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2025-2026 Regular Sessions

IN SENATE

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Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the state finance law, in relation to establishing extended producer responsibility for textiles

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

1 Section 1. Article 27 of the environmental conservation law is amended
2 by adding a new title 34 to read as follows:

3 TITLE 34

4 EXTENDED PRODUCER RESPONSIBILITY FOR TEXTILES

5 Section 27-3401. Definitions.

6 27-3403. Textile disposal ban.

7 27-3405. Producer plan.

8 27-3407. Producer responsibilities.

9 27-3409. Retailer, distributor and wholesaler responsibilities.

10 27-3411. Department responsibilities.

11 27-3413. Labeling requirements.

12 27-3415. Textile stewardship advisory board.

13 27-3417. Post-consumer requirements.

14 27-3419. Enforcement and penalties.

15 27-3421. Limits of liability for antitrust, restraint of trade,
16 or unfair trade practices.

17 27-3423. Rules and regulations.

18 § 27-3401. Definitions.

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

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

3 1. "Apparel" means clothing and accessory items intended for regular
4 wear or formal occasions, including, but not limited to, undergarments,
5 shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests,
6 dancewear, suits, saris, scarves, tops, leggings, school uniforms, leis-
7 urewear, athletic wear, sports uniforms, everyday swimwear, formal wear,
8 onesies, bibs, diapers, footwear, and everyday uniforms for workwear.
9 Clothing items intended for regular wear or formal occasions does not
10 include personal protective equipment or clothing items for exclusive
11 use by the United States military.

12 2. "Brand" means a trademark, including both a registered trademark
13 and an unregistered trademark, a logo, a name, a symbol, a word, an
14 identifier, or a traceable mark that identifies a covered textile and
15 identifies the owner or licensee of the brand.

16 3. "Collection program" or "program" means a program financed and
17 implemented by producers, either individually, or through a represen-
18 tative organization, that provides for, but is not limited to, the
19 collection, transportation, reuse, recycling, proper end-of-life manage-
20 ment, or an appropriate combination thereof, or discarded products.

21 4. "Collection site" means a permanent location in the state at which
22 discarded products may be returned by a consumer. Collection sites shall
23 accept all types of discarded products as defined by this title regard-
24 less of brand.

25 5. "Consumer" means a person located in the state who purchases, owns,
26 leases, or uses covered products, including but not limited to an indi-
27 vidual, a business, corporation, limited partnership, not-for-profit
28 corporation, the state, a public corporation, public school, school
29 district, private or parochial school or board of cooperative educa-
30 tional services or governmental entity.

31 6. "Covered product" means any product that is a textile or textile
32 article, as defined in this section.

33 7. "Discarded product" means a covered product that a consumer has
34 used and disposed of in the state and is no longer used for its manufac-
35 tured purpose.

36 8. "Distributor" or "wholesaler" means a person who buys or otherwise
37 acquires a covered product and sells or offers to sell such product to
38 retailers in this state.

39 9. "Energy recovery" means the process by which all or a portion of
40 solid waste materials are processed or combusted in order to utilize the
41 heat content or other forms of energy derived from such solid waste
42 materials.

43 10. "Producer" means any person who manufactures a covered product
44 that is sold, offered for sale, or distributed in this state under the
45 manufacturer's own name or brand. "Producer" includes:

46 (a) the owner of a trademark or brand under which a covered product is
47 sold, offered for sale, or distributed in this state, whether or not
48 such trademark or brand is registered in the state; and

49 (b) any person who imports a covered product into the United States
50 that is sold or offered for sale in the state and that is manufactured
51 by a person who does not have a presence in the United States.

52 11. "Recycling" or "recycle" means to separate, dismantle or process
53 the materials, components, or commodities contained in covered products
54 for the purpose of preparing the materials, components or commodities
55 for use or reuse in new products or components. "Recycling" or "recycle"
56 does not include: (a) energy recovery or energy generation by any means,

1 including but not limited to, combustion, incineration, pyrolysis, gasi-
2 fication, solvolysis, or waste to fuel; (b) any chemical conversion
3 process; or (c) landfill disposal.

