



Department of
Environmental
Conservation

Welcome to the NYSDEC

**Carpet Collection Program Law
Pre-Rulemaking Stakeholder Meeting**

June 11, 2025

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June 11, 2025 - Enter Access # 2825 390 8814, Password # 93526631

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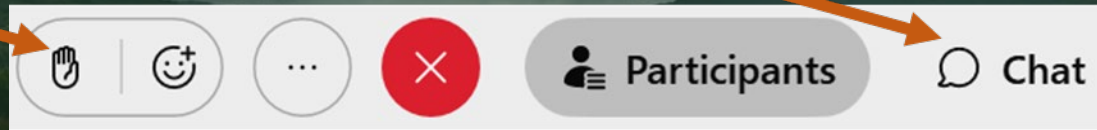


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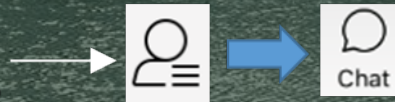
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To make a verbal comment, please use the 'Raise Hand' feature and we will call on you.

From the Webex Mobile App

Click button at upper right to open Participants Panel, then Chat button at bottom.



Initial Carpet Collection Program Law Rulemaking Meeting

- Today is an informal, *pre-rulemaking* stakeholder meeting
- DEC is authorized to promulgate regulations necessary to implement ECL, Article 27, Title 33
- NEW 6 NYCRR Subpart 368-4 (in the Product Stewardship and Product Labeling Series)
- Goal of regulations is to provide clarity where law does not

Presenters:

- **Product Stewardship & Extended Producer Responsibility (PSEPR) Section Staff**
 - Katie Kidalowski (Supervisor, PSEPR)
 - James Hebert (Environmental Program Specialist)
 - Lauren Costello (Environmental Program Specialist)
- **Pollution Prevention (P2) Unit Staff**
 - Nicole Orabona (Research Scientist)

Other Panelists:

- Richard Clarkson, P.E. (Director, Division of Materials Management)
- John Vana, P.E. (Director, Bureau of Waste Reduction and Recycling)
- Conor Shea, P.E. (Supervisor, P2 Unit)
- Cristin Clarke (Associate Attorney, Office of General Counsel, PSEPR Programs)
- Christopher Horan (Senior Attorney, Office of General Counsel, PSEPR Programs)
- Abigail Sardino (Senior Attorney, Office of General Counsel, PPU Programs)

HOW TO MAKE WRITTEN COMMENTS

Written comments on the information presented today may be submitted after the webinar by USPS mail or by email. Please do not submit written comments via the 'Chat' feature.

Mail to:

Katie Kidalowski
NYS DEC – Division of Materials Management
625 Broadway, Albany, NY 12233-7253

E-mail to: Part368Regs@dec.ny.gov

Please submit written comments by **July 18th**

A recording of this presentation and slide deck will be posted to DEC's website by within the next few days.

<https://dec.ny.gov/environmental-protection/recycling-composting/carpet>

Modifications Outside Scope of Rulemaking

- **Add to or exempt from carpet definition**
- **Change the definitions of recycling or recycling rate**
- **Modify Carpet Stewardship Advisory Board makeup or appointment process specified in the law**
- **Change performance standards or applicable deadlines**
- **Reduce convenience standard requirements**
- **Modify the direction or use of program funds**

*** Recommendations for statutory amendment should be directed to the State Legislature.**

AGENDA

- **Carpet Collection Law Program Overview**
- **Implementation Timeline**
- **Targeted Topics for Rulemaking Discussion**
- **Open Discussion (if time permits)**
- **Next Steps**

CARPET COLLECTION PROGRAM LAW OVERVIEW

CARPET COLLECTION PROGRAM LAW OVERVIEW

- Convenient program free to consumers and installers
- Carpet is defined as:
 - Traditional broadloom
 - Modular tiles
 - Artificial turf
 - Pad or underlayment
- Broad definition of consumers, NYS:
 - Individuals
 - Businesses
 - Corporations
 - Limited partnerships
 - Not-for-profit corporations
 - Schools and school districts
 - Government entities
 - And more!

