_and\\_Climate\\_Change\\_10-21-2021.pdf](https://static1.squarespace.com/static/5bd91260bb7e74b6326d11/616e12922198521961b64e0/1634661022294/REPORT_The_New_Cool_Plastics_and_Climate_Change_10-21-2021.pdf)

<sup>20</sup> <https://www.rndc.org/sites/default/files/chemical-recycling-greenwashing-incineration-0.pdf>

<sup>21</sup> [https://static1.squarespace.com/static/5bd91260bb7e74b6326d11/616e12922198521961b64e0/1634661022294/REPORT\\_The\\_New\\_Cool\\_Plastics\\_and\\_Climate\\_Change\\_10-21-2021.pdf](https://static1.squarespace.com/static/5bd91260bb7e74b6326d11/616e12922198521961b64e0/1634661022294/REPORT_The_New_Cool_Plastics_and_Climate_Change_10-21-2021.pdf)

<sup>22</sup> [https://www.no-burn.org/wp-content/uploads/2022/03/Chemical-Recycling-of-Secret-Waste\\_A-Failed-Experiment-2022.pdf](https://www.no-burn.org/wp-content/uploads/2022/03/Chemical-Recycling-of-Secret-Waste_A-Failed-Experiment-2022.pdf)

<sup>23</sup> [https://www.no-burn.org/wp-content/uploads/2021/11/CR-Briefing\\_June-2020.pdf](https://www.no-burn.org/wp-content/uploads/2021/11/CR-Briefing_June-2020.pdf)

<sup>24</sup> <https://nationalacademies.org/catalog/26132/reckoning-with-the-us-role-in-global-ocean-plastic-waste>

For more information visit [BeyondPlastics.org](http://BeyondPlastics.org) or contact:

**Judith Enck,**  
President, Beyond Plastics,  
JudithEnck@Bennington.edu

**Alexis Goldsmith**  
National Organizing Director, Beyond Plastics  
AlexisGoldsmith@Bennington.edu

**Signed by**

Beyond Plastics  
Natural Resources Defense Council (NRDC)  
New York Public Interest Research Group (NYPiRG)  
League of Women Voters of New York State  
Earthjustice  
Surfrider Foundation  
Only One  
Environmental Advocates NY  
Mothers Out Front NY  
Food & Water Watch  
Bronx River Alliance  
Greenpeace USA  
New York Climate Action Group  
New Yorkers for Clean Power  
Scenic Hudson  
350 Brooklyn  
350 NYC  
Third Act Upstate New York  
Albany Unitarian Churchh, Green Sanctuary Team  
All Our Energy  
B'nai Shalom Reform Congregation  
Bedford 2030  
Beloved Earth Community at the Riverside Church  
Beyond Plastics Altamont  
Beyond Plastics Brooklyn  
Beyond Plastics New Paltz  
Beyond Plastics Queens  
Beyond Plastics Schenectady  
Beyond Plastics Sullivan County NY  
Beyond Plastics Upper West Side  
Big Reuse  
Bingo Supermarket  
BK ROT  
Blueland  
Brighton Climate Club  
Buy Local, Grow Local  
Cafeteria Culture  
Cameron Committee for a Safe Environment  
Campaign for Renewable Energy  
Capital Region Interfaith Creation Care Coalition  
Carolina Ocean Alliance  
Center for Zero Waste Design  
Citizens Concerned About Plastic Pollution  
Christ the King Episcopal Church  
Church Women United in New York State  
Circus Fruits Supermarket  
Clean Air Coalition of Greater Ravena Coeymans  
Climate Change Awareness and Action  
Climate Crisis Policy  
Climate Solutions Accelerator  
Coalition Against the Rockaway Pipeline  
Coalition to Protect New York  
Coastal Research & Education Society of Long Island, Inc

Color Brighton Green  
Color Fairport Green  
Color Irondequoit Green  
Color Pittsford Green  
Color Rush-Henrietta Green  
Color Webster Green  
Committee to Preserve the Finger Lakes  
Common Ground Compost  
CupZero  
DeliverZero, Inc  
Dispatch Goods, Inc  
Don't Trash the Catskills  
Downtown East For Progress  
Earth & Me  
Earth Care Honeoye  
East End Action Network  
Eco justice, collaborative of the American Baptist churches,  
Rochester, Genesee Region  
Elmirans and Friends Against Fracking  
Energy21 LTD  
Environmental Justice Ministry of First Unitarian  
Environmental Justice Team  
at the 4th Universalist Society in NYC  
Finger Lakes ReUse  
Fossil Free Tompkins  
Fourth Street Food Coop  
FrackBusters NY  
Friends of the Bay  
Gas Free Seneca  
Grassroots Environmental Education  
Green Education and Legal Fund  
Green Inside and Out  
Green Party of New York  
Green Sanctuary Team  
GreeningUSA  
A Healthy Blueprint  
Healthy Ocean Coalition  
Healthy Yards  
Home Earth Alliance  
Hudson River Sloop Clearwater  
IMV CCWG  
Indivisible Adirondacks  
Indivisible Bethlehem NY  
Indivisible Binghamton  
Indivisible CCOHOPE  
Indivisible Cortland County (ICC)  
Indivisible Larchmont/Mamaroneck  
Indivisible Mohawk Valley  
Indivisible New Rochelle  
Indivisible NW Bronx  
Indivisible NYCD16  
Indivisible Rochester  
Indivisible Scarsdale  
Indivisible Stephentown

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Indivisible YorktownNY  
Interfaith Earth Action  
It's Easy Being Green  
Izzy Zero Waste Beauty  
Jewish Congregation of New Paltz Green Committee  
John Burroughs Natural History Society  
JSA ESG Impact  
Just Zero  
Kaylaan  
KingstonCitizens.org  
League of Women Voters of Rensselaer County  
League of Women Voters of Saratoga County  
League of Women Voters of Schenectady County  
League of Women Voters of Tompkins County  
League of Women Voters, Albany County  
Lights Out Coalition  
Long Island Progressive Coalition  
Markers For Democracy  
Meliora Cleaning Products  
Mothers Out Front Dutchess County  
Mountain Rise United Church of Christ  
Mountain Top Progressives  
NAACP-Utica and Oneida County  
Nassau Hiking & Outdoor Club  
Network for a Sustainable Tomorrow  
New York Clinicians for Climate Action  
New York Communities for Change  
New York Progressive Action Network  
News from the Neighborhood  
No North Brooklyn Pipeline Alliance  
North American Climate, Conservation and Environment  
North Fork Environmental Council  
North Shore Audubon Society  
NY Climate Advocacy Project  
NY Water Action  
NYC H2O  
NYC-Grassroots Alliance  
Operation SPLASH  
Pachamama Alliance of the Rochester Area  
Peconic Baykeeper  
Peekskill100  
People for a Healthy Environment  
People of Albany United for Safe Energy  
Plaine Products  
Plastic Pollution Coalition  
Progressive Schenectady  
Protect the Adirondacks! Inc.  
Purple Waves  
Putnam Progressives  
Queens Climate Project  
Re:Dish  
Rensselaer County Women for Change  
Rensselaer Environmental Coalition  
Residents Allied for the Future of Tioga  
ReWild Long Island  
Richmond Democrat Committee  
Rise and Resist

Rivers & Mountains Green Faith Circle  
Rochester Area Interfaith Climate Action  
Rocking the Boat  
Rockland Coalition to End the New Jim Crow  
Roctricity LLC  
Rondout Valley High School Human Rights Club  
Sane Energy  
Saratoga-Warren-Washington Progressive Action  
Save the Great South Bay  
Save The River Upper St. Lawrence Riverkeeper  
Save The Sound  
Seeding Sovereignty  
Seneca Falls Environmental Action Committee  
Seneca Lake Guardian  
Sierra Club Central and Northern New York  
Sisters of St. Dominic of Blauvelt, New York  
Sisters of St. Joseph  
Sixth Street Community Center  
South Shore Audubon Society  
Stop the Algonquin Pipeline Expansion  
Story of Stuff Project  
Sunrise Movement NYC  
Superzero International, Inc.  
Sure We Can  
Surfrider Foundation New York City  
Surfrider Foundation Niagara Frontier  
Sustainability Committee of Town of Henrietta  
Sustainable Finger Lakes  
Sustainable Putnam  
Sustainable Saratoga  
A Sustainable Village  
Swing Left Target Majority  
The Climate Reality Project, Finger Lakes Greater Region NY Chapter  
The Climate Reality Project, Western New York Chapter  
The Earth Bill Network  
The Last Plastic Straw  
The Park Church Climate Justice Team  
Think Zero LLC  
Tompkins County Climate Protection Initiative  
Transition Town Port Washington  
Turtle Rescue of the Hamptons, Inc.  
Ulster Activists  
Unitarian Universalist Church of Utica  
United For Clean Energy  
Uptown Progressive Action  
UUDig Community Garden  
Waste Administration + Tracking Software (WA+TS)  
Watervliet Huddle  
We Are One Sullivan  
Westchester Alliance for Sustainable Solutions (WASS)  
Westchester Peace Action Committee (WESPAC)  
Foundation, Inc.  
Winnakee Land Trust, Inc.  
Women Against War  
Woodstock Land Conservancy  
Zero Waste Capital District

STATE OF NEW YORK

4246--A

2023-2024 Regular Sessions

IN SENATE

February 6, 2023

Introduced by Sens. HARCKHAM, KAVANAGH, ADDABBO, BRESLIN, BROUK, CHU, CLEARE, COMRIE, FERNANDEZ, GONZALEZ, HOYLMAN-SIGAL, KRUEGER, LIU, MAY, MAYER, RAMOS, RIVERA, SALAZAR, SEPULVEDA, SERRANO, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to enacting the packaging reduction and recycling infrastructure act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "packaging reduction and recycling infrastructure act".

3 § 2. Article 27 of the environmental conservation law is amended by  
4 adding a new title 34 to read as follows:

TITLE 34

PACKAGING REDUCTION AND RECYCLING INFRASTRUCTURE ACT

7 Section 27-3401. Definitions.

8 27-3403. Selection of the packaging reduction organization.

9 27-3405. Responsibilities of packaging reduction organization.

10 27-3407. Packaging reduction and recycling organization plan.

11 27-3409. Packaging reduction and recycling plan approval.

12 27-3411. Packaging reduction and recycling advisory council.

13 27-3413. Funding mechanism.

14 27-3415. Collection and convenience.

15 27-3417. Producer responsibilities.

16 27-3419. Department responsibilities.

17 27-3421. Statewide packaging reduction, reuse, and recycling  
18 needs assessment.

19 27-3423. Education and outreach program.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD08868-07-3

1 27-3425. Prohibition on certain toxic substances and materials.  
2 27-3427. Non-reusable packaging reduction standards.  
3 27-3429. Recycled content standards.  
4 27-3431. Recyclability criteria and packaging recycling require-  
5 ments.  
6 27-3433. Establishment of the office of recycling inspector  
7 general.  
8 27-3435. Penalties and enforcement.  
9 27-3437. Rules and regulations.  
10 27-3439. State preemption.  
11 27-3441. Other assistance programs.  
12 27-3443. Severability.

