STATE OF NEW YORK

10168--A

Cal. No. 1311

IN SENATE

May 4, 2026

Introduced by Sens. KAVANAGH, FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to enacting the "extended producer responsibility for artificial turf act of 2026"

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

Section 1. Short title. This act shall be known and may be cited as the "extended producer responsibility for artificial turf act of 2026".

§ 2. The title heading of title 33 of article 27 of the environmental conservation law, as amended by chapter 206 of the laws of 2025, is amended to read as follows:

EXTENDED PRODUCER RESPONSIBILITY FOR CARPET **AND ARTIFICIAL TURF**

§ 3. Section 27-3301 of the environmental conservation law, as added by chapter 795 of the laws of 2022, the opening paragraph and subdivision 3-a as added and subdivisions 2, 3, and 10 as amended by chapter 82 of the laws of 2023, is amended to read as follows:

§ 27-3301. Definitions.

For the purposes of this title, the following terms shall have the following meanings:

1. **"Artificial turf" means natural and synthetic materials developed to resemble natural grass, grass, sod, or lawn, and includes any shock attenuation layer, infill, or padding.**

2. "Brand" means a name, symbol, word, or mark that attributes [~~the~~] **a** product to the owner or licensee of the brand as the producer.

[~~2.~~] **3.** "Carpet" means a manufactured article that is (a) used by a consumer, (b) affixed or placed on the floor or building walking surface as a decorative or functional building interior or exterior feature, and (c) primarily constructed of a top surface of synthetic or natural face fibers or yarns or tufts attached to a backing system made of synthetic

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

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or natural materials. "Carpet" includes, but is not limited to, a commercial or residential broadloom carpet, modular carpet tiles, [~~artificial turf,~~] a pad or underlayment used in conjunction with a carpet. "Carpet" does not include handmade rugs, area rugs, or mats.

[~~3.~~] 4. "Closed loop recycling" means recycling in which materials that are reclaimed are returned to the original process or processes in which they were generated and they are reused in the production process.

[~~3-a. "Carpet collection~~] 5. "Collection program" or "program" means a program financed and implemented by producers, either individually, or through a representative organization, that provides for, but is not limited to, the collection, transportation, reuse, recycling, proper end-of-life management, or an appropriate combination thereof, of discarded carpet or artificial turf.

[~~4.~~] 6. "Collection site" means (a) a permanent location in the state at which discarded carpet or artificial turf may be returned by a consumer[~~. Collection~~]; or (b) a mobile collection unit, such as a truck and trailer, a roll-off truck, or a roll-off container that is dispatched to a specific site located in the state in order to collect discarded artificial turf. Carpet collection sites shall accept all types of carpet, as defined by this title, regardless of brand and artificial turf collection sites shall accept all types of artificial turf, as defined by this title, regardless of brand.

[~~5.~~] 7. "Consumer" means a person located in the state who purchases, owns, leases, or uses carpet or artificial turf, including but not limited to an individual, a business, corporation, limited partnership, not-for-profit corporation, the state, a public corporation, public school, school district, private or parochial school, or board of cooperative educational services or governmental entity.

[~~6.~~] 8. "Discarded artificial turf" means artificial turf that a consumer has used and disposed of in the state and is no longer used for its manufactured purpose.

9. "Discarded carpet" means carpet that a consumer has used and disposed of in the state and is no longer used for its manufactured purpose.

[~~7.~~] 10. "Energy recovery" means the process by which all or a portion of solid waste materials are processed or combusted in order to utilize the heat content or other forms of energy derived from such solid waste materials.

11. "Infill" means loose material installed within and between the fibers of an artificial turf system to provide ballast, stability, and impact attenuation. Infill materials may include sand, rubber, polymeric materials, organic materials, or other engineered or natural materials.