The Program Plan - Submittal

- Producers or their representative organization must submit a plan for DEC approval.
- Plan to be updated every 3 years, when there are proposed changes to the program, or when program's goals are revised.



The Program Plan - Plan Contents

- List of participating producers and their brands
- Information on the covered products
- An education and outreach program
 - To consumers about the program
 - To those engaged in the management of discarded carpet
- How discarded carpet will be managed
 - Collected, transported, reused, and recycled
 - If it cannot be reused or recycled
- How the plan will meet performance goals
- Methodology for estimating annual carpet discards in the state and the sources of data
- Retailer and municipality participation encouragement, including:
 - Description of any retailer incentives
 - Description of outreach and education for municipal landfills and transfer stations

The Program Plan - Convenience Standard

- Description of how the program will be free and convenient to consumers and installers:
 - Convenience standard - 1 permanent collection site for:
 - All counties of the state
 - Municipalities with $\geq 10,000$ population
 - Every 30,000 people located in the above areas
 - Alternative standard for New York City – TBD
 - All sites must accept all types of carpet

Producer and Representative Organization Responsibilities

- Cannot sell or offer for sale carpet to any person in the state unless participating under an approved plan
- Must maintain records
 - Demonstrate compliance and be available to the Department for 3 years
- Cover all costs associated with plan implementation
 - Cost of collection
 - Department's cost to administer and enforce
- Comply with composition and labeling requirements, PFAS restrictions, and include increasing amounts of postconsumer recycled content
- Annually submit two detailed reports to the Department
 - Performance goals assessment (Jan. 1st of each program year following plan implementation)
 - Assess compliance with performance goals
 - Describe any modifications needed to meet those goals

Producer and Representative Organization Responsibilities- Annual Program Report

Annual report – submitted by July 1, 2027, will include:

- Description of methods used to collect, transport, and process carpet
- Evaluation of the program's collection convenience
- Identification of all collection sites
- Weight of all carpet collected in the state
- Evaluation of whether the performance goals and recycling rates were achieved
- Program cost
- Samples of education materials
 - List of efforts and evaluation of methods to disseminate
 - Recommendations on how educational component of program may be improved

Retailer Requirements

- Beginning July 1, 2026, retailers cannot sell or offer for sale carpet in the state unless the producer of the carpet is participating in a program with an approved plan.
- Retail participation as a collection site is voluntary.