13 § 27-3401. Definitions.

14 As used in this title:

15 1. "Advisory council" or "council" means the packaging reduction and  
16 recycling advisory council established under section 27-3411 of this  
17 title.

18 2. "Beverage container" shall have the same meaning as is set forth in  
19 subdivision two of section 27-1003 of this article.

20 3. "Brand" means any mark, word, name, symbol, design, device, or  
21 graphical element or a combination thereof, including a registered or  
22 unregistered trademark, that identifies and distinguishes a product from  
23 other products.

24 4. "Contamination" means:

25 (a) the presence of materials in a given collected material stream  
26 that are not on the minimum recyclables list maintained by the depart-  
27 ment; or

28 (b) the presence of materials in a given recycled material delivered  
29 as a feedstock or commodity that are not specified or accepted as a  
30 component of the feedstock or commodity.

31 5. "Discarded", "discards", "generated" or "generation" means packag-  
32 ing material that has been used for its intended purpose and is no long-  
33 er needed by consumers, businesses, institutions, and other users, and  
34 can be managed through reuse, recycling, or disposal.

35 6. "Disposal" means the landfilling or incineration of material or  
36 products. "Disposal" shall also include energy recovery or energy  
37 generation by any means, including, but not limited to, incineration,  
38 combustion, pyrolysis, gasification, or solvolysis, waste-to-energy, or  
39 waste-to-fuel, or any other chemical conversion process. "Disposal"  
40 shall also include the use of materials as landfill cover.

41 7. "Eco-modulation" means structuring program fees in a way to provide  
42 producers with financial incentives to reduce waste at the source,  
43 increase recyclability of packaging materials, promote reusable packag-  
44 ing products, including those that are contained within a reuse and  
45 refill system, discourage and decrease contamination, disincentivize  
46 designs or practices that increase the costs and adverse environmental  
47 impacts of managing the packaging materials, and encourage designs and  
48 processes that improve and facilitate development of infrastructure and  
49 systems for source reduction, reuse, recycling, and composting.

50 8. "Disadvantaged community" shall have the same meaning as is set  
51 forth in subdivision five of 75-0101 of this chapter.

52 9. "Local government" means any municipal corporation, governmental  
53 subdivision of the state, local government unit, special district,  
54 school, local or regional board, commission, or authority authorized by  
55 law to plan or provide for waste management services for a specific  
56 geographical area.



1 10. "Packaging material" or "material" means a discrete material or  
2 category of material, regardless of recyclability, including but not  
3 limited to such material types that are flexible, foam, or rigid materi-  
4 al, including paper, cardboard, plastic, glass, metal, or multi-materi-  
5 al, that is used for the containment, protection, handling, delivery,  
6 transport, distribution, or presentation of another product that is  
7 sold, offered for sale, imported, or distributed in the state, including  
8 through an internet transaction, and single-use plastic products that  
9 frequent the residential waste stream or are plastic products that have  
10 the effect of disrupting recycling processes, including, but not limited  
11 to, single-use plastic items such as straws, utensils, cups, plates, and  
12 plastic bags. Packaging material does not include:

13 (a) Medical devices and packaging which are included with products  
14 regulated as a drug, medical device, or dietary supplement by the United  
15 States food and drug administration under the federal food, drug, and  
16 cosmetic act, 21 U.S.C. 321 et seq., Sec. 3.2(E) of 21 U.S. code of  
17 federal regulations, or the dietary supplement health and education act;

18 (b) Animal biologics, including vaccines, bacterins, antisera, diag-  
19 nostic kits, and other products or biological origin, and other packag-  
20 ing materials regulated by the United States department of agriculture  
21 under the virus, serum, toxin act, 21 U.S.C. 151-159;

22 (c) Packaging regulated by the Federal Insecticide, Fungicide, and  
23 Rodenticide Act, 7 U.S.C. Sec. 136 et seq. or other applicable federal  
24 law, rule, or regulation;

25 (d) Packaging used to contain hazardous or flammable products regu-  
26 lated by the 2012 federal Occupational Safety and Health Administration  
27 Hazard Communications Standard (29 C.F.R. 1910.1200);

28 (e) Beverage containers subject to a returnable container deposit  
29 under title ten of this article;

30 (f) Infant formula as defined in section 321(z) of title 21 of the  
31 United States code of federal regulations;

32 (g) Medical foods as defined in section 360ee(b)(3) of title 21 of the  
33 United States code of federal regulations; and

34 (h) Architectural paint containers collected and managed pursuant to  
35 title twenty of this article.

36 11. "Packaging reduction and recycling organization" or "organization"  
37 means a registered 501(c)(3) not-for-profit charitable organization,  
38 pursuant to 26 U.S.C. 501(c)(3) under contract with the department and  
39 authorized to collect producer fees, assist producers with compliance  
40 with the requirements of this title, provide technical assistance to  
41 producers and implement the program.

42 12. "Packaging reduction and recycling plan" or "plan" means a docu-  
43 ment in which an organization describes the efforts it will undertake to  
44 comply with the requirements of this title.

45 13. "Packaging reduction and recycling program" or "program" means the  
46 program implemented by an organization, and overseen by the department,  
47 to comply with and implement the provisions of this title.

48 14. "Post-consumer recycled material" means new material produced  
49 using material resulting from recycling.

50 15. "Primary packaging" means the packaging in direct contact with the  
51 product itself, also sometimes referred to as a consumer unit.

52 16. "Producer" means the following entities, other than local govern-  
53 ments, state governments and the federal government, for compliance with  
54 the requirements for packaging materials sold, offered for sale, or  
55 distributed to consumers in or into this state:

1 (a) For packaging materials sold or served to consumers at a physical  
2 retail location in this state:

3 (i) If the packaging materials are sold or served under the manufac-  
4 turer's own brand or are sold or served in packaging materials that lack  
5 identification of a brand, the producer of the packaging materials is  
6 the person that manufactures the product;

7 (ii) If subparagraph (i) of this paragraph does not apply, the produc-  
8 er of the packaging materials is the person that is the licensee of a  
9 brand or trademark under which a product is sold or served to a consumer  
10 in or into this state, whether or not the trademark is registered in  
11 this state, unless the manufacturer of the packaging materials has  
12 agreed to accept responsibility; where the producer is a business oper-  
13 ated wholly or in part as a franchise, the producer is the franchisor,  
14 if such franchisor has franchisees that are resident in the state;

15 (iii) If there is no person as described in subparagraph (i) or (ii)  
16 of this paragraph within the United States, the producer of the packag-  
17 ing material is the person who imports the product into the United  
18 States for use in a commercial enterprise that sells, offers for sale,  
19 or distributes the product to consumers in this state.

20 (b) For products sold or distributed to consumers in packaging materi-  
21 als in or into this state via remote sale or distribution:

22 (i) The producer of packaging materials used to directly protect or  
23 contain the product is the same as the producer defined in paragraph (a)  
24 of this subdivision.

25 (ii) The producer of packaging materials used to ship the product to a  
26 consumer is the person that manufactures the shipping material.

27 17. "Product line" means a group of related products all marketed  
28 under a single brand that is sold by the same producer to distinguish  
29 products from each other for better usability for customers.

30 18. "Recyclable" means a packaging material that meets the criteria in  
31 section 27-3431 of this title.

32 19. "Recycled" means the use of discarded packaging materials or  
33 products in the production of a new product or packaging in place of  
34 virgin materials. "Recycled" material does not include contaminants,  
35 residues, and other process losses or use of materials as landfill  
36 cover.

37 20. "Recycling" means to separate, dismantle or process the materials,  
38 components or commodities contained in discards for the purpose of  
39 preparing the materials, components, or commodities for use or reuse in  
40 new products or components. "Recycling" does not include: (a) energy  
41 recovery or energy generation by any means, including but not limited  
42 to, combustion, incineration, pyrolysis, gasification, solvolysis, or  
43 waste-to-fuel; (b) any chemical conversion process; or (c) landfill  
44 disposal.

45 21. "Recycling rate" means the percentage of any given packaging type  
46 that is ultimately recycled. The recycling rate for any packaging mate-  
47 rial shall be calculated as the total weight of packaging that is recy-  
48 clled in a given year divided by the total weight of packaging material  
49 generated in that year. Material losses, including contaminants and  
50 residues, accruing during collection, processing and manufacturing new  
51 products do not count as recycled and shall not be included in the  
52 numerator of the equation.

53 22. "Reuse" means the return of packaging back into the economic  
54 stream for use in the same kind of application intended for the original  
55 packaging, without effectuating a change in the original composition of  
56 the package, the identity of the product, or the components thereof.

1 23. "Reuse and refill system" means a program or set of mechanisms  
2 designed to facilitate multiple uses of packaging. Mechanisms may  
3 include, but are not limited to, deposits, incentives, curbside  
4 collection, collection kiosks, refill stations, dishwashing facilities,  
5 and re-distribution networks.

6 24. "Reusable or refillable packaging and containers" means packaging  
7 material and containers that are specifically designed and manufactured  
8 to maintain shape and structure, and be materially durable for repeated  
9 sanitizing, washing, and reuse.

10 25. "Toxic packaging task force" means the toxic packaging task force  
11 established by subdivision two of section 27-3425 of this title.

12 26. "Toxic substances" means a chemical or chemical class identified  
13 by a state agency, federal agency, international intergovernmental agen-  
14 cy, accredited research university, or other scientific entity deemed  
15 authoritative by the department on the basis of credible scientific  
16 evidence as being one or more of the following:

17 (a) A chemical or chemical class that is a carcinogen, mutagen, repro-  
18 ductive toxicant, immunotoxin, neurotoxicant, or endocrine disruptor.

19 (b) A chemical or chemical class that is persistent or bioaccumula-  
20 tive.

21 (c) A chemical or chemical class that may harm the normal development  
22 of a fetus or child or cause other developmental toxicity in humans or  
23 wildlife.

24 (d) A chemical or chemical class that may harm organs or cause other  
25 systemic toxicity.

26 (e) A chemical or chemical class that may have adverse air quality  
27 impacts, adverse ecological impacts, adverse soil quality impacts, or  
28 adverse water quality impacts.

29 (f) A chemical or chemical class that the department has determined  
30 has equivalent toxicity to the above criteria.

31 § 27-3403. Selection of the packaging reduction organization.

32 1. Until the date which is ten years after the effective date of this  
33 title, there shall be only one packaging reduction organization and all  
34 producers shall be required to register with such packaging reduction  
35 organization.

36 2. Consistent with the requirements of this title, within fifteen  
37 months of the effective date of this title, the department shall select  
38 and enter into a contract with a not-for-profit organization to act as  
39 the initial organization in order to operate the packaging reduction and  
40 recycling program.

