



**Memorandum In Opposition**  
**Packaging Reduction and Recycling**  
**Infrastructure Act**  
**HB 1789 (Parshall)**

The Northern New England Chapter of the National Waste & Recycling Association (NWRA) represents a diverse partnership of companies engaged in recycling collection and processing throughout the state of New Hampshire. Our members are committed to increasing recycling rates, strengthening infrastructure, and ensuring a sustainable future for New Hampshire's recycling industry.

While we support efforts to improve recycling and reduce packaging waste, we strongly oppose HB 1789, which seeks to establish an Extended Producer Responsibility (EPR) program for packaging materials. If enacted, this legislation has the potential to disrupt New Hampshire's existing recycling system, threaten investments in infrastructure, and create unintended economic consequences for businesses and municipalities.

EPR alone will not solve many of the problems negatively effecting statewide recycling rates, such as contamination, confusion over what materials can be recycled, and inadequate markets for recycled materials. Moreover, EPR that fails to acknowledge the importance of creating demand for recyclable materials will simply add cost to an already stressed system without achieving net environmental benefits.

Additionally, NWRA has many concerns with this current EPR proposal, including:

- 1. Threat to Existing Recycling Infrastructure**  
New Hampshire's recycling industry has invested hundreds of millions of dollars in collection and processing infrastructure. A poorly designed EPR program could undermine these investments by shifting control of recycling programs from local governments and private sector operators to producers and Producer Responsibility Organizations (PROs). This would create uncertainty for haulers, recyclers, and municipalities, potentially jeopardizing long-term innovation and investment.
- 2. Lack of Market-Driven Solutions**  
Simply mandating that producers manage packaging waste does not address the core issue—New Hampshire's lack of stable, long-term markets for recycled materials. Without a corresponding requirement for manufacturers to use recycled content, producers may continue to favor virgin materials over recycled alternatives, rendering the EPR program ineffective while adding costs to the system.
- 3. Failure to Address Contamination & Consumer Confusion**  
HB 1789 does not directly address critical issues affecting recycling rates, such as contamination from non-recyclable materials and widespread confusion about what can be recycled. A more effective approach would be to improve public education on recycling best practices and invest in standardized labeling and collection systems.
- 4. Premature Legislation Without a Needs Assessment**

A fully funded needs assessment is a prerequisite to any effective EPR legislation in order to identify strengths and gaps in New Hampshire's recycling system. Determining that EPR for packaging materials and paper products is the solution to the Granite State's recycling challenges before determining the cause and scope of those challenges, and without considering alternate strategies, is akin to "putting the cart before the horse." An extensive needs assessment would be necessary in advance to inform funding strategies and reimbursement rates supporting an economically viable EPR system.

5. **Uncertain and Burdensome Funding Mechanism**

The funding structure of the proposed EPR program is unclear, leaving significant control in the hands of producers rather than ensuring transparent, formulaic funding based on actual costs. This could result in unpredictable financial burdens on consumers, municipalities, and private recycling operators.

6. **Lack of Protection for Existing Contracts**

HB 1789 does not explicitly protect existing waste and recycling contracts, creating legal and operational uncertainties for municipalities and private haulers who have made long-term investments based on current regulations.

7. **Participatory Planning:** EPR program planning and operation must include a collaborative approach involving a broad range of stakeholders including cities, counties, solid waste collectors, and recyclers.

8. **Local Control:** It is vital that local governments have a voice in deciding how waste and recyclable materials are collected. Producers should not be responsible for determining the collection options offered to residents.

NWRA believes that simpler, alternative interventions to increase recycling rates and support local end markets exist. Instead of establishing EPR programs run by producers, a simpler and more effective solution would be setting post-consumer content standards for materials including plastic, glass, and paper packaging and containers. Such standards will create more robust markets for materials recovered through existing recycling programs, thereby supporting their use for manufacturing into new products and packages. For many years, legislative bodies at the State, county and local levels have adopted bans on the sale of certain materials and set recycling and reuse goals, but very little has been done to create markets for recyclable material. As a result, producers have little incentive to purchase and use recycled materials in their products when virgin material costs less. Strengthening end markets for recycled materials is vital to making recycling sustainable.

Recognizing this reality, New Jersey in 2022 signed into law a bill establishing postconsumer recycled content requirements for plastic, glass, and paper containers, packaging materials, and trash bags. If New Hampshire were to adopt guidelines similar to New Jersey's it could stabilize demand for recycled materials throughout the area and could ultimately inspire nationwide recycled content and circular design standards. This approach could ultimately be much less disruptive to existing New Hampshire recycling programs, including curbside collection, and do more to foster sustainable recycling programs throughout the state.

Based on the foregoing, it is respectfully requested that this legislation does not receive favorable consideration.