Advisory Board

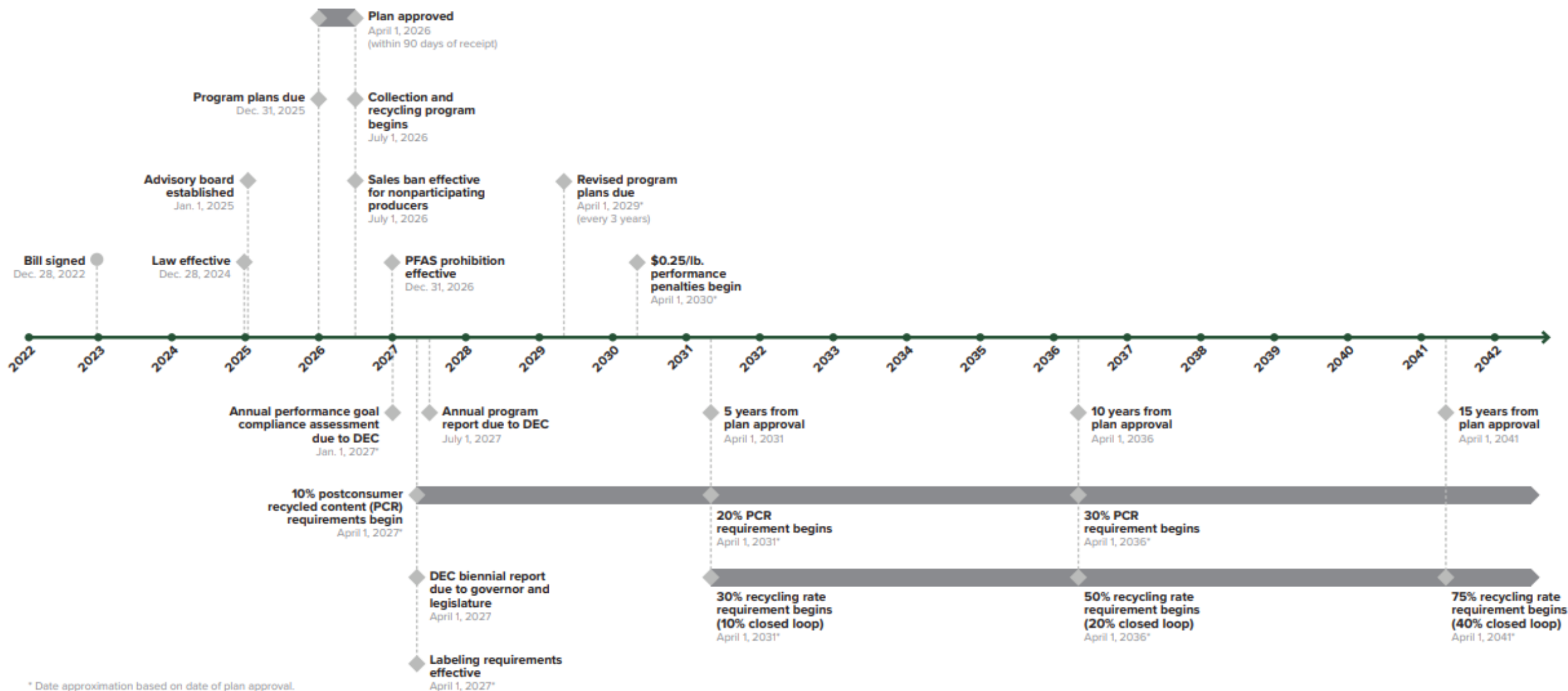
- 13 Voting Members
- Appointment authority is with specific members of the Legislature and Governor's office:
 - Temporary President of the Senate – 2 members
 - Speaker of the Assembly – 2 members
 - Minority Leader of the Senate - 1 member
 - Minority Leader of the Assembly – 1 member
 - Executive – 7 members
 - 1 representative of carpet producers
 - 2 representatives of carpet retailers
 - 1 representative of carpet recyclers
 - 2 representatives of carpet collectors
 - 1 representative of a company that utilizes discarded carpet to manufacture new product
 - 1 representative of a carpet installer association
 - 1 representative from a statewide environmental organization
 - 1 representative from a statewide waste disposal association
 - 1 representative from the NY Product Stewardship Council
 - 1 representative from a consumer organization
 - 1 representative from a statewide recycling organization

IMPLEMENTATION TIMELINE

Carpet Collection Law Timeline



Department of
Environmental
Conservation



* Date approximation based on date of plan approval.

TARGETED TOPICS FOR DISCUSSION

Targeted Topics for Rulemaking Discussion

- **Definitions**
- **Regulated Entity Responsibilities**
- **Convenience Standards**
- **Program Plan Considerations**
- **Annual Reporting Requirements**
- **Performance Goals**
- **Disposal and Non-Recyclable Carpet Considerations**
- **Program Accounting**
- **Future Carpet Design**

TOPIC 1: NEW DEFINITIONS

- **Artificial turf**
- **Composition**
- **Disposal**
- **Disposal rate**
- **Installer**
- **Program year**
- **Recycler**

TOPIC 1: DEFINITIONS - Artificial turf

- "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 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.
- Broad coverage of artificial turf to include indoor, landscape, and field turf.
- DEC will attempt to clarify in regulation that artificial turf includes any turf placed on a ground surface as a functional interior or exterior feature, in addition to indoor turf flooring.

Input requested:

DEC is seeking assistance in crafting a broad definition of artificial turf w/ component makeup.

TOPIC 1: DEFINITIONS - Composition

- § 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 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 material, **composition**, and type of construction.
- Looking to ensure consistency in labeling, and ease sorter/processor carpet type identification to reduce potential contamination.