41 3. Within nine months of the effective date of this title and consist-  
42 ent with applicable competitive bidding requirements under state  
43 purchasing laws, the department shall issue a request for proposals for  
44 the operation of the packaging reduction and recycling program. The  
45 successful bidder shall be required to include, at a minimum, the  
46 following information:

47 (a) A description of how the bidder will administer the program,  
48 including the mechanisms and processes for providing assistance to  
49 producers to comply with the reporting requirements of this title;

50 (b) The mechanisms and processes the bidder will use to compile infor-  
51 mation from producers;

52 (c) How the bidder intends to manage and account for all program  
53 related funds which pass through the organization, including how timely  
54 reimbursements to local governments will be provided;

55 (d) A financial assurance plan that ensures all program funds held by  
56 the organization are immediately and exclusively forfeited and trans-

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ferred to or otherwise made immediately available to the department if the organization's contract with the department is terminated by the department, or expires;

(e) A proposed budget outlining the anticipated costs of operating the program and a description of the method by which the bidder intends to determine and collect producer payments during the initial startup period; and

(f) Any other additional information required by the department.

4. If, at the close of the competitive bidding process under subdivision three of this section, the department determines that no bidder has submitted, in accordance with such subdivision, a proposal that meets the requirements of this section, the department shall operate the program by itself or designate a state public body to operate the program.

5. If after recommendation by the advisory council pursuant to subdivision ten of section 27-3411 of this title the department determines that it would be beneficial for there to be additional organizations implementing the program, beginning ten years after the effective date of this title, the department may issue a request for proposals for additional organizations in a manner consistent with the provisions of this section. Should the department determine to have additional organizations, the department shall promulgate regulations to ensure consistency and coordination between all organizations.

§ 27-3405. Responsibilities of packaging reduction organization.

1. Producers shall register with a packaging reduction organization to meet the responsibilities of the program pursuant to the provisions of this section.

2. Each packaging reduction organization shall:

(a) Develop a packaging reduction and recycling plan and submit such plan to the advisory council for review and comment, and after any modifications in response to such comments, submit the plan to the commissioner for approval pursuant to section 27-3407 of this title;

(b) Collect and compile data from producers as required by section 27-3417 of this title;

(c) Collect fees due from producers as required by section 27-3413 of this title;

(d) Reimburse the department and any other relevant state agencies for the costs associated with conducting the statewide needs assessment required by section 27-3421 of this title, the administration of the program by the department, and the expenses of the advisory council and the toxic packaging task force;

(e) Distribute funds to reimburse local governments and private companies for the costs associated with the implementation of reduction, refill, and reuse programs, and the collection, transportation and recycling, disposal or other processing of packaging materials;

(f) Offer technical support to producers, with an emphasis on support to small businesses, to assist them with compliance with the requirements of this title, including information about procuring affordable alternatives to non-compliant packaging and reducing packaging.

3. Annually, each organization shall submit a report to the department that, at a minimum, must include the following information:

(a) Contact information for the organization;

(b) A list of all (i) producers, (ii) brands, and (iii) products that each producer sells, offers for sale, or distributes into the state that are contained, protected, delivered, presented, or distributed in or

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1 using packaging, in each case identified by the Universal Product Code  
2 (UPC) if the product has one;

3 (c) The total amount, by both weight and number of units, of each type  
4 of packaging material used to contain, protect, handle, deliver, trans-  
5 port, distribute, or present products sold, offered for sale, or  
6 distributed into the state by each individual producer during the prior  
7 calendar year;

8 (d) The total amount, by both weight and number of units, of each  
9 material used to contain, protect, handle, deliver, transport, distrib-  
10 ute, or present products sold, offered for sale, or distributed into the  
11 state by all producers during the prior calendar year;

12 (e) A complete accounting of all payments made to and by the organiza-  
13 tion during the prior calendar year;

14 (f) A list of producers reasonably believed to be out of compliance  
15 with the requirements of this title, and the reason the organization  
16 reasonably believes the producer to be out of compliance. Information  
17 on non-compliant producers shall be provided to the commissioner and  
18 recycling inspector general's office in a timely fashion and for possi-  
19 ble enforcement action by the office;

20 (g) A description of the educational and outreach efforts made by the  
21 organization in the prior calendar year, and how those efforts were  
22 designed to reduce packaging waste, and increase reuse and recycling of  
23 packaging materials;

24 (h) An assessment of whether the fee structure adopted by the depart-  
25 ment pursuant to section 27-3413 of this title has been effective in  
26 incentivizing improvements to the design of packaging material, includ-  
27 ing actual reduction of packaging, increases in reusable and refillable  
28 packaging, recycling rates for packaging materials, and decreases in the  
29 amount of packaging;

30 (i) A description of the reimbursements and expenditures made pursuant  
31 to section 27-3413 of this title;

32 (j) Audited financial statements;

33 (k) The results of the review conducted pursuant to subdivision four  
34 of this section; and

35 (l) Any additional information required by the department.

36 4. Each organization shall conduct an annual review process to deter-  
37 mine whether packaging materials are recyclable. This review shall be  
38 conducted in consultation with representatives of end markets, including  
39 recycled commodities brokers and manufacturers who purchase post-consum-  
40 er material for use in manufacturing new products, and in consultation  
41 with local governments. For the purposes of calculating producer  
42 payments and local government reimbursements in accordance with this  
43 title, this annual process shall include a transitional period between  
44 the date the determination is finalized and the date it goes into  
45 effect.

46 5. Each organization shall conduct public outreach and provide consum-  
47 ers with educational and informational materials related to reducing the  
48 amount of packaging discarded, recycled, and disposed of in the state as  
49 outlined in section 27-3423 of this title.

50 6. Each organization shall operate a program that provides for  
51 collection convenience as described in section 27-3415 of this title.

52 7. Each organization shall not spend funds on lobbying or campaign  
53 contributions to any candidates running for office.

54 8. An organization shall not share, except with the department, the  
55 advisory council, and the toxic packaging task force, or as required by

1 law, any proprietary information that is identified by a producer as  
2 proprietary information.

3 § 27-3407. Packaging reduction and recycling organization plan.

4 1. Within two years of the effective date of this title, the initial  
5 packaging reduction organization, shall develop and submit a packaging  
6 reduction and recycling plan on implementation of the rules and regu-  
7 lations of this title, including ensuring timely disbursements to local  
8 governments, to the department for approval. The plan shall be submitted  
9 to the advisory council for review pursuant to section 27-3411 of this  
10 title prior to the department's approval. Any subsequent or additional  
11 organization shall develop and submit a packaging reduction and recycl-  
12 ing plan and comply with all the requirements of this section, and have  
13 such plan approved pursuant to section 27-3409 of this title.

14 2. The plan shall cover five years and be updated every five years  
15 following the approval of the original plan. The department shall have  
16 the discretion to require the plan to be reviewed or revised prior to  
17 the five-year period pursuant to section 27-3419 of this title.

18 3. Each producer shall begin program implementation within six months  
19 after the date the plan for the initial organization is approved and in  
20 no event later than three years of the effective date of this title. If  
21 no plan is approved by that timeframe, the producer shall be subject to  
22 penalties for noncompliance.

23 4. Any person that becomes a producer after the plan for the initial  
24 organization is approved shall register with a packaging reduction  
25 organization and begin program implementation within six months thereof  
26 or be subject to penalties for noncompliance.

27 5. The submitted plan shall include, but not be limited to:

28 (a) contact information, including the name, electronic and physical  
29 address, and telephone number of the authorized representative of the  
30 producer or producers;

31 (b) the identity of the producer or producers participating in the  
32 plan;

33 (c) a comprehensive list of the types and brands of covered materials  
34 for which the producer or producers are responsible for;

35 (d) a description of (i) the proposed funding mechanism, identified in  
36 section 27-3413 of this title, that meets the requirements of this  
37 title, and (ii) how the organization will maintain a financial reserve  
38 sufficient to operate the program in a fiscally prudent and responsible  
39 manner;

40 (e) an objective formula establishing a reimbursement rate, which  
41 covers obligations identified in the needs assessment and takes into  
42 account variable regional costs, for participating local governments or  
43 private sector service providers;

44 (f) a description of the process for participating local governments  
45 or private sector service providers to recoup reasonable costs as estab-  
46 lished by the objective formula, from the producer or organization,  
47 including, as applicable, any administrative, sorting, collection,  
48 transportation, public education, or processing costs, if the organiza-  
49 tion uses existing services through a local government or obtains such  
50 services from a private sector service provider, which process and  
51 recoupment may be structured to incentivize improvements in management  
52 of materials including without limitation in the manner described in  
53 paragraph (i) of this subdivision;

54 (g) a description of the characteristics of each type of packaging  
55 material that is relevant to the eco-modulating factors set forth pursu-  
56 ant to section 27-3413 of this title;

2 (h) if the local government does not elect to provide service, a  
3 description of the process used for contracting with a private sector  
4 entity to provide such services and the recoupment of reasonable costs,  
5 including procedures to ensure that such private sector entity is not  
6 compensated for such services by both the organization and the consumer  
7 for the same service;

8 (i) how the producers and/or organization will work with existing  
9 waste haulers, material recovery facilities, recyclers, and local  
10 governments to operate or expand current collection programs to address  
11 material collection methods, improve efficiency and yield of processing  
12 materials from separate collection streams, and increase packaging  
13 reduction and reuse;

14 (j) a description of how the producers or organization will use open,  
15 competitive, and fair procurement practices should they directly enter  
16 into contractual agreements with service providers, including municipi-  
17 palities and private entities;

18 (k) a description of how a local government will participate, on a  
19 voluntary basis, with collection and how existing local government recy-  
20 cling processing and collection infrastructure will be used;

21 (l) a description of how the producers or organization plans to meet  
22 the convenience requirements set forth in this title;

23 (m) a description of the process for end-of-life management, including  
24 recycling and disposal of residuals collected for recycling, using envi-  
25 ronmentally sound management practices;

26 (n) a description of how the organization shall provide the option to  
27 purchase recycled materials from processors;

28 (o) a description of how producers are complying with and exceeding  
29 the waste reduction, toxics, recycling and post-consumer content  
30 requirements of the title;

31 (p) a description of how the organization will strategically invest in  
32 existing and future reuse and recycling infrastructure and market devel-  
33 opment in the state in consultation with the department and in a manner  
34 not inconsistent with the needs assessment, including, but not limited  
35 to, installing or upgrading equipment to improve sorting of covered  
36 materials or mitigating the impacts of materials to other commodities at  
37 existing sorting and processing facilities, and capital expenditures for  
38 new technology, equipment, and facilities;

39 (q) a process to address concerns and questions from customers and  
40 residents;

41 (r) a description of the organization's public outreach education  
42 program for consumers and other stakeholders;

43 (s) a description of how comments of stakeholders were considered and  
44 addressed in the development of the plan; and

45 (t) a detailed description of how the organization consulted with the  
46 advisory council, the public, and other stakeholders in the development  
47 of the plan prior to its submission to the department, and to what  
48 extent the organization specifically incorporated the advisory council's  
49 input into the plan.