4 12. "Recycling rate" means the percentage of discarded product that is
5 managed through recycling or reuse, as defined by this title, and is
6 computed by dividing the amount of recycled output derived from
7 collected covered product, plus any pounds sent for reuse by the esti-
8 mated total of discarded product generated during a program year.

9 13. "Representative organization" means a not-for-profit organization
10 established by a producer or a group of producers to implement a
11 collection program.

12 14. "Retailer" means any person who sells or offers for sale a covered
13 product to a consumer in the state.

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

17 16. "Sale" or "sell" means any transfer for consideration of title or
18 the right to use, from a manufacturer or retailer to a person, includ-
19 ing, but not limited to, transactions conducted through retail sale
20 outlets, catalogs, mail, the telephone, the internet, or any electronic
21 means; "sale" or "sell" shall not include donations or reuse.

22 17. "Textile" means any item made in whole or in part from natural,
23 manmade, or synthetic fiber, yarn, or fabric, and includes, but is not
24 limited to, leather, cotton, silk, jute, hemp, wool, viscose, nylon, or
25 polyester. "Textile" does not include disposable hygiene products made
26 from paper, including, but not limited to, toilet paper, paper towels or
27 tissues, or disposable absorbent hygiene products.

28 18. "Textile articles" means textile goods of a type customarily used
29 in households and businesses, and includes, but is not limited to,
30 apparel, accessories, handbags, backpacks, draperies, shower curtains,
31 furnishings, upholstery, bedding towels, napkins, and tablecloths.
32 "Textile articles" does not include: (a) carpets and rugs as defined in
33 title thirty-three of this article; (b) treatments containing polyfluo-
34 roalkyl for use on converted textiles or leathers; (c) component parts
35 from a vehicle, as defined in section one hundred fifty-nine of the
36 vehicle and traffic law, such as seats and carpets or synthetic floor-
37 ing; (d) component parts from a vessel, as defined in section two of the
38 navigation law, such as seats, synthetic flooring, and boat covers; (e)
39 filtration media and filter products used in industrial applications,
40 including, but not limited to, chemical or pharmaceutical manufacturing
41 and environmental control technologies; (f) textile articles used in or
42 for laboratory analysis and testing; (g) component parts from an
43 aircraft, as defined in section two hundred forty of the general busi-
44 ness law; or (h) stadium shades, architectural fabric structures, or any
45 permanent fabric structure that is intrinsic to a building's design or
46 construction.

47 § 27-3403. Textile disposal ban.

48 1. Beginning three years from the effective date of this title, no
49 person shall knowingly dispose of any textile as solid waste in the
50 state at any time.

51 2. Beginning six months from the effective date of this title, no
52 retailer, distributor, wholesaler, manufacturer, or owner or operator of
53 a textile collection site, textile waste consolidation facility, or
54 textile waste recycling facility in the state shall dispose of textile
55 waste at a solid waste management facility or hazardous waste management
56 facility, or place textile waste for collection which is intended for

1 disposal at a solid waste management facility or hazardous waste manage-
2 ment facility.

3 3. Beginning two years from the effective date of this title, no
4 person, except for an individual or household, shall place or dispose of
5 any textile waste in any solid waste management facility, or place
6 textile waste for collection which is intended for disposal at a solid
7 waste management facility or hazardous waste management facility in this
8 state. Persons engaged in the collection of solid waste for delivery to
9 a solid waste management facility shall provide written information to
10 users of such facility on the proper methods for the recycling of
11 textile waste.

12 4. Beginning three years from the effective date of this title, no
13 individual or household shall place or dispose of any textile waste,
14 that exceeds an amount as determined by the department, in any solid
15 waste management facility, or place textile waste for collection which
16 is intended for disposal at a solid waste management facility or hazard-
17 ous waste management facility in this state.