Input requested:

DEC is seeking suggestions for the level of composition identification that is sufficient for adequate sorting? Fiber type? Polymer? Something else?

TOPIC 1: DEFINITIONS – Disposal and Disposal rate

- Section 27-3309(5)(b) requires DEC to report to the Governor and Legislature biennially on the both the recycling/reuse and **disposal rates** for carpet in the state, separately.
- Section 27-3305(7)(c) requires a producer or representative organization to report on the weight of carpet collected through its program by method of disposition, including **disposal**, in its annual report to DEC.
- DEC is considering defining **disposal** to include landfill disposal, energy generation, and energy recovery, all of which are not included in the law's "recycling" definition. "Energy recovery" is already defined as 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.
- **Disposal rate** would then be the percentage of discarded carpet that is sent for disposal and is computed by dividing the amount of discarded carpet sent for disposal through the carpet collection program by the estimated total amount of discarded carpet generated during a program year.

TOPIC 1: DEFINITIONS – **Installer**

- “Installer” is used in three locations within statute:
 1. in the convenience standard section;
 2. in the program plan requirements section to detail that education and outreach efforts are to be made to installers and others engaged in the management of discarded carpet; and
 3. in the advisory board establishment section to ensure installers are represented.
- DEC is considering defining “installer” as any person who places carpet in position or removes carpet prior to placing flooring material in position.
- Once installer universe is defined, the entity type’s role and responsibilities can be clarified in this program.

TOPIC 1: DEFINITIONS – Program year

- “Program year” is referenced in a few places tied to carpet generation data and time periods for annual reporting.
- Setting a specific time period will help with PRO/producer annual reporting compilation and ensure consistency if multiple programs establish.
- DEC is considering an April 1st to March 31st program year to:
 - coincide with when the plan’s last possible date of program plan approval might be (April 1st)
 - give PRO/producers a adequate time to prepare the annual report (due July 1st).
- With the program anticipated to launch July 1st, 2026, the first annual report provided to DEC will contain collection/recycling data for a partial calendar year.

Input requested:

Are there any concerns with setting the program year as April 1st – March 31st?

TOPIC 1: DEFINITIONS – Recycler

- As “recycling” is clearly defined (see below), DEC intends to define a carpet recycler as simply “a person who engages in the act of recycling carpet.”
- Recycling means “to separate, dismantle or process the materials, components or commodities contained in discarded carpet for the purpose of preparing the materials, component, or commodities for use or reuse in new products or components.”
- The regulations will clarify requirements for recyclers/processors as well.

TOPIC 1: NEW DEFINITIONS

- Artificial turf
 - Composition
 - Disposal
 - Disposal rate
 - Installer
 - Program year
 - Recycler
- Thoughts?
 - Any other terms in need of defining or that lack clarity?

TOPIC 2: REGULATED ENTITY RESPONSIBILITIES

Provide guidance absent from statute to regulated entities, such as:

- Installers
 - Bring discarded carpet they remove to a collection site or other program opportunity
 - Do not charge for program services
- Carpet Collection Sites (located in NYS)
 - Accept all types of carpet at all program locations (from collection site definition)
 - Authority to determine if carpet will be accepted in accordance with approved program plan requirements, however, such instances of denial to be tracked (more on this later)
 - Management in accordance with other solid waste management facility (SWMF) regulations to be cross-referenced in Subpart 368-4:
 - If operated by a retail store selling carpet, this activity is exempt pursuant to § 361-1.2(a) as a “take-back site.”
 - Non-retail store collection sites that receive source-separated recyclables for transfer to another facility or point of reuse are eligible for a registration as a transfer facility, provided the conditions in § 362-3.3(c) are met.