50 6. The organization shall also provide the advisory council a reason-  
51 able period of time to review and comment upon the draft plan prior to  
52 its submission to the department in accordance with section 27-3409 of  
53 this title which shall in no event be less than sixty days. The organ-  
54 ization shall make an assessment of comments received and shall provide  
55 a summary and an analysis of the issues raised by the advisory council  
56 and significant changes suggested by any such comments, a statement of  
the reasons why any significant changes were not incorporated into the

1 plan, and a description of any changes made to the plan as a result of  
2 such comments.

3 § 27-3409. Packaging reduction and recycling plan approval.

4 1. Before approval or denial of a packaging reduction and recycling  
5 plan can be made in accordance with this title, the producer or organ-  
6 ization shall submit the plan to the packaging reduction and recycling  
7 advisory council. The advisory council shall then make a recommendation  
8 regarding approval or disapproval of the plan in accordance with section  
9 27-3411 of this title.

10 2. Within sixty days of the advisory council making a recommendation  
11 to the department, the department shall make a determination to approve  
12 the plan as submitted; approve the plan with conditions; or deny the  
13 plan, with reasons for the denial.

14 3. The department may establish additional plan requirements in addi-  
15 tion to those identified herein to fulfill the intent of this title;  
16 provided, however, that any additional requirements shall be established  
17 one year prior to a required submission of a plan unless such additional  
18 requirements are in relation to the power granted to the department  
19 section 27-3419 of this title.

20 4. No later than six months after the date the plan is approved, the  
21 organization shall implement the approved plan. The department may  
22 rescind the approval of an approved plan at any time for cause and with  
23 documented justification.

24 § 27-3411. Packaging reduction and recycling advisory council.

25 1. There is hereby established within the department a packaging  
26 reduction and recycling advisory council to receive and review the pack-  
27 aging reduction and recycling plans required under section 27-3407 of  
28 this title, to make recommendations to the department regarding approval  
29 of the plans, and to review the annual reports produced by organizations  
30 and to make recommendations to the department and organizations as  
31 required by this section.

32 2. The advisory council shall convene for the first time no later than  
33 one year after the effective date of this title. The advisory council  
34 shall be composed of thirteen members. Seven shall be appointed by the  
35 commissioner, three shall be appointed by the speaker of the assembly,  
36 and three shall be appointed by the temporary president of the senate.  
37 The advisory council shall include at least one member from each of the  
38 following:

39 (a) a local government association or local government program,  
40 including an additional local government representative from cities with  
41 a population of one million or more residents;

42 (b) a statewide environmental organization;

43 (c) a representative of an environmental justice community affected by  
44 solid waste infrastructure;

45 (d) an environmental justice organization;

46 (e) a statewide waste disposal or recycling association;

47 (f) a materials recovery facility located within the state;

48 (g) a recycling collection provider;

49 (h) a manufacturer of packaging materials utilizing post-consumer  
50 recycled content;

51 (i) a consumer advocate;

52 (j) a retailer;

53 (k) a public health specialist; and

54 (l) a producer and an organization established under this title as  
55 non-voting members.



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1 3. Appointments to the advisory council are term-limited to ten  
2 consecutive years of service; the chair shall be chosen through a major-  
3 ity vote of its members and shall serve no longer than three consecutive  
4 years.

5 4. Advisory council members shall serve without compensation, except  
6 that a member of the committee who is a state officer or employee may  
7 receive his or her regular compensation while engaging in the business  
8 of the committee, but shall be entitled to receive reimbursement for any  
9 actual, necessary expenses incurred in the course of performing business  
10 for the committee.

11 5. All decisions made by the advisory council shall be decided by  
12 voting and votes shall only be valid when a quorum is present. A quorum  
13 shall exist when greater than fifty percent of voting members are pres-  
14 ent. The advisory council shall meet at least once a year by the call of  
15 the chair or by request of more than half the members. The decisions of  
16 the advisory council shall be by vote of the majority of its membership.

17 6. The council shall determine whether the plan submitted under  
18 section 27-3409 of this title meets the criteria and objectives under  
19 such section in making its recommendation.

20 7. The advisory council shall, within ninety days of the submission of  
21 a packaging reduction and recycling plan, either:

22 (a) forward the plan to the commissioner with its recommendation for  
23 approval; or

24 (b) forward the plan to the commissioner with its disapproval and  
25 stated reasons therefor, including any recommended changes to the plan  
26 necessary for approval.

27 8. An organization may resubmit a packaging reduction and recycling  
28 plan for approval at any time. Upon such resubmission, the advisory  
29 council shall, within ninety days, forward the plan to the commissioner  
30 with its recommendation for approval or disapproval.

31 9. The advisory council shall review the submitted annual reports and  
32 make such recommendations to the department and the organization for  
33 improving future administration of the program and compliance with this  
34 title.

35 10. Thirty months from the date the department adopts rules and regu-  
36 lations pursuant to this title, and every three years thereafter, the  
37 advisory council shall conduct a review of all relevant data, including  
38 annual reports, the latest scientific data available, any pertinent  
39 statewide waste and reuse data, and any other information deemed impor-  
40 tant, to make recommendations to the following:

41 (a) organizations for any changes in administration of the program,  
42 including feedback on the education and outreach program as outlined in  
43 section 27-3423 of this title;

44 (b) the department for any necessary changes to regulations, the fund-  
45 ing mechanism, reimbursement and expenditure policies or whether it  
46 would be beneficial for there to be additional organizations implement-  
47 ing the program; and

48 (c) the legislature for recommended statutory changes. Such recommen-  
49 dations shall include a recommendation as to whether to modify the defi-  
50 nition of recycling under this title.

51 § 27-3413. Funding mechanism.

52 1. All costs of the program, including administration, enforcement,  
53 and all other state costs of the program and organizations' costs of the  
54 program, including but not limited to those costs described in subdivi-  
55 sion three of this section shall be covered by producer payments. The  
56 department shall promulgate rules and regulations in the manner required

1 by section 27-3419 of this title setting forth the manner in which  
2 producer payments on packaging materials shall be calculated and  
3 assessed. Payments shall be calculated based on:

4 (a) The packaging material type;

5 (b) The quantity of each packaging material type, by weight, that the  
6 producer sells, offers for sale, or distributes in the state;

7 (c) Eco-modulation, including as described in subdivision seven of  
8 this section.

9 2. The list of packaging material types for which there is a specific  
10 fee shall include, at a minimum, the following material types:

11 (a) Paper;

12 (b) Cardboard;

13 (c) Corrugated cardboard;

14 (d) Wood;

15 (e) Glass;

16 (f) Polyethylene terephthalate (PET);

17 (g) High density polyethylene (HDPE);

18 (h) Expanded polystyrene (EPS);

19 (i) Polystyrene;

20 (j) Bio-plastics;

21 (k) Generic plastics;

22 (l) Plastic film;

23 (m) Other plastics;

24 (n) Steel or ferrous;

25 (o) Aluminum;

26 (p) Tinplate;

27 (q) Generic metals; and

28 (r) Mixed materials including laminates and packaging containing more  
29 than one of the above materials.

30 3. Packaging fees shall be designed to cover, at minimum, the total  
31 costs associated with:

32 (a) Costs to provide curbside collection or other form of residential  
33 service that is, at minimum, as convenient as detailed in section  
34 27-3415 of this title;

35 (b) The department's and other state agencies' administration of this  
36 title;

37 (c) Organizations' administration of this title;

38 (d) The cost associated with the development of the needs assessment,  
39 as required in section 27-3421 of this title;

40 (e) The costs associated with the advisory council and the toxic pack-  
41 aging task force;

42 (f) The costs associated with establishing packaging reduction and  
43 reuse infrastructure;

44 (g) The cost of providing recycling services, including the collection  
45 cost, processing cost for each recyclable material, cost of handling  
46 non-recyclable material types collected as part of a recycling opera-  
47 tion, transportation cost of recycling for each material type; and

48 (h) Any other factors determined by the department.

49 4. The department may adjust fees to be paid by producers based on  
50 factors that affect system costs. At a minimum, fees shall be variable  
51 based on:

52 (a) costs to process packaging materials for acceptance by secondary  
53 material markets;

54 (b) whether the packaging material would typically be readily-recycla-  
55 ble as determined by the department after consultation with the advisory  
56 council, except that as a consequence of the packaging design, the pack-

aging product has the effect of disrupting recycling processes or the product includes labels, inks, and adhesives containing heavy metals or other toxic substances that would result in contamination of the recycling process;

(c) whether the packaging material is specifically designed to be reusable or refillable and has high reuse or refill rate;

(d) the commodity value of a packaging material, as determined by the department after consultation with the advisory council; and

(e) any other factors determined by the department.

5. The fees shall be adjusted, or the producers may be provided a credit, based upon the percentage of post-consumer recycled material content and such percentage of post-consumer recycled content shall be verified by the organization or through an independent third party approved to perform verification services to ensure that such percentage exceeds the minimum requirements in the packaging, as long as the recycled content does not, in the determination of the department, disrupt the potential for future recycling.

6. In addition to the annual schedule of fees, the department fee schedule may include a special assessment on specific categories of packaging materials at the request of responsible entities representing and approved by the advisory council if the nature of the packaging material imposes unusual costs in collection or processing or requires special actions to address effective access to recycling or successful processing in local government recycling facilities, as determined by the department after consultation with the advisory council.

7. The program charges shall be structured to provide producers with financial incentives to encourage:

(a) A reduction in total packaging as measured by unit weight used by producers, and discarded by consumers, businesses, institutions, and other users. Weight reductions shall not be achieved by substituting plastic for other materials types;

(b) An increase in the proportion of a producer's total packaging that is managed within a reuse and refill system;

(c) An increase in the proportion of a producer's total packaging that is deemed recyclable as determined by an annual review process as described in section 27-3405 of this title;

(d) An increase in the proportion of a producer's total packaging that is ultimately recycled;

(e) A reduction in toxic components in packaging materials; and

(f) A reduction in litter from packaging materials.

8. There shall be no fee assessed on packaging that is designed for reuse and refill and contained within a reuse or refill system.

9. Any funds directly collected pursuant to this title shall not be used to carry out lobbying activities on behalf of an organization.

10. No retailer may charge a point-of-sale or other fee to consumers to facilitate a producer to recoup the costs associated with meeting the obligations under this title.

11. Nothing in this title shall require a local government to participate in the program.

12. The department shall update and revise the fees with input from the advisory council every three years.

#### § 27-3415. Collection and convenience.

1. The program shall provide for widespread, convenient, and equitable access to collection opportunities for recyclable packaging materials at no additional cost. Such opportunities shall be provided to all resi-

1 dents of the state in a manner that is as convenient as the collection  
2 of municipal solid waste.

3 2. Participation in the program shall not restrict a jurisdiction's  
4 consumer's ability to contract directly with third parties to obtain  
5 recycling collection services if consumers have the option to enter into  
6 such contracts as of the effective date of this title, as long as the  
7 consumer still voluntarily chooses to contract directly with the third  
8 party. The local government shall not provide disbursement to such  
9 third party should the local government provide widespread recycling  
10 services either directly or through a contract that is different from  
11 the contract with such third party, and there shall be procedures in  
12 place to ensure that no service provider is compensated more than once  
13 for the same service.