[~~8.~~] 12. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS substances" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

[~~9.~~] 13. "Producer" means any person who manufactures carpet or artificial turf that is sold, offered for sale, or distributed in the state under the manufacturer's own name or brand. "Producer" includes:

(a) the owner of a trademark or brand under which carpet or artificial turf is sold, offered for sale, or distributed in this state, whether or not such trademark or brand is registered in the state; and

(b) any person who imports a carpet or artificial turf into the United States that is sold or offered for sale in the state and that is manufactured by a person who does not have a presence in the United States.

[~~10.~~] 14. "Recycling" means to separate, dismantle or process the materials, components or commodities contained in discarded carpet or

discarded artificial turf for the purpose of preparing the materials, components, or commodities for use or reuse in new products or components. "Recycling" does not include: (a) energy recovery or energy generation by any means, including but not limited to, combustion, incineration, pyrolysis, gasification, solvolysis, waste to fuel or any chemical conversion process; or (b) landfill disposal of discarded carpet**, discarded artificial turf,** or discarded product component materials.

[~~11.~~] **15.** "Recycling rate" means the percentage of discarded carpet **or discarded artificial turf** that is managed through recycling or reuse, as defined by this title, and is computed by dividing the amount of recycled output derived from collected carpet **or collected artificial turf**, plus any pounds sent for reuse by the estimated total amount of discarded carpet **or discarded artificial turf** generated during a program year.

[~~12.~~] **16.** "Representative organization" means a not-for-profit organization established by a producer or group of producers to implement the [~~carpet~~] collection program.

[~~13.~~] **17.** "Retailer" means any person who sells or offers for sale carpet **or artificial turf** to a consumer in the state.

[~~14.~~] **18.** "Reuse" means the return of a product into the economic stream for use in the same kind of application as the product was originally intended to be used, without a change in the product's identity.

[~~15.~~] **19.** "Sell" or "sale" means any transfer for consideration of title or the right to use, from a manufacturer or retailer to a person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, mail, the telephone, the internet, or any electronic means; this does not include samples, donations, and reuse.

§ 4. Subdivisions 1, 2 and 4 of section 27-3303 of the environmental conservation law, subdivisions 1 and 4 as amended by chapter 82 of the laws of 2023, and subdivision 2 as added by chapter 795 of the laws of 2022, are amended to read as follows:

1. No later than December thirty-first, two thousand twenty-five, a producer, either individually or cooperatively with one or more producers, or a representative organization shall submit to the department for the department's approval a plan for the establishment of a [~~carpet~~] collection program that meets the collection requirements described in this section.

2. A producer may satisfy the [~~carpet~~] collection program requirement of this section by agreeing to participate collectively with other producers. Any such collective [~~carpet~~] collection program shall notify the department.

4. The plan submitted by the producer or representative organization to the department under this section shall, at a minimum:

(a) provide a list of each participating producer and [~~brands~~] **brand** covered by the program;

(b) provide information on the products covered by the program;

(c) describe how the producer or representative organization will collect, transport, recycle, and process carpet **or artificial turf**;

(d) describe how the program will provide for collection of carpet **or artificial turf** in the state, free of cost and in a manner convenient to consumers and [~~carpet~~] installers, including how the program will achieve, at a minimum, a convenience standard which ensures that**: (i) for carpet,** all counties of the state and all municipalities which have a population of ten thousand or greater have at least one permanent

collection site and one additional permanent collection site for every thirty thousand people located in those areas, that accepts carpet from consumers during normal business hours; **provided,** however, with respect to a city having a population of one million or more, after consultation with the department of sanitation of such city, the department may otherwise establish an alternative convenience standard**; and (ii) for artificial turf, a producer or representative organization utilizes mobile collection units that are readily available to consumers and, to the extent necessary to provide convenience for consumers in all counties of the state, permanent collection sites. Producers and representative organizations utilizing mobile collection units shall ensure that: (A) discarded artificial turf is shipped directly to the designated facility, and (B) such shipment is verified through chain of custody documentation**. The producer or representative organization may coordinate the program with existing municipal waste collection infrastructure as is mutually agreeable. Convenience standards shall be evaluated by the department periodically and the department may require additional **permanent** collection locations **for carpet or artificial turf** to ensure adequate consumer convenience;