TOPIC 2: REGULATED ENTITY RESPONSIBILITIES (cont'd)

Carpet Processing Facilities (located in NYS)

- Management in accordance with other SWMF regulations to be cross-referenced in Subpart 368-4:
- These facilities can register under § 361-1.3 as Recyclables Handling and Recovery Facilities (RHRFs) or if necessary, permitted as an RHRF (if residue rate exceeds 15% based on a full year's operation).
 - Note: The basic function of an RHRF is to sort and separate mixed recyclables and package them for manufacturing use (or perhaps immediate use). RHRFs typically do physical processes - cutting, shredding, separation, sorting, or perhaps some washing. Materials leaving the RHRF, provided they are destined for recycling and not sent to another solid waste management facility, cease to be regulated as solid waste (Pre-Determined beneficial use determination (BUD) § 360.12(c)(4)(i)).
- Alternatively, for carpet source-separated during construction, demolition or renovation of structures, a C&D Debris Handling & Recovery Facility (CDDHRF) could be authorized via registration pursuant to § 361-5.3(a)(7) and a case-specific BUD (§ 360.12(d)).
- Crumb rubber, if not physically or chemically contaminated, exiting the carpet processor is a non-waste pursuant to 6 NYCRR § 360.2(a)(3)(viii) and § 360.2(b)(68).
- Non-specific facility permit (6 NYCRR § 360.17) - Further activity such as chemical or thermal transformation may require the carpet processor to obtain a non-specific facility permit. This type of permit would utilize provisions from several applicable portions of the Part 360 Series regulations, plus other DEC program regulations such as Air Emissions, SPDES water discharges, etc.

Input requested:

1) What percentage "residue" would you anticipate from a carpet RHRF?

2) Would any of the above requirements and regulatory scenarios be impractical to implement?

TOPIC 3: CONVENIENCE STANDARDS

- **Convenience standard from statute (black) / potential clarification (red):**

“... the program will achieve, at a minimum, a convenience standard which ensures that 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 either directly or through collection and transportation by an installer or other person engaged in the management of discarded carpet during normal business hours;
- Establish NYC’s **alternative convenience standard** (initial thoughts):
 - For discarded carpet brought directly from residential (households and apartment buildings) consumers:
 - One drop-off site per borough for all carpet types
 - Co-locate with Special Waste Drop-Off Sites
 - For discarded carpet surrendered by a non-residential consumer, installer, or other person engaged in the management of discarded carpet:
 - Locate at transfer facilities permitted to accept C&D waste within the five boroughs (Manhattan does not have one)
 - Approx. 21 collection sites
- DEC intends to clarify that nothing prevents programs from utilizing the same collection site locations.

Input requested: Any comments or suggestions?

TOPIC 4: PROGRAM PLAN CONSIDERATIONS

- Clarification that any milestone rates/dates to be achieved are tied to original plan approval date
- Section 27-3303(4)(I) allows DEC to specify additional information to be included in program plan. Considering the following:
 - 4(a) expansion – specific contact information for participating producers
 - 4(b) expansion – specific material type and composition required for products covered by program
 - 4(c) expansion – identification of all sites, transporters, recyclers/processors, other entities participating in program
 - 4(e) expansion – details on how coordination on education and outreach will occur should multiple programs establish
 - 4(i) expansion – incentives to be used to encourage participation from entities other than retailers
 - Include a description of how labeling requirements will be met for program-represented carpet types
- Outline revocation procedures, as well as circumstances under which revocation would occur

Input Requested: Comments on proposed clarifications or additions to program plan?

TOPIC 5: ANNUAL REPORTING REQUIREMENTS

- Section 27-3305(7)(g) allows DEC to specify additional information to be included in annual report. Considering the following:
 - 7(b) expansion – in addition to identifying all collection sites used, DEC would like other program partners (e.g., direct to processor pickups) to be identified, with weights received through each reported
 - 7(c) expansion – in addition to weights collected by method of disposition, DEC would like the identification of each destination facility and total weights sent to each
 - 7(e) expansion – rather than total costs of implementing the program, DEC would like a breakdown of specific costs
- Reporting of producer-specific information by the representative organization – is this problematic? DEC may request:
 - Photo examples demonstrating labeling requirement compliance
 - Current PCR content percentages for each brand and type offered for sale by producers
 - PFAS compliance statements

Input Requested: Is it feasible for the representative organization to report on brand-specific information or should separate annual reporting procedures be established for producers participating in a representative organization?