14 3. All local government or private recycling service providers shall  
15 provide for the collection and recycling of all packaging materials  
16 contained on the minimum recyclables lists, based on geographic regions,  
17 in order to be eligible for reimbursement; provided, however, nothing  
18 shall penalize a local government or private recycling service for  
19 recovering and recycling materials that are generated in the local  
20 government or geographic region that are not included on the minimum  
21 recyclables lists as long as it can be demonstrated that such materials  
22 have a consistent regional market for purchase as determined by the  
23 department in consultation with the producer or organization.

24 4. Reimbursement shall cover reduction, as contemplated by section  
25 27-3413 of this title, collection, processing, transportation, and recycling  
26 and disposal of all packaging materials so long as the program  
27 includes at least the minimum recyclables list. The department may grant  
28 an exception of the requirements in this subdivision upon a written  
29 showing by the local government or private recycling service that  
30 compliance with the requirements is not practicable for a specific identified  
31 product or material and if the department finds it is in the best  
32 interest of the intent of this title to grant an exception; provided,  
33 however, that any such exception granted by the department shall not  
34 exceed twelve months.

35 5. The department shall promulgate rules and regulations to ensure  
36 that program funds shall be used for investment in collection systems,  
37 transportation systems, reuse systems, washing systems, redistribution  
38 systems, technology for tracking and data collection, capital expenditures  
39 on new and emerging technology that is focused on reusable and  
40 refillable packaging, as well as equipment, and facilities, and other  
41 projects determined by the department to facilitate the goals and  
42 objectives of this title.

43 6. Nothing in this title shall be deemed to automatically void or  
44 nullify any collection contracts in effect as of the effectiveness of  
45 this title.

46 § 27-3417. Producer responsibilities.

47 1. Beginning thirty months after the effective date of this title, a  
48 producer shall not sell, offer for sale, or distribute into the state a  
49 product contained, protected, delivered, presented, or distributed in  
50 packaging unless the producer is registered with an organization and in  
51 full compliance with all requirements of this title.

52 2. Either when the producer registers, or within thirty months of the  
53 effective date of this title, whichever is later and annually thereafter,  
54 each producer shall provide the organization with the following  
55 information:

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1 (a) Contact information, including the name, electronic and physical  
2 address, and telephone number of the authorized representative of the  
3 producer;

4 (b) A comprehensive list of the types and brands of packaging materi-  
5 als for which the producer or producers are responsible for;

6 (c) The total amount, in units and weight, of each type of packaging  
7 material sold, offered for sale, or distributed for sale into the state  
8 by the producer in the prior calendar year; and

9 (d) Any other information required by the department.

10 3. Producers are responsible for payment of fees, through an organiza-  
11 tion, based on the quantity, type of packaging used in the state, and  
12 other factors.

13 4. Producers are responsible for meeting the toxic substances, packag-  
14 ing reduction, post-consumer content, and recycling standards under this  
15 title.

16 5. A producer shall electronically submit annually, to both the  
17 department and the packaging reduction and recycling organization, a  
18 written declaration signed by its chief executive officer, verifying the  
19 producer's compliance with:

20 (a) The packaging material reduction requirements of this title;

21 (b) The packaging material recycled content requirements of this  
22 title;

23 (c) The packaging material recycling requirements of this title;

24 (d) The toxic substance reduction requirements of this title; and

25 (e) Any reimbursement obligations they have to local governments or  
26 third party service providers in connection with this title.

27 6. A producer is exempt from the requirements and prohibitions of this  
28 title in a calendar year in which:

29 (a) The producer realized less than one million dollars in total gross  
30 revenue during the prior calendar year; or

31 (b) The producer sold, offered for sale, or distributed for sale  
32 products contained, protected, delivered, presented, or distributed in  
33 or using less than one ton of packaging material in total during the  
34 prior calendar year.

35 7. A producer claiming an exemption pursuant to subdivision six of  
36 this section shall provide the department with sufficient information to  
37 demonstrate that the claimant is eligible for an exemption.

38 § 27-3419. Department responsibilities.

39 1. Within eighteen months of the effective date of this title, the  
40 department shall, in accordance with section 27-3437 of this title,  
41 promulgate all rules and regulations necessary to implement, administer,  
42 and enforce the provisions of this title, including setting standards  
43 for consumer protection when the organization directly disburses funds  
44 to third parties. These rules and regulations shall include prohibiting  
45 certain packaging toxins pursuant to section 27-3425 of this title and  
46 setting recommended producers' program fees, after consulting with  
47 multiple stakeholders, including local governments, businesses, insti-  
48 tutions, and other extended producer responsibility programs. Program  
49 fees shall be set as required by section 27-3413 of this title.

50 2. The department shall revise recommended program fees every three  
51 years, beginning three years after the first set of program fees is  
52 established, to reflect new data received about material use and manage-  
53 ment, or whenever the targets set in this title are not met, to drive  
54 compliance with such targets.

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3. Beginning two years after the effective date of this title, and annually thereafter, the department shall work with each organization to:

(a) Calculate the amount of packaging that was generated during the prior calendar year;

(b) Calculate the recycling rate for all packaging during the prior calendar year;

(c) Calculate the recycling rate for each packaging material type during the prior calendar year;

(d) Develop a list of producers reasonably believed to be out of compliance with the requirements of this title; and

(e) Utilize this information with input from the advisory council to produce an annual report to be shared with the legislature and posted publicly on the department's website.

4. In the event that the department determines that the organization no longer meets the requirements of this title, or fails to implement and administer the requirements of this title in a manner that effectuates the purposes of this title, after reasonable opportunity to cure such deficiencies, the department shall revoke its approval of such organization and shall either select a new organization pursuant to section 27-3403 of this title or elect to operate the program itself.

§ 27-3421. Statewide packaging reduction, reuse, and recycling needs assessment.

1. No later than one year after the effective date of this title and every five years thereafter, the department shall complete or cause to be completed a statewide packaging reduction, reuse, and recycling needs assessment to determine the current state of packaging reuse, recycling, and disposal, and identify barriers and opportunities to reduce the amount of packaging discarded and disposed of, and increase the reusability and recyclability of packaging.

2. The needs assessment, at a minimum, shall cover the following:

(a) The current recycling rate for each type of packaging material material;

(b) The amount, by weight and material type, of packaging material recycled at each recycling facility that accepts discarded packaging generated in the state;

(c) The processing capacity, market conditions, and opportunities in the state and regionally for recyclable materials generally, and packaging material categories specifically;

(d) The net cost of end-of-life management of discarded packaging material in the state, including the cost associated with the collection, transportation, sortation, recycling, littering, landfilling, or incineration of discarded packaging;

(e) The availability of opportunities in the recycling and reuse system for minority- and women-owned businesses;

(f) Current barriers affecting recycling access and availability in the state;

(g) Current barriers to the marketability of recyclable materials generated in the state;

(h) Opportunities for the creation of packaging material reuse and refill programs in the state;

(i) Opportunities for the improvement of packaging material recycling in the state, including the development of end markets for recycled packaging materials.

(j) Current barriers affecting the creation and implementation of packaging material reuse and refill programs;

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1 (k) Consumer education needs in the state with respect to packaging  
2 material waste reduction, recycling, and reducing contamination in recy-  
3 cling, and reuse and refill systems for packaging material; and

4 (1) Landfill capacity.

5 3. The cost incurred by the department associated with conducting the  
6 needs assessment shall be paid for by the organization.

7 4. The department shall report the results of the needs assessment to  
8 the public, the state legislature, and the governor, and shall post the  
9 results on its website.

10 § 27-3423. Education and outreach program.

11 1. The organization shall develop and implement an educational  
12 outreach program designed to educate the public about waste reduction  
13 and improve the effectiveness of local government recycling and, at a  
14 minimum, include:

15 (a) Educational and informational materials for consumers related to  
16 reducing the amount of packaging discarded, recycled, and disposed of in  
17 the state;

18 (b) A description of the environmental, social, economic, and environ-  
19 mental justice impacts associated with improper disposal of packaging  
20 material and failure to reuse or recycle packaging materials;

21 (c) Information on the proper end-of-life management of packaging  
22 material, including reuse, recycling, composting, and disposal;

23 (d) The location and availability of curbside collection and addi-  
24 tional drop-off collection opportunities for packaging material, includ-  
25 ing deposit and take-back programs;

26 (e) How to prevent litter of packaging material in the process of  
27 collection;

28 (f) Recycling instructions that are consistent statewide, except as  
29 necessary to take into account differences among local laws and process-  
30 ing capabilities, easy to understand, and easily accessible; and

31 (g) Any other information required by the department.

32 2. The educational outreach program shall incorporate, at a minimum,  
33 electronic, print, web-based and social media elements, including for  
34 use by local governments at their discretion, as well as including a  
35 variety of outreach and education tools. Such educational outreach  
36 programs shall ensure materials are widely accessible and available in  
37 multiple languages.

38 3. The educational outreach program shall be coordinated with and  
39 assist local government programs, local government contracted programs,  
40 solid waste collection companies, and other entities providing services.

41 4. The educational outreach program shall be developed to ensure envi-  
42 ronmental justice communities receive targeted outreach and support.

43 5. The educational outreach program shall include a plan to work with  
44 producers to label or mark packaging material, in accordance with  
45 reasonable labeling standards, with information to assist consumers in  
46 responsibly managing and recycling covered products.

47 6. The organization shall consult with local governments on the devel-  
48 opment of educational materials and may coordinate with local govern-  
49 ments on outreach and communication.

50 7. The organization shall be authorized to provide producers and  
51 retailers with educational materials related to the responsible  
52 reduction, reuse, recycling, or disposal of discarded packaging materi-  
53 al. The educational and informational materials provided to the retailer  
54 under this subdivision may include, but need not be limited to, printed  
55 materials, signage, templates of materials that can be reproduced by  
56 retailers and provided thereby to consumers at the time of a product's

1 purchase, and advertising materials that promote and encourage consumers  
2 to properly reuse, recycle, or dispose of packaging material.

3 § 27-3425. Prohibition on certain toxic substances and materials.

4 1. Beginning two years after the promulgation of rules and regulations  
5 pursuant to this title, no person or entity shall sell, offer for sale,  
6 or distribute into the state any packaging containing any of the follow-  
7 ing toxic substances:

8 (a) Ortho-phthalates;

9 (b) Bisphenols;

10 (c) Per- and polyfluoroalkyl substances (PFAS);

11 (d) Heavy metals and compounds, including lead, hexavalent chromium,  
12 cadmium, and mercury;

13 (e) Benzophenone and its derivatives;

14 (f) Halogenated flame retardants;

15 (g) Perchlorate;

16 (h) Formaldehyde;

17 (i) Toluene;

18 (j) Antimony and compounds;

19 (k) Carbon black;

20 (l) UV 328 (2-(2H-benzotriazol-2-yl)-4,6-di-tert-pentylphenol);

21 (m) Polyvinyl chloride, including polyvinylidene chloride;

22 (n) Polystyrene; or

23 (o) Polycarbonate.