18 5. Beginning two years from the effective date of this title, an owner
19 or operator of a solid waste management facility or hazardous waste
20 management facility shall educate users of such facility on the proper
21 methods for the management of textile waste. Such education shall
22 include:

23 (a) providing written information to users of such facility on the
24 proper methods for recycling of textile waste; and

25 (b) posting, in conspicuous locations at such facility, signs stating
26 that textile waste may not be disposed of at the facility.

27 § 27-3405. Producer plan.

28 1. No later than eighteen months after the effective date of this
29 title, a producer, either individually or cooperatively in a group with
30 one or more producers or with a representative organization, shall
31 submit to the department for the department's approval a plan for the
32 establishment of a collection program that meets the requirements of the
33 program described in this section.

34 2. A producer may satisfy the collection program requirement of this
35 section by agreeing to participate collectively with a group of other
36 producers or with a representative organization. Any such producer
37 participating collectively in a collection program shall notify the
38 department of such participation.

39 3. A producer or representative organization shall update the plan, as
40 needed, when there are changes proposed to the current program. A new
41 plan or amendment shall be required to be submitted to the department
42 for approval when:

43 (a) there is a revision of the program's goals; or

44 (b) every three years from the date of approval of a previous plan.

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

47 (a) provide a list of each participating producer and brand covered by
48 the program;

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

50 (c) describe how the producer or representative organization will
51 collect, transport, recycle, and process covered products;

52 (d) describe how the program will provide for the collection of
53 covered products in the state, free of cost and in a manner convenient
54 to consumers, including how the program will achieve, at a minimum, a
55 convenience standard that ensures that all counties of the state and all
56 municipalities that have a population of ten thousand or greater have at

1 least one permanent collection site and one additional permanent
2 collection site for every thirty thousand people located in those areas,
3 that accepts covered products from consumers during normal business
4 hours; however, with respect to a city having a population of one
5 million or more, after consultation with the department of sanitation of
6 such city, the department may otherwise establish an alternative conven-
7 ience standard. The producer or representative organization may coordi-
8 nate the program with existing municipal waste collection infrastructure
9 as is mutually agreeable. Convenience standards shall be evaluated by
10 the department periodically and the department may require additional
11 collection locations to ensure adequate consumer convenience;

12 (e) describe how the discarded covered products will be safely and
13 securely transported, tracked, and handled from collection sites through
14 final recycling and processing;

15 (f) describe the methods to be used to reuse or recycle discarded
16 covered products to ensure that the components, to the extent feasible,
17 are transformed or remanufactured into finished products for use;

18 (g) describe the methods to be used to manage or dispose of discarded
19 products that cannot be recycled or reused;

20 (h) describe in detail education and outreach efforts to inform
21 consumers and others engaged in the management of discarded covered
22 products about the program, including, at a minimum, an internet website
23 and a toll-free telephone number and written information included at the
24 time of sale of covered products that provides sufficient information to
25 allow a consumer to learn how to return such covered products for
26 disposal, recycling or reuse;

27 (i) describe how the program will meet annual performance goals, as
28 determined by the department, provided that at a minimum, the program
29 shall achieve the following recycling rates for textiles:

30 (i) a thirty percent recycling rate for textiles by five years after
31 the plan is approved by the department pursuant to section 27-3411 of
32 this title;

33 (ii) a fifty percent recycling rate for textiles by ten years after
34 the plan is approved by the department pursuant to section 27-3411 of
35 this title;

36 (iii) a seventy-five percent recycling rate for textiles by fifteen
37 years after the plan is approved by the department pursuant to section
38 27-3411 of this title.

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

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

43 (l) describe the methods to be used to reuse or recycle discarded
44 covered products;

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

47 (n) estimate the amounts of covered products that were previously
48 sold, offered for sale, or distributed in the state under each produc-
49 er's name or brand that are discarded in the state annually and describe
50 the sources of data and methodology for estimating such amount; and

51 (o) any other information as specified by the department.

52 § 27-3407. Producer responsibilities.