TOPIC 6: PERFORMANCE GOALS

"Reuse" means the return of a product into the economic stream, unless the product can be reused immediately without compromising the integrity of its function, 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 apart from cleaning or refurbishment.

Input requested:

Are there any concerns with the further clarification of the "reuse" definition? Is it clear?

"Performance goals" means both the recycling rate and the closed-loop recycling rate, separately.

Is the proposed definition of "performance goals" clear? Are there any concerns with this definition?

What sort of assurances of legitimate recycling does industry demand? What do processors typically provide?

TOPIC 7: DISPOSAL AND NON-RECYCLABLE CARPET

Collection sites will be able to determine recyclability of discarded carpet and must record all instances of carpet determined to be non-recyclable.

Input requested:

Are there any additional suggestions on these proposed responsibilities?

Does anyone have any input as to specifically which circumstances or conditions would render a carpet as non-recyclable?

Solid waste management facilities must maintain records of quantities of discarded carpet received for disposal versus what is sent for recycling.

TOPIC 8: PROGRAM ACCOUNTING

- Reimbursable activities of the Department
 - Staff time
 - Technology and software
 - Outreach materials
 - Advisory board member reimbursement costs
- Reimbursable activities of advisory board members
 - Travel-related costs

Input requested:

Are there any concerns or suggestions regarding the list of reimbursable activities of the DEC?

Are there any concerns or suggestions regarding board member reimbursement?

TOPIC 9: FUTURE CARPET DESIGN

Identifying information from section 27-3313, **Labeling and design requirements:**

- (a) Name of the producer and contact information; and
- (b) Carpet material, composition, and type of construction.

Input requested:

What information is currently included in traditional carpet, pad, and turf labeling and in what form?(ex/ backstamping, tag)

Would program contact information or producer name/brand information be beneficial for processors or retailers?

TOPIC 9: FUTURE CARPET DESIGN

"Accompanied" means provided with the purchased carpet at point of sale in the form of written information by the retailer and permanently affixed to the covered carpet product(s), when possible, by the producer of the covered product.

Input requested:

Are there any comments on the further clarification of “accompanied”?

Due to the nature of synthetic turf’s construction, DEC has been informed that a label cannot be permanently affixed to the product either by tag or stamp, as is possible with carpet and pad. Are there any concerns, from a recycling perspective, regarding the determination of fiber type for any components of synthetic turf?

TOPIC 9: FUTURE CARPET DESIGN

§ 27-3315 Post-consumer content requirements.

All producers must ensure that carpet sold or offered for sale in the state shall be manufactured with the following minimum amounts from post-consumer sources:

1. within one year after the plan is approved by the department pursuant to section 27-3309 of this title, a minimum of ten percent post-consumer content;
2. within ~~four years thereafter~~ five years after plan approval, a minimum of twenty percent post-consumer content; and
3. ~~five years thereafter~~ within ten years after plan approval, a minimum of thirty percent post-consumer content.

Input requested:

Is this language clear?

TOPIC 9: FUTURE CARPET DESIGN CONT'D.

PFAS in Carpet

PFAS Restriction: Effective December 31, 2026: “No carpet sold or offered for sale in the state shall contain or be treated with PFAS substances *for any purpose*” **

Definition: “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS substances” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

**Consistent with other laws that restrict PFAS in consumer products in NYS, DEC will apply PFAS restriction in a manner similar to restrictions on intentionally added PFAS



OPEN DISCUSSION

NEXT STEPS

- Post this slide deck and webinar recording to DEC's website
- Review of today's discussion and comments received
- Evaluate the need for additional stakeholder meeting(s) prior to developing proposed rule
- Obtain input from Carpet Stewardship Advisory Board when established
- Develop proposed rule and release for public comment
- Hold public hearing(s) as rulemaking progresses

Send written comments to:

Katie Kidalowski
NYS DEC – Division of Materials
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625 Broadway, Albany, NY 12233-7253

Or email to:

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THANK YOU

NYSDEC DIVISION OF MATERIALS MANAGEMENT