24 2.(a) There is hereby established within the department a toxic pack-  
25 aging task force to review the toxicity in packaging in the state, and  
26 to recommend to the department the designation of additional toxic  
27 substances which shall be subject to the same prohibition as those  
28 substances listed in subdivision one of this section.

29 (b) The toxic packaging task force shall have seven members, one of  
30 whom shall be the commissioner or their designee who shall be chair, and  
31 one of whom shall be the commissioner of health or their designee. The  
32 other members shall include: (i) a representative of the packaging  
33 industry; (ii) a representative of an environmental justice organiza-  
34 tion; and (iii) a representative from the chemical industry; all of whom  
35 shall be appointed by the commissioner. The remaining members shall be  
36 persons with significant professional or academic expertise in public  
37 health and toxicology, one of whom shall be appointed by the temporary  
38 president of the senate and one of whom shall be appointed by the speak-  
39 er of the assembly. Appointments to the toxic packaging task force are  
40 term limited to five consecutive years of service.

41 (c) The task force shall meet at least twice per year to review and  
42 recommend to the department whether there are additional toxic  
43 substances or classes of toxic substances that should no longer be sold,  
44 offered for sale, distributed for sale, or distributed for use in pack-  
45 aging in this state.

46 3. Within one hundred eighty days of the toxic packaging task force  
47 recommending the designation of an additional toxic substance, the  
48 department shall adopt rules and regulations to designate such substance  
49 as a toxic substance under this section and prohibit the use of such  
50 toxic substance in packaging in the same manner as those toxic  
51 substances listed in subdivision one of this section, with an effective  
52 date no later than two years after the date of such recommendation.

53 4. Any producer that violates this section, or any rules or regu-  
54 lations promulgated pursuant to this section, shall be subject to a fine  
55 for each violation not to exceed ten thousand dollars per violation. For  
56 the purposes of this section, each product line that is sold, offered



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1 for sale, or distributed to consumers, via retail commerce, in the  
2 state, including through an internet transaction shall be considered a  
3 separate violation.

4 § 27-3427. Non-reusable packaging reduction standards.

5 1. Each individual producer is required to meet the following packag-  
6 ing reduction requirements:

7 (a) Beginning three years after a producer first registers with an  
8 organization, such producer shall reduce the amount of primary plastic  
9 packaging and the amount of non-primary packaging for all materials used  
10 to contain, protect, deliver, present, or distribute the products they  
11 sell, offer for sale, or distribute for sale into the state, by ten  
12 percent by unit weight.

13 (b) Beginning five years after a producer first registers with an  
14 organization, such producer shall reduce the amount of primary plastic  
15 packaging and the amount of non-primary packaging for all materials used  
16 to contain, protect, deliver, present, or distribute the products they  
17 sell, offer for sale, or distribute for sale into the state, by twenty  
18 percent by unit weight.

19 (c) Beginning eight years after a producer first registers with an  
20 organization, such producer shall reduce the amount of primary plastic  
21 packaging and the amount of non-primary packaging for all materials used  
22 to contain, protect, deliver, present, or distribute the products they  
23 sell, offer for sale, or distribute for sale into the state, by thirty  
24 percent by unit weight.

25 (d) Beginning ten years after a producer first registers with an  
26 organization, such producer shall reduce the amount of primary plastic  
27 packaging and the amount of non-primary packaging for all materials used  
28 to contain, protect, deliver, present, or distribute the products they  
29 sell, offer for sale, or distribute for sale into the state, by forty  
30 percent by unit weight.

31 (e) Beginning twelve years after a producer first registers with an  
32 organization, such producer shall reduce the amount of primary plastic  
33 packaging and the amount of non-primary packaging for all materials used  
34 to contain, protect, deliver, present, or distribute the products they  
35 sell, offer for sale, or distribute for sale into the state, by fifty  
36 percent by unit weight.

37 2. The reductions required by this section shall be measured against  
38 the total amount of packaging the producer used to contain, protect,  
39 deliver, present, or distribute the products they sold, offered for  
40 sale, or distributed for sale, during the first year such producer  
41 registered with the packaging reduction organization.

42 3. These reductions shall be achieved by eliminating single-use pack-  
43 aging, including secondary or tertiary packaging, elimination of packag-  
44 ing components, reduction of packaging components, or by transitioning  
45 to reusable or refillable packaging systems.

46 4. The reductions required by this section shall not be achieved by  
47 substituting non-plastic materials with plastic materials or substitut-  
48 ing recyclable materials with non-recyclable materials.

49 5. In the case of a producer for which, as of the effective date of  
50 this title or upon entry into the market after such effective date, a  
51 portion of its packaging is reusable and contained within a reuse and  
52 refill system, such producer may apply to the department for a waiver  
53 from the packaging reduction requirements set forth in subdivision one  
54 of this section with respect to that percentage of its packaging, by  
55 unit weight, which is contained within a reuse and refill system.

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6. In the case of a producer that demonstrates in a manner satisfactory to the department that, for the period beginning five years prior to the effective date of this title and ending on the date which is two years after the effective date of this title, the producer reduced the amount of packaging used to contain, protect, deliver, present, or distribute the products the producer sells, offers for sale, or distributes for sale into the state, such producer may apply to the department for a waiver from the packaging reduction requirements of this section with respect to that percentage of its packaging, by unit weight, which was reduced during such five-year period.

7. A producer may apply to the department for a waiver from the reduction requirements of this section if compliance is impossible due to federal law. Such waiver must be applied for annually. In such application the producer shall provide the department and the advisory council with sufficient information, in the determination of the department in consultation with the advisory council, to make a determination on such application, including proof that the producer has taken all feasible actions to achieve the reductions required by this section.

8. Nothing in this section shall preclude a producer from going beyond the reduction standards in subdivision one of this section.

§ 27-3429. Recycled content standards.

1. Each individual producer shall meet the recycling content targets contained in this section.

2. Beginning two years after the effective date of this section:

(a) all glass containers manufactured in the state used by the producer shall contain, on average, at least thirty-five percent post-consumer recycled content;

(b) all paper carryout bags sold, offered for sale, or given away free in the state by a producer shall contain, on average, at least forty percent post-consumer recycled content; except that a paper carryout bag that holds eight pounds or less shall only be required to contain, on average, at least twenty percent post-consumer recycled content; and

(c) all plastic trash bags sold or offered for sale in the state by a producer shall contain, on average, at least twenty percent post-consumer recycled content.

3. The requirements of this section shall not apply to reusable or refillable packaging or containers.

4. Beginning two years after plan implementation begins for the initial organization, the department is authorized, in consultation with the advisory council, to:

(a) establish content requirements for materials not listed in subdivision two of this section; and

(b) modify the post-consumer recycled content targets for the materials set forth in subdivision two of this section, provided that modifications do not result in a lesser percentage or an earlier year for the respective target.

§ 27-3431. Recyclability criteria and packaging recycling requirements.

1. Beginning two years after the effective date of this section, packaging materials used by a producer shall meet the following recyclability criteria:

(a) be capable of being sorted by entities that process recyclable material generated in the state;

(b) has a consistent regional market for purchase, by end users in the production of new products;

(c) does not contain the following:

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1 (i) non-detectable pigments, including but not limited to carbon  
2 black;

3 (ii) the toxic substances set forth in subdivision one of section  
4 27-3425 of this title and those designated by the toxic packaging task  
5 force pursuant to subdivision two of section 27-3425 of this title;

6 (iii) opaque or pigmented polyethylene terephthalate;

7 (iv) oxo-degradable additives, including oxo-biodegradable additives;

8 (v) polyethylene terephthalate glycol in rigid packaging;

9 (vi) label constructions, including adhesives, inks, materials and  
10 formats, or features that render a package non-recyclable or disruptive  
11 to the recycling process, as determined by the department in consulta-  
12 tion with the advisory council; and

13 (vii) DoPS - polystyrene, including EPS (expanded polystyrene);

14 (d) meets the post-consumer content requirements of this title; and

15 (e) any other criteria determined by the department.

16 2. The department shall maintain a list of packing material that meet  
17 these criteria and are deemed to be recyclable. The department shall  
18 update this list annually.

19 3. Each individual producer shall be required to meet the following  
20 recycling rate standards:

21 (a) With respect to the producer's non-plastic packaging:

22 (i) Beginning January first, two thousand twenty-eight, a minimum of  
23 thirty-five percent of packaging material reported by the producer or an  
24 organization as supplied into the state shall be reused or recycled,  
25 with a minimum of five percent being reused;

26 (ii) Beginning January first, two thousand thirty-five, a minimum of  
27 fifty percent of packaging material reported by the producer or an  
28 organization as supplied into the state shall be reused or recycled,  
29 with a minimum of ten percent being reused; and

30 (iii) Beginning January first, two thousand fifty, a minimum of seven-  
31 ty-five percent of packaging material reported by the producer or an  
32 organization as supplied into the state shall be reused or recycled,  
33 with a minimum of twenty percent being reused.

34 (b) With respect to plastic packaging:

35 (i) Beginning January first, two thousand twenty-eight, a minimum of  
36 twenty-five percent of plastic packaging material reported by the  
37 producer or an organization as supplied into the state shall be reused  
38 or recycled;

39 (ii) Beginning January first, two thousand thirty-five, a minimum of  
40 fifty percent of plastic packaging material reported by the producer or  
41 an organization as supplied into the state shall be reused or recycled;  
42 and

43 (iii) Beginning January first, two thousand fifty, a minimum of seven-  
44 ty-five percent of plastic packaging material reported by the producer  
45 or an organization as supplied into the state shall be reused or recy-  
46 clcd.

47 4. The department may adjust the recycling rates in subdivision three  
48 of this section by rulemaking based on information gathered through the  
49 needs assessment or provided in producer plans and reports, or based on  
50 consideration of environmental, technical and economic conditions. An  
51 adjustment to the statewide recycling and reuse performance targets may  
52 not adjust the recycling rate target to less than thirty-five percent or  
53 more than seventy-five percent.

54 5. A producer may apply to the department for a waiver from the  
55 reduction requirements of this section if compliance is impossible due  
56 to federal law. Such waiver shall be applied for annually. In such

1 application the producer shall provide the department and the advisory  
2 council with sufficient information, in the determination of the depart-  
3 ment in consultation with the advisory council, to make a determination  
4 on such application, including proof that the producer has taken all  
5 feasible actions to achieve the reductions required by this section.

6 6. The requirements of subdivision three of this section shall not  
7 apply to reusable or refillable packaging or containers.

8 § 27-3433. Establishment of the office of recycling inspector general.