53 1. Beginning no later than twenty-four months after the effective date
54 of this title, the producer or representative organization shall imple-
55 ment a collection program utilizing collection sites established pursu-

1 ant to paragraph (d) of subdivision four of section 27-3405 of this
2 title.

3 2. A producer shall not sell, or offer for sale, covered products to
4 any person in the state unless the producer is implementing or partic-
5 ipating under an approved plan.

6 3. The collection program shall be free to the consumer, convenient,
7 and adequate to serve the needs of such consumers in all areas of the
8 state on an ongoing basis.

9 4. A producer or representative organization shall maintain records
10 demonstrating compliance with the provisions of this title and make them
11 available for audit and inspection by the department for a period of
12 three years. The department shall make such records available to the
13 public upon request in accordance with the provisions of the state free-
14 dom of information law and the regulations promulgated thereunder.
15 Record holders shall submit the records required to comply with such
16 request within sixty working days of written notification by the depart-
17 ment of receipt of the request.

18 5. A producer or representative organization shall be responsible for
19 all costs associated with the implementation of the collection program,
20 including but not limited to the cost of collection. A producer or
21 representative organization shall pay costs incurred by the department
22 in the administration and enforcement of this title. Exclusive of fines
23 and penalties, the department shall only be reimbursed its actual cost
24 of administration and enforcement.

25 6. Any person who becomes a producer on or after two years from the
26 effective date of this title shall submit a plan to the department, or
27 notify the department that it has joined an existing plan, prior to
28 selling or offering for sale in the state any covered products and shall
29 comply with the requirements of this title.

30 7. Within eighteen months following approval of the producer plan, and
31 annually thereafter, a producer or representative organization shall
32 submit a report to the department that includes, for the previous
33 program year, a description of the program including, but not limited to
34 the following:

35 (a) a detailed description of the methods used to collect, transport,
36 and process covered products in the state, including collection methods
37 made available to consumers and an evaluation of the program's
38 collection convenience;

39 (b) identification of all collection sites in the state;

40 (c) the estimated weight of all discarded covered products collected
41 and reused or recycled pursuant to the collection program;

42 (d) an evaluation of whether the performance goals and recycling rates
43 have been achieved and a description of any modifications necessary to
44 achieve such goals;

45 (e) the estimated weight of discarded covered products and any compo-
46 nent materials that were collected pursuant to the collection program,
47 but not recycled;

48 (f) the total cost of implementing the program;

49 (g) samples of all educational materials provided to consumers and a
50 detailed list of efforts undertaken and an evaluation of methods used to
51 disseminate such materials including recommendations, if any, for how
52 the educational component of the program can be improved; and

53 (h) any other information required by the department.

54 8. (a) A producer or the representative organization that organizes
55 the collection, transport and processing of covered products, in an
56 action solely to increase the recycling of covered products by a produc-

1 er, representative organization, or tailor that affects the types and
2 quantities being recycled or the cost and structure of any return
3 program shall not be liable for any claim of a violation of antitrust,
4 restraint of trade or unfair trade practice arising from conduct under-
5 taken in accordance with the program pursuant to this section.

6 (b) Notwithstanding any contrary provision of this section, paragraph
7 (a) of this subdivision shall not apply to any agreement establishing or
8 affecting the price of covered products sold to consumers in the state
9 or the output or production of covered products or any agreement
10 restricting the geographic area or customers to which covered products
11 will be sold.

12 § 27-3409. Retailer, distributor and wholesaler responsibilities.

13 1. Beginning thirty months after the effective date of this title, no
14 retailer, distributor, or wholesaler may sell or offer for sale covered
15 products in the state unless the producer of such covered product is
16 participating in a collection program. A retailer, distributor or whole-
17 saler, shall be in compliance with this section if, on the date the
18 covered products are offered for sale, the producer is listed on the
19 department's website as implementing or participating in an approved
20 collection program or if the covered products brand is listed on the
21 department's website as being included in the program.

22 2. Any retailer, distributor, or wholesaler may participate, on a
23 voluntary basis, as a designated collections site pursuant to a
24 collection program and in accordance with all applicable laws and regu-
25 lations.