(e) describe in detail education and outreach efforts to inform consumers, [~~carpet~~] installers and others engaged in the management of discarded carpet **or discarded artificial turf** about the program including, at a minimum, an internet website and a toll-free telephone number and written information included at the time of sale of carpet **or artificial turf** that provides sufficient information to allow a consumer to learn how to return such carpet **or artificial turf** for disposal, recycling or reuse;

(f) describe the methods to be used to reuse or recycle discarded carpet **or artificial turf**;

(g) describe the methods to be used to manage or dispose of discarded carpet **or discarded artificial turf** that cannot be recycled or reused;

(h) describe how the program will meet annual performance goals, as determined by the department, provided that at a minimum, the program shall achieve the following recycling rates:

(i) a thirty percent recycling rate for carpets **or artificial turf, excluding infill,** of which ten percent shall be closed-loop recycling by five years after the plan is approved by the department pursuant to section 27-3309 of this title;

(ii) a fifty percent recycling rate for carpets **or artificial turf, excluding infill,** of which twenty percent shall be closed-loop recycling by ten years after the plan is approved by the department pursuant to section 27-3309 of this title; [~~and~~]

(iii) a seventy-five percent recycling rate for carpets **or artificial turf**, **excluding infill,** of which forty percent shall be closed-loop recycling by fifteen years after the plan is approved by the department pursuant to section 27-3309 of this title;

(iv) a forty percent recycling rate for infill, which may also be met through composting for organic infill and reuse, by five years after the plan is approved by the department pursuant to section 27-3309 of this title;

(v) a sixty percent recycling rate for infill, which may also be met through composting for organic infill and reuse, by ten years after the plan is approved by the department pursuant to section 27-3309 of this title; and

(vi) an eighty percent recycling rate for infill, which may also be met through composting for organic infill and reuse, by fifteen years

after the plan is approved by the department pursuant to section 27-3309 of this title;

(i) describe what, if any, incentives will be used to encourage retailer participation;

(j) describe the outreach and education methods that will be used to encourage municipal landfill and transfer station participation;

(k) describe the sources of data and methodology for estimating the amount of carpet or artificial turf discarded in the state annually; [~~and~~]

(l) describe, for artificial turf, how such producer or representative organization will satisfy section 27-3313 of this title; and

(m) any other information as specified by the department.

§ 5. Subdivisions 1, 2, 5, 6, and paragraphs (a) and (c) of subdivision 7 of section 27-3305 of the environmental conservation law, as amended by chapter 82 of the laws of 2023, are amended to read as follows:

1. Beginning not later than July first, two thousand twenty-six, the producer or representative organization shall implement the [~~carpet~~] collection program utilizing collection sites established pursuant to paragraph (d) of subdivision four of section 27-3303 of this title.

2. A producer shall not sell, or offer for sale, carpet or artificial turf to any person in the state unless the producer is implementing or participating under an approved plan.

5. A producer or representative organization shall be responsible for all costs associated with the implementation of the [~~carpet~~] collection program, including but not limited to the cost of collection. A producer, producers or representative organization shall pay costs incurred by the department in the administration and enforcement of this title. Exclusive of fines and penalties, the department shall only be reimbursed its actual cost of administration and enforcement.

6. Any person who becomes a producer on or after December thirty-first, two thousand twenty-five shall submit a plan to the department, or notify the department that it has joined an existing plan, prior to selling or offering for sale in the state any carpet or artificial turf, and shall comply with the requirements of this title.

(a) a detailed description of the methods used to collect, transport, and process carpet or artificial turf in the state, including detailing collection methods made available to consumers and an evaluation of the program's collection convenience;

(c) the weight of all of the producer's carpet or artificial turf collected in the state by method of disposition, including reuse, recycling and other methods of processing or disposal;

§ 6. Section 27-3307 of the environmental conservation law, as amended by chapter 82 of the laws of 2023, is amended to read as follows:

§ 27-3307. Retailer requirements.