9 1. The commissioner shall establish an independent office of recycling  
10 inspector general within the department. The recycling inspector general  
11 shall evaluate the programs created pursuant to this title on an annual  
12 basis and shall ensure such programs are functioning properly, and that  
13 all producers are in compliance with the requirements of this title.

14 2. The recycling inspector general shall have the authority to inves-  
15 tigate the compliance of producers and the organization with all  
16 provisions of this title and to bring enforcement actions for violations  
17 of this title pursuant to the provisions of section 27-3435 of this  
18 title.

19 § 27-3435. Penalties and enforcement.

20 1. Failure to comply with the requirements of this title shall subject  
21 the organization or an individual producer to penalties for violations.  
22 The department, recycling inspector general, or attorney general, may  
23 conduct investigations, including inspecting operations, facilities, and  
24 records of producers and organizations, and performing audits of produc-  
25 ers and organizations, to determine whether such producers and organiza-  
26 tions are complying with the requirements of this title.

27 2. The department, the recycling inspector general, or the attorney  
28 general, shall notify an organization or producer of any conduct or  
29 practice that does not comply with the requirements of this title and of  
30 any inconsistencies identified in an audit.

31 3. The department, the recycling inspector general, and the attorney  
32 general, may issue a notice of violation to, and impose an administra-  
33 tive civil penalty not to exceed one thousand dollars per day per  
34 violation on any entity not in compliance with this title or any of the  
35 regulations the department adopts to implement this title. For the  
36 purposes of this section, each product line that is sold, offered for  
37 sale, or distributed to consumers via retail commerce in the state,  
38 including through an internet transaction, shall be considered a sepa-  
39 rate violation.

40 4. Civil penalties under this section shall be assessed by the depart-  
41 ment after an opportunity to be heard pursuant to the provisions of  
42 section 71-1709 of this chapter, or by the court in any action or  
43 proceeding pursuant to section 71-2727 of this chapter, and in addition  
44 thereto, such person or entity may by similar process be enjoined from  
45 continuing such violation and any permit, registration or other approval  
46 issued by the department may be revoked or suspended or a pending  
47 renewal denied.

48 § 27-3437. Rules and regulations.

49 1. Within eighteen months after the effective date of this section,  
50 the department shall promulgate all rules and regulations necessary to  
51 implement, administer, and enforce the provisions of this title.

52 2. When promulgating rules pursuant to the provisions of this section,  
53 the department shall solicit input from the public of any draft rule or  
54 regulation to implement this section, including at a minimum a ninety-  
55 day comment period and one public hearing on such draft rules.

56 § 27-3439. State preemption.

2

1 Jurisdiction in all matters pertaining to costs and funding mechanisms  
2 of packaging reduction and recycling organizations relating to the  
3 recovery of packaging materials shall, by this title, be vested exclu-  
4 sively in the state; provided, however, that nothing in this title shall  
5 preclude any city, town, village or other local planning units from  
6 determining what materials shall be included for recycling in a local  
7 government recycling collection program or shall preclude any person  
8 from coordinating, for recycling or reuse, the collection of packaging  
9 materials and products.

10 § 27-3441. Other assistance programs.

11 Nothing in this title shall impact any producer eligibility for any  
12 state or local incentive or assistance program to which they are other-  
13 wise eligible.

14 § 27-3443. Severability.

15 The provisions of this title shall be severable and if any phrase,  
16 clause, sentence or provision of this title or the applicability thereof  
17 to any person or circumstance shall be held invalid, the remainder of  
18 this title and the application thereof shall not be affected thereby.

19 § 3. The environmental conservation law is amended by adding a new  
20 section 37-0202 to read as follows:

21 § 37-0202. Applicability.

22 This article shall only have effect to the extent that the prohibi-  
23 tions in this title are not otherwise substantially given effect or in  
24 conflict with the provisions of title thirty-four of article twenty-sev-  
25 en of this chapter.

26 § 4. This act shall take effect immediately.



**Resolution Urging Inclusion of the Local Journalism Sustainability Act in the New York State Budget**

- Whereas, threats to freedom of the press and free expression are growing around the world; and
- Whereas, a free and independent press plays a vital role in combating the growing threats of authoritarianism, misinformation, and disinformation; and
- Whereas, reaffirming freedom of the press should be a priority for our nation’s local, state, and federal leaders as they strive to promote democracy, transparency, human rights, and good governance; and
- Whereas, from 2022 to 2023, 11% of weekly newspapers in New York State have suspended publication, highlighting the urgent need to support and sustain local journalism outlets; and
- Whereas, New York State has lost half of its journalists since 2005; and
- Whereas, local news outlets serve to keep citizens informed of the work of their local governments through reporting, legal notices, and community calendars; and
- Whereas, small municipalities have limited resources to create additional lines of communication for residents to fill the void left when a local press ceases to publish; and
- Whereas, academic studies in the political economy space show that geographic areas with reduced local media coverage have less informed voters and lower voter turnout rates; and
- Whereas, through community calendars and coverage, local news outlets engage the community and attract volunteers to support the demands on municipal staff; and
- Whereas, the Local Journalism Sustainability Act (S.625B/A2958C) sponsored by Senator Brad Hoylman-Sigal and Assemblymember Carrie Woerner provides a vital mechanism to support local journalism by offering tax credits to local news outlets for the employment of local news journalists; and
- Now, therefore, be it resolved, by the [Name of Municipal Government], New York, assembled on this day of [insert date], that:
  - We urge Governor Kathy Hochul and the New York State Legislature to include provisions in the state budget to support local journalism in [Name of Municipality] and across New York State, specifically through the inclusion of the Local Journalism Sustainability Act.
  - We recognize the critical role of local journalism in fostering an informed and engaged citizenry, promoting democracy, human rights, and good governance.
  - We call upon the Governor and state legislature to prioritize the passage of the Local Journalism Sustainability Act to ensure the continued availability of reliable and comprehensive local news coverage for our community.
  - We emphasize the importance of local news outlets in keeping citizens informed about the work of their local governments, promoting civic engagement, and facilitating community involvement.
  - We direct the [Name of Municipal Government Clerk] to transmit a copy of this resolution to Governor Hochul and members of the New York State Legislature representing [Name of Municipality], urging their support and action in including the Local Journalism Sustainability Act in the state budget.
  - Be it further resolved, that this resolution shall take effect immediately upon its adoption.

4

[Signature of Municipal Government Official]

[Date]



**Kathy Deufemia**

---

**From:** Richard Slingerland  
**Sent:** Thursday, March 14, 2024 12:57 PM  
**To:** Kathy Deufemia  
**Cc:** Alissa Fasman  
**Subject:** FW: School Speed Zone Support - Work Session

For the March 27<sup>th</sup> Work Session

Richard Slingerland  
Village Administrator  
Village of Tarrytown  
One Depot Plaza  
Tarrytown, New York 10591  
914-631-1785  
fax: 914-909-1208  
e-mail: [rslingerland@tarrytownny.gov](mailto:rslingerland@tarrytownny.gov)

**From:** David Kim <DKim@tarrytowngov.com>  
**Sent:** Thursday, March 14, 2024 12:53 PM  
**To:** Richard Slingerland <rslingerland@tarrytowngov.com>; Alissa Fasman <afasman@tarrytowngov.com>; Krissy Gilligan <kgilligan@tarrytowngov.com>  
**Cc:** Karen Brown <kBrown@tarrytowngov.com>; Becky McGovern <bmcgovern@tarrytowngov.com>; Robert Hoyt <rhoyt@tarrytowngov.com>; Paul Rinaldi <prinaldi@tarrytowngov.com>; Thomas Mitchell <tmitchell@tarrytownny.gov>; Effie Phillips Staley <EPStaley@tarrytownny.gov>  
**Subject:** Re: School Speed Zone Support

Hi Rich,

This is our request for the reduction of the speed limit from 30 mph to 25 mph for the stretch of Route 9/Broadway from Leroy/Church to the Sleepy Hollow border.

I am proposing that we pass a resolution of support for establishment of a School Speed Zone further reducing the speed limit from 25 mph to 20 mph during school hours from Cobb Lane to the Sleepy Hollow border along Route 9/Broadway. Several citizens of both TT & SH have spoken with TUFSD officials, SH trustee Jared Rodriguez and me about establishing a school speed zone around SHHS/MS/JP.

TT & SH need to forward to NYSDOT written documentation of support as indicated in the excerpt from the NYSDOT FAQ about establishing a school speed zone.

1. A school speed limit may be established on a highway at the following facilities under the following conditions:

1.
  - A. School with one or more grades under grade 12
    - a. i. Some of the students walk or bicycle to or from school; or the school and related facilities (e.g. classrooms, cafeteria, gymnasium, playground, athletic fields, parking lots, etc.) are separated by a highway and require the students to cross the highway on foot to access the facilities; and

5

ii. The school administration and the jurisdiction responsible for the highway provides written documentation of their support for a school speed limit.

We are trying to satisfy item ii from the conditions NYSDOT laid out in their regulations.  
<https://www.dot.ny.gov/about-nysdot/faq/posting-speed-limit-within-a-school-zone>

We can deliberate on this at our next work session.  
Thank you.

David Kim  
Trustee, Village of Tarrytown



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**From:** Richard Slingerland <[rslingerland@tarrytowngov.com](mailto:rslingerland@tarrytowngov.com)>  
**Sent:** Thursday, March 14, 2024 11:46 AM  
**To:** David Kim <[DKim@tarrytowngov.com](mailto:DKim@tarrytowngov.com)>; Alissa Fasman <[afasman@tarrytowngov.com](mailto:afasman@tarrytowngov.com)>; Krissy Gilligan <[kgilligan@tarrytowngov.com](mailto:kgilligan@tarrytowngov.com)>  
**Cc:** Karen Brown <[kBrown@tarrytowngov.com](mailto:kBrown@tarrytowngov.com)>; Becky McGovern <[bmcgovern@tarrytowngov.com](mailto:bmcgovern@tarrytowngov.com)>; Robert Hoyt <[rhoyt@tarrytowngov.com](mailto:rhoyt@tarrytowngov.com)>; Paul Rinaldi <[prinaldi@tarrytowngov.com](mailto:prinaldi@tarrytowngov.com)>; Thomas Mitchell <[tmitchell@tarrytownny.gov](mailto:tmitchell@tarrytownny.gov)>; Effie Phillips Staley <[EPStaley@tarrytownny.gov](mailto:EPStaley@tarrytownny.gov)>  
**Subject:** RE: School Speed Zone Support

Nover mind, I found it – here you are.

