

Date : 5/9/2022 3:47:33 PM
From : "James Curran"
To : "Ashley Dougherty"
Subject : Re: Englebright EPR
Attachment : image001.png;

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They were kicking this around internally as a way to increase what would be eligible

- 1 2. "Compostable" means amenable to the controlled aerobic biological
- 2 decomposition of organic matter through active management to produce
- 3 ~~compost as certified by a third-party certifier and accepted and proc-~~
- 4 ~~essed into compost by at least eighty percent of commercial compost~~
- 5 ~~facilities within the state.~~ and accepted by the majority of commercial compost facilities in the state as determined by the statewide needs assessment.

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From: Ashley Dougherty <Ashley.Dougherty@exec.ny.gov>
Sent: Monday, May 9, 2022 7:25:53 AM
To: James Curran <jcurran@BrownWeinraub.com>
Subject: Re: Englebright EPR

Very helpful.

On compostable, is there a more reachable requirement that can be identified?

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From: James Curran <jcurran@BrownWeinraub.com>
Sent: Monday, May 9, 2022 7:23:33 AM
To: Ashley Dougherty <Ashley.Dougherty@exec.ny.gov>
Subject: Englebright EPR

CAUTION: This email originated from outside of the Executive Chamber. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey- wanted to pass along some specific concerns Eastman has on the new Englebright bill. Happy to answer any questions you may have.

- **Post-Consumer Recycled Material** - the processes we use to convert waste materials to new materials are flat out banned here. If this is intended to prevent waste to energy, it does but also kills chemical recycling ❖ no chemical recycling can occur with this definition. This really isn't a definition of Post-Consumer Recycled Material, it just defines what it is not.
- **Recycling** ❖ we would ask for the same clarifying amendment we proposed for carpet EPR. Strange that the bill allows us to be considered recycling but expressly prohibits our products from counting as recycled content.
- **Reusable** ❖ the definition of reusable in the bill requires packaging to also be ❖ recyclable ❖, would not allow brands to call their products reusable unless they are widely recycled in the state. Not sure any reusable water bottle (regardless of material type) can be widely recycled.
- **Compostable** ❖ the requirement for packaging to be accepted by 80% of commercial composters from the start is a high hurdle for new products. Our products meet the other criteria in the definition.

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