26 § 27-3411. Department responsibilities.

27 1. The department shall (a) maintain a list of producers who are
28 implementing or participating pursuant to section 27-3405 of this title,
29 (b) maintain a list of such producer's brands, and (c) post such lists
30 on the department's website.

31 2. Beginning thirty months after the effective date of this title, the
32 department shall post on its website the location of all collection
33 sites identified to the department by the producer in its plans and
34 annual reports.

35 3. The department shall post on its website each producer plan
36 approved by the department.

37 4. Within ninety days after receipt of a proposed plan or plan amend-
38 ment, the department shall approve or reject the plan or plan amend-
39 ment. If the plan or plan amendment is approved, the department shall notify
40 the producer or representative organization in writing. If the depart-
41 ment rejects the plan or plan amendment, the department shall notify the
42 producer or representative organization in writing stating the reason
43 for rejecting the plan or plan amendment. A producer or representative
44 organization whose plan is rejected shall submit a revised plan to the
45 department within thirty days of receiving a notice of rejection. If the
46 department rejects the subsequent proposal, the producer or producers at
47 issue shall be out of compliance and subject to enforcement provisions.

48 5. The department shall submit a report regarding the implementation
49 of this title to the governor and legislature by no later than three
50 years after the effective date of this title and every year thereafter.
51 The report shall include, at minimum, an evaluation of:

- 52 (a) the stream of covered products in the state;
53 (b) disposal, recycling, and reuse rates in the state covered
54 products;
55 (c) a discussion of compliance and enforcement related to the require-
56 ments of this title; and

1 (d) recommendations for any changes to this title.

2 § 27-3413. Labeling requirements.

3 One year after the plan is approved by the department pursuant to
4 section 27-3411 of this title, covered products sold or offered for sale
5 in the state shall be accompanied by the name of the producer and the
6 producer's contact information.

7 § 27-3415. Textile stewardship advisory board.

8 1. There is hereby established within the department a textile
9 collection program advisory board to make recommendations to the commis-
10 sioner regarding program operator plans required by this title.

11 2. The board shall be composed of twelve voting members. Such members
12 shall include:

13 (a) one representative of textile producers;

14 (b) two representatives of textile retailers;

15 (c) one representative of textile recyclers;

16 (d) two representatives of textile collectors;

17 (e) one representative of a company that utilizes discarded covered
18 products to manufacture a new product;

19 (f) one representative from a statewide environmental organization;

20 (g) one representative from a statewide waste disposal association;

21 (h) one representative from the New York product stewardship council;

22 (i) one representative from a consumer organization; and

23 (j) one representative from a statewide recycling organization.

24 3. The members shall be appointed as follows:

25 (a) two members to be appointed by the temporary president of the
26 senate;

27 (b) two members to be appointed by the speaker of the assembly;

28 (c) one member to be appointed by the minority leader of the senate;

29 (d) one member to be appointed by the minority leader of the assembly;
30 and

31 (e) six members to be appointed by the governor.

32 4. Such appointments shall be made no later than the first day of
33 January following the date on which this title takes effect. The members
34 shall designate a chair from among the members by majority vote. Board
35 members shall receive no compensation but shall be entitled to their
36 necessary and actual expenses incurred in the performance of their board
37 duties.

38 5. The board shall meet at least biannually by call of the chair.

39 § 27-3417. Post-consumer requirements.

40 All covered products sold in the state shall be manufactured with the
41 following minimum amounts from post-consumer sources:

42 1. Within one year after the plan is approved by the department pursu-
43 ant to section 27-3411 of this title, a minimum of ten percent post-con-
44 sumer contents;

45 2. Within four years thereafter, a minimum of twenty percent post-con-
46 sumer content; and

47 3. Five years thereafter, a minimum of thirty percent post-consumer
48 content.

49 § 27-3419. Enforcement and penalties.