Richard Slingerland  
Village Administrator  
Village of Tarrytown  
One Depot Plaza  
Tarrytown, New York 10591  
914-631-1785  
fax: 914-909-1208  
e-mail: [rslingerland@tarrytownny.gov](mailto:rslingerland@tarrytownny.gov)

**From:** David Kim <[DKim@tarrytowngov.com](mailto:DKim@tarrytowngov.com)>  
**Sent:** Thursday, March 14, 2024 11:42 AM  
**To:** Richard Slingerland <[rslingerland@tarrytowngov.com](mailto:rslingerland@tarrytowngov.com)>; Alissa Fasman <[afasman@tarrytowngov.com](mailto:afasman@tarrytowngov.com)>  
**Cc:** Karen Brown <[kBrown@tarrytowngov.com](mailto:kBrown@tarrytowngov.com)>; Becky McGovern <[bmcgovern@tarrytowngov.com](mailto:bmcgovern@tarrytowngov.com)>; Robert Hoyt <[rhoyt@tarrytowngov.com](mailto:rhoyt@tarrytowngov.com)>; Paul Rinaldi <[prinaldi@tarrytowngov.com](mailto:prinaldi@tarrytowngov.com)>; Thomas Mitchell <[tmitchell@tarrytownny.gov](mailto:tmitchell@tarrytownny.gov)>; Effie Phillips Staley <[EPStaley@tarrytownny.gov](mailto:EPStaley@tarrytownny.gov)>  
**Subject:** Re: School Speed Zone Support

Thank you.

David Kim  
Trustee, Village of Tarrytown

5



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**From:** Richard Slingerland <[rslingerland@tarrytowngov.com](mailto:rslingerland@tarrytowngov.com)>  
**Sent:** Thursday, March 14, 2024 11:39 AM  
**To:** David Kim <[DKim@tarrytowngov.com](mailto:DKim@tarrytowngov.com)>; Alissa Fasman <[afasman@tarrytowngov.com](mailto:afasman@tarrytowngov.com)>  
**Cc:** Karen Brown <[kBrown@tarrytowngov.com](mailto:kBrown@tarrytowngov.com)>; Becky McGovern <[bmcgovern@tarrytowngov.com](mailto:bmcgovern@tarrytowngov.com)>; Robert Hoyt <[rhoyt@tarrytowngov.com](mailto:rhoyt@tarrytowngov.com)>; Paul Rinaldi <[prinaldi@tarrytowngov.com](mailto:prinaldi@tarrytowngov.com)>; Thomas Mitchell <[tmitchell@tarrytownny.gov](mailto:tmitchell@tarrytownny.gov)>; Effie Phillips Staley <[EPStaley@tarrytownny.gov](mailto:EPStaley@tarrytownny.gov)>  
**Subject:** RE: School Speed Zone Support

Let me ask Krissy to produce that so we can share it with you all.

Richard Slingerland  
Village Administrator  
Village of Tarrytown  
One Depot Plaza  
Tarrytown, New York 10591  
914-631-1785  
fax: 914-909-1208  
e-mail: [rslingerland@tarrytownny.gov](mailto:rslingerland@tarrytownny.gov)

**From:** David Kim <[DKim@tarrytowngov.com](mailto:DKim@tarrytowngov.com)>  
**Sent:** Thursday, March 14, 2024 11:39 AM  
**To:** Richard Slingerland <[rslingerland@tarrytowngov.com](mailto:rslingerland@tarrytowngov.com)>; Alissa Fasman <[afasman@tarrytowngov.com](mailto:afasman@tarrytowngov.com)>  
**Cc:** Karen Brown <[kBrown@tarrytowngov.com](mailto:kBrown@tarrytowngov.com)>; Becky McGovern <[bmcgovern@tarrytowngov.com](mailto:bmcgovern@tarrytowngov.com)>; Robert Hoyt <[rhoyt@tarrytowngov.com](mailto:rhoyt@tarrytowngov.com)>; Paul Rinaldi <[prinaldi@tarrytowngov.com](mailto:prinaldi@tarrytowngov.com)>; Thomas Mitchell <[tmitchell@tarrytownny.gov](mailto:tmitchell@tarrytownny.gov)>; Effie Phillips Staley <[EPStaley@tarrytownny.gov](mailto:EPStaley@tarrytownny.gov)>  
**Subject:** School Speed Zone Support

Hi Rich,

I want to follow up with you about our (Tarrytown) support for a School Speed Zone for the the stretch of Broadway fronting Sleepy Hollow HS/MS & JP.

You mentioned that we (TT BOT) had submitted a document/letter/resolution of support for the establishment of a School Speed Zone.

I would like to have a copy of the one we submitted. I did a quick word search on the village website and nothing came up.

Thank you.

5

David Kim  
Trustee, Village of Tarrytown



8

**NOTICE TO BIDDERS**  
**Village of Tarrytown, NY**

**Village of Tarrytown – Contract 2024-02**

**CHILDREN’S LIBRARY ACOUSTICAL TILE CEILING AND  
PIPE INSULATION REPLACEMENT  
WARNER LIBRARY  
VILLAGE OF TARRYTOWN, NEW YORK  
CONTRACT # 2024-02**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Village Clerk of the Village of Tarrytown located at Village Hall, 1 Depot Plaza, Tarrytown, NY, 10591 on Friday, March 22, 2024, at 4:00 p.m., at which time they will be publicly opened and read and the Contract awarded as soon thereafter as practicable for:

**CONTRACT # 2024-02**

**CHILDREN’S LIBRARY ACOUSTICAL TILE CEILING AND PIPE  
INSULATION REPLACEMENT WARNER LIBRARY, VILLAGE OF  
TARRYTOWN, NEW YORK**

Sealed Bids may be mailed or delivered to the Village Clerk at the above address, provided the Bid is actually received by the Village Clerk prior to the time of public opening; or bids may be mailed or delivered to the place of public opening immediately prior to the time of public opening.

All Bids must be sealed and submitted in plainly marked envelopes marked

**“Bid for CONTRACT # 2024-02 CHILDREN’S LIBRARY PROJECT  
WARNER LIBRARY, VILLAGE OF TARRYTOWN, NEW YORK”**

The Bids shall be in accordance with the requirements of the Specifications and terms of the proposed Contract, if any.

The Village reserves the right to reject any and all Bids, and to waive any informalities therein.

The Village will not accept Bids from, nor award a Contract to, anyone who cannot prove to the satisfaction of the Village that he/she has sufficient experience in this type of construction and financially able and to furnish and supply the equipment and improvements called for.

Specifications and Contract Documents may be examined at the office of the Village Clerk at Village Hall, 1 Depot Plaza, Tarrytown, NY, 10591, on or after Wednesday, March 6, 2024.

Proposals for alternate/equal equipment will have to be reviewed and authorized by the Village, upon sufficient proof of acceptability to the Village.

8

Richard Slingerland, Village Administrator  
Village of Tarrytown, New York

Date of Publication Wednesday, March 6, 2024

**Tarrytown Recreation Department**  
238 West Main Street  
Tarrytown, NY 10591  
914-631-8347  
recreation@tarrytowngov.com



**Parks & Recreation Advisory Council**  
Jim Desimone, Chairperson  
Burt Cobe  
Shelly Colley  
Anneliese E. Galgano  
Mary Kohrherr  
Ed Montolio

Dan Walczewski, Recreation Superintendent

March 20, 2024

**TO:** Richard Slingerland, Village Administrator  
**CC:** Alissa Fasman, Assistant Village Administrator  
**FROM:** Dan Walczewski, Recreation Superintendent  
**RE:** Non-Resident tennis court fee for Board approval

The Recreation Department would like to add the following fee, pending approval of the village Board of Trustees:

In an effort to prioritize tennis court space for Village of Tarrytown residents, beginning in the 2024 Tennis season (March 1, 2024 – October 30, 2024,) a fee of \$100.00 will be collected (via our tennis court reservation system, CourtReserve) from all non Village of Tarrytown residents who wish to use the system to reserve play time at the Pierson Park tennis courts. This will be a per-season charge that may be renewed annually.

Tarrytown residents are able to continue to reserve time on the courts free of charge, but must provide proof of residency.





## 2024 TEAC Priorities and Budget Estimates

### Landscaping

- Enact an Adopt a Spot program to encourage public participation in Village planting and invasive removal projects.
- Install professional, weather resistant interpretive signs at Sarah Michaels, Neperan, and Patriots pollinator gardens. Bilingual signs will be the same prototype approved by the BOT for the MNR garden - \$1,100
- Promote the planting of native plants, including milkweed, through seed/ plant giveaways and seeding events . 4-5 events for kids and adults will be held from spring through fall. Bilingual outreach at events - \$800
- Maintain and refresh existing barrels, tree wells on Broadway, Main Street and Opportunity Ctr. planters - \$700
- Add sustainable, low-maintenance native plants to existing Village Hall perennial beds - \$700

Landscaping Estimates - \$3,300

### Energy and Conservation

- Complete a Solar-siting survey of the Village and get at least one Community Solar (or significant commercial or Village-facility) project approved
- Complete the Municipal-Operations-CAP by April and obtain CSC points and Grant
  - Begin one or more recommended actions from the MO-CAP strategies
- Re-Investigate the potential of Warner Library for rooftop solar
- Complete the CAPI-Adapt process (6-8 mo timeframe)
- Materials for printing and laminating informational flyers and posters - \$150

Energy Estimates - \$150

### Zero Waste

- Waste Warriors - educational materials - \$300
- Continue to work towards Village-run Curbside composting using Village owned trash trucks like Scarsdale, Larchmont and Tuckahoe.
- Collaborate with Sleepy Hollow and Hackley School on an anti- litter campaign. Would need Village approval and Police Department Participation - Costs TBD
- Special compost bin/vessel for pumpkins in Nov
- Compost giveback day for Earth Month - \$300
- Host 2 Swaps - \$100 Village donation to Neighborhood House
- Repair Cafe - Lamp repair parts pre-purchase - \$150
- Repair Cafe Banner - \$200
- Add new compost toter site(s) downtown - \$\$? idealistically

Zero Waste Estimates - \$1,050

11

**Lakes**

- Vine Squad Efforts Jan-March: Maintenance of Lakes Trails particularly white and yellow trails.
- Plant new trees at vine removal site on green trail coordinated by Parks Depts - Trees for tribes project Fall 2024?
- Plant a test area between County House Rd., the orange trail and the main trail's extension - purchase seedlings from DEC nursery sale of pussywillows and other meadow/wetlands natives as well as deer resistant plant sleeves - \$400
- Potential Pollinator Garden in the cleared area of Wilson Park.

Commented [1]: We want to start with a small test patch with low investment and if it is successful, we will apply for a grant in the future.

**Lakes Committee Estimates - \$400**

**Community Outreach**

- Earth Month - Create reusable totes (\$600), tees (\$900) and banners and signs (\$500) - \$2,000 total
- Earth month celebration with band - \$500
- River Sweep - \$60 for coffee and snacks for participants
- Eco Fair Banners - \$300
- Monthly Presence at Farmers Market

**Community Outreach Estimates - \$2,860**

**Membership and License Fees**

- NYSACC - \$75
- FCWC - \$50
- Mailchimp - FREE for now
- Website fees:
  - o InMotion Hosting fees paid by Village (through Rich's credit card) - \$230, renews May 24, 2024
  - o SquareSpace (for TT Pollinator Pathways webpage) - Dean paid for initial year (\$192); needs to be renewed in April. \$192

**Fees - \$547**

**Total Estimates \$8,307**