1. Beginning July first, two thousand twenty-six, no retailer may sell or offer for sale carpet or artificial turf in the state unless the producer of such carpet or artificial turf is participating in a [~~carpet~~] collection program. A retailer shall be in compliance with this section if, on the date the carpet or artificial turf was offered for sale, the producer is listed on the department's website as implementing or participating in an approved program or if the carpet or artificial turf brand is listed on the department's website as being included in the program.

2. Any retailer may participate, on a voluntary basis, as a designated collection site pursuant to a [~~carpet~~] collection program and in accordance with all applicable laws and regulations.

§ 7. Paragraphs (a) and (b) of subdivision 5 and subdivision 6 of section 27-3309 of the environmental conservation law, paragraphs (a) and (b) of subdivision 5 as amended by chapter 82 of the laws of 2023 and subdivision 6 as added by chapter 795 of the laws of 2022, are amended to read as follows:

(a) the stream of carpet **or artificial turf** in the state;

(b) disposal, recycling and reuse rates in the state for carpet **or artificial turf**;

6. Starting four years after the plan is approved by the department pursuant to this section, the department shall impose a penalty of twenty-five cents per pound to be assessed on the producer or representative organization for the number of additional pounds of carpet **or artificial turf** that would have needed to be recycled through the program to achieve the performance goals specified in the approved stewardship plan. All penalties collected pursuant to this section shall be paid over to the commissioner for deposit to the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 8. The section heading, subdivision 1, and paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 27-3311 of the environmental conservation law, as added by chapter 795 of the laws of 2022, are amended to read as follows:

Carpet **and artificial turf** stewardship advisory board.

1. There is hereby established within the department the carpet **and artificial turf** stewardship advisory board to make recommendations to the commissioner regarding producer plans required by this title.

(a) one representative of carpet **or artificial turf** producers;

(b) two representatives of carpet **or artificial turf** retailers;

(c) one representative of carpet **or artificial turf** recyclers;

(d) two representatives of carpet **or artificial turf** collectors;

(e) one representative of a company that utilizes discarded carpet **or artificial turf** to manufacture a new product;

(f) one representative of a carpet **or artificial turf** installer association;

§ 9. Section 27-3313 of the environmental conservation law, as amended by chapter 82 of the laws of 2023, is amended to read as follows:

§ 27-3313. Labeling and design requirements.

1. On and after one year after the plan is approved by the department pursuant to section 27-3309 of this title, carpet **or artificial turf** sold or offered for sale in the state shall be accompanied by the following identifying information:

(a) Name of the producer and contact information; and

(b) Carpet **or artificial turf** material, composition, and type of construction.

2. On and after December thirty-first, two thousand twenty-six, no carpet **or artificial turf** sold or offered for sale in the state shall contain or be treated with PFAS substances for any purpose.

§ 10. The opening paragraph of section 27-3315 of the environmental conservation law, as added by chapter 795 of the laws of 2022, is amended to read as follows:

All carpet **and artificial turf** sold in the state shall be manufactured with the following minimum amounts from post-consumer sources:

§ 11. Section 27-3319 of the environmental conservation law, as added by chapter 206 of the laws of 2025, is amended to read as follows:

§ 27-3319. Limits on liability for antitrust, restraint of trade, or unfair trade practices.

1. A producer, representative organization, or retailer shall not be liable for any claim of a violation of antitrust, restraint of trade, or unfair trade practice laws arising from the performance of an action required to be undertaken by this title or which is necessary to implement or participate under a producer plan approved by the department, solely to increase the collection and recycling of carpet **or artificial turf**, which affects the types and quantities being collected and recycled or the cost and structure of such collection program that the producer, representative organization, or retailer is participating in pursuant to this title.

2. Provided, however, subdivision one of this section shall not apply to any agreement establishing or affecting the price of carpet **or artificial turf**, except, as necessary, to fulfill producer responsibility under subdivision five of section 27-3305 of this title, the output or production of carpet **or artificial turf**, or restricting the geographic area or customers to which carpet **or artificial turf** will be sold.

§ 12. This act shall take effect immediately.