50 1. Any producer, representative organization, or retailer who violates
51 any provision of or fails to perform any duty imposed pursuant to this
52 title shall be liable for a civil penalty not to exceed five hundred
53 dollars for each violation and an additional penalty of not more than
54 five hundred dollars for each day during which such violations continue.
55 Civil penalties under this section shall be assessed by the department

1 after a hearing or opportunity to be heard pursuant to the provisions of
2 section 71-1709 of this chapter.

3 2. In a city with a population of one million or more, such city
4 shall, in addition to any authority otherwise conferred in this chapter,
5 have concurrent authority to enforce, by an agency or agencies desig-
6 nated for such purpose by the mayor of such city, the provisions of
7 sections 27-3403 and 27-3409 of this title. Any notice of violation
8 issued by an agency designated by the mayor of such city charging a
9 violation of section 27-3403 or 27-3409 of this title shall be return-
10 able to the environmental control board of such city. Such environmental
11 control board shall have the power to impose the civil penalties set
12 forth in subdivision one of this section. All civil penalties collected
13 for any violation of this title that have been imposed by the environ-
14 mental control board of such city shall be paid into the general fund of
15 such city.

16 § 27-3421. Limits on liability for antitrust, restraint of trade, or
17 unfair trade practices.

18 1. A producer, representative organization, or retailer shall not be
19 liable for any claim of a violation of antitrust, restraint of trade, or
20 unfair trade practice laws arising from the performance of an action
21 required to be undertaken by this title which is necessary to implement
22 or participate under a producer plan approved by the department, solely
23 to increase the collection and recycling of covered products, which
24 affects the types and quantities being collected and recycled or the
25 cost and structure of such collection program that the producer, repre-
26 sentative organization, or retailer is participating in pursuant to this
27 title.

28 2. Provided, however, that subdivision one of this section shall not
29 apply to any agreement establishing or affecting the price of covered
30 products, except, as necessary, to fulfill producer responsibility under
31 subdivision five of section 27-3407 of this title, the output or
32 production of covered products, or restricting the geographic area or
33 customers to which covered products will be sold.

34 § 27-3423. Rules and regulations.

35 The department is hereby authorized to promulgate any rules and regu-
36 lations necessary to implement this title.

37 § 2. The state finance law is amended by adding a new section 97-uuuu
38 to read as follows:

39 § 97-uuuu. Textile extended producer responsibility fund. 1. There is
40 hereby established in the joint custody of the state comptroller and the
41 commissioner of environmental conservation a special fund to be known as
42 the "textile extended producer responsibility fund".

43 2. Such fund shall consist of all revenues received by the comp-
44 troller, pursuant to the provisions of section 27-3419 of the environ-
45 mental conservation law and all other moneys appropriated thereto from
46 any other fund or source pursuant to law. Nothing contained in this
47 section shall prevent the state from receiving grants, gifts, or
48 bequests for the purposes of the fund as defined in this section and
49 depositing them into the fund according to law.

50 3. The moneys of the textile extended producer responsibility fund,
51 following appropriation by the legislature, shall be allocated for the
52 direct costs associated with extended producer responsibility for
53 textiles pursuant to title thirty-four of article twenty-seven of the
54 environmental conservation law.

55 4. The state comptroller may invest any moneys in the textile extended
56 producer responsibility fund not expended for the purpose of this

1 section as provided by law. The state comptroller shall credit any
2 interest and income derived from the deposit and investment of moneys in
3 the textile extended producer responsibility fund to the textile
4 extended producer responsibility fund.

5 5. Any unexpected and unencumbered moneys remaining in the textile
6 extended producer responsibility fund at the end of a fiscal year shall
7 remain in the textile extended producer responsibility fund and shall
8 not be credited to any other fund.

9 § 3. Section 71-1701 of the environmental conservation law, as amended
10 by chapter 795 of the laws of 2022, is amended to read as follows:

11 § 71-1701. Applicability of this title.

12 This title shall be applicable to the enforcement of titles 1 through
13 11 and titles 15 through 19 of article 17; article 19; and titles 1
14 [~~and~~], 33 and 34 of article 27 of this chapter.

15 § 4. This act shall take effect immediately.