



**TESTIMONY  
OF THE  
NEW YORK PUBLIC INTEREST RESEARCH GROUP  
BEFORE THE  
JOINT HEARING OF THE SENATE ENVIRONMENTAL CONSERVATION &  
ASSEMBLY ENVIRONMENTAL CONSERVATION COMMITTEES REGARDING  
RECYCLING  
October 21, 2019  
New York, N.Y.**

Good afternoon. My name is Liz Moran, and I am the Environmental Policy Director for the New York Public Interest Research Group (NYPIRG). NYPIRG is a non-partisan, not-for-profit research and advocacy organization. Consumer protection, environmental preservation, public health, healthcare quality, higher education affordability, and governmental reforms are our principal areas of concern. We appreciate the opportunity to testify on New York's current recycling and plastic pollution issues.

New York has a solid waste problem, which is contributing to climate change and dirtying communities and waterways. The average New Yorker produces over 4.5 pounds of trash per day, and New York's landfills accept approximately 6 million tons of waste per year statewide. New York also sent 2.5 million tons to Waste-To-Energy (WTE) facilities and exported 6.1 million tons to neighboring states, in 2008.<sup>1</sup> New York must move forward with policies that prevent the production of waste and improve recycling initiatives.

The public is intimately familiar with the horrifying images of our plastic pollution crisis: sea turtles with plastic straws in their nasal cavities, sea birds and whales washed ashore, decaying with their bodies filled with plastic waste, and children wading through plastic laden waters in other parts of the world. Nine million metric tons of plastic waste enters the oceans every year, and it is estimated that there is a total of approximately 150 million tons of plastic in the oceans.<sup>2</sup>

Additionally, society's reliance on plastics is a contributing factor to climate change. Over 99% of plastics are sourced from fossil fuels. The most common source of plastic resin in the United States is often natural gas. This means that the more plastic that society uses, the longer the fossil fuel industry can justify resource extraction and investment in its infrastructure. While climate science is telling us to dramatically reduce our climate emissions, the natural gas industry is planning to expand production of polyethylene (a building block for plastic) by 75% in the next few years.

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<sup>1</sup> NYSDEC, "Recycling and Composting," <https://www.dec.ny.gov/chemical/294.html>.

<sup>2</sup> Sharon Lerner, "WASTE ONLY: How the Plastics Industry Is Fighting to Keep Polluting the World," The Intercept, July 20, 2019, <https://theintercept.com/2019/07/20/plastics-industry-plastic-recycling/>.

The need to reduce and eliminate all single-use plastics is clear, and the best ways to both address the State's current recycling and plastic pollution crises include the following, which we detail further in our testimony:

1. **Expand New York's Bottle Deposit Law.** Much of the plastic put in recycling bins does not end up actually being recycled. That's not the case with bottles that are separated through bottle deposit laws. The deposit incentivizes consumers to actually recycle, and those containers are cleaner and more likely to become another bottle down the road.
2. **Ban polystyrene containers.** Counties in New York, like Albany and Suffolk, along with New York City, have already moved to ban polystyrene containers from being used at restaurants. Polystyrene recycling is a myth, as a state Supreme Court justice found in upholding New York City's ban.
3. **Pass legislation that would make plastic straws available only upon request.** California passed a law in 2018 that would make straws available in restaurants only when they are explicitly requested by a customer. This is a simple way to reduce needless plastic straws.
4. **Enact "Fair Repair" legislation to reduce electronic waste.** In light of China's refusal to accept electronic waste from the U.S. (in addition to other wastes), the U.S. must look to strategies to preserve finite natural resources and eliminate the volume of waste that is sent to landfills, incinerators and recycling facilities. Fair Repair legislation would empower consumers and small businesses to repair instead of discard their cell phones, tables, laptops and desktop computers, as well as other digital devices, diverting e-waste from landfills and incinerators and preserving valuable natural resources.

Additionally, these issues can be addressed by passing measures that would dramatically increase recycled content requirements for plastic and glass containers, ban small hotel shampoo bottles, ban intentional balloon releases, and more. As the Legislature considers our solid waste crisis, we urge you to focus on sustainability and product lifecycle so New York can lead us towards a zero waste future.

### **Expand New York's Bottle Deposit Law**

Expanding New York's Bottle Deposit Law, commonly known as "the Bottle Bill," is a key solution to New York's, and the country's, current recycling crisis. China, which had been accepting massive amounts of plastic waste, stopped accepting plastic waste imports in January 2018.<sup>3</sup> This has caused global shockwaves and significant strains on municipal recycling programs in the U.S. NYPIRG recommends the following for an expansion of the Bottle Bill:

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<sup>3</sup> Watson, Sara, "China Has Refused To Recycle The West's Plastics. What Now?," *NPR*, June 28, 2018, <https://www.npr.org/sections/goatsandsoda/2018/06/28/623972937/china-has-refused-to-recycle-the-wests-plastics-what-now>.

1. Add a deposit fee to most beverage containers, including: wine, liquor, cider, sports drinks, juices, coffee beverages, iced tea, and other non-carbonated beverages. More containers with deposits will incentivize consumers to recycle these containers, making them less likely to be littered or take up rapidly disappearing landfill space.
2. Increase the deposit from 5-cents to 10-cents. States with higher deposit fees have higher redemption rates than states with a five (5¢) cent fee. In Michigan the deposit fee is ten (10¢) cents, and the redemption rate in 2016 was 92.2%. Vermont has a fifteen (15¢) cent fee on liquor bottles and the redemption rate for liquor containers in 2017 was 84%. The data shows that increasing the deposit fee increases the incentive for recycling. A ten (10¢) cent deposit fee would ensure that even more beverage containers get recycled in New York State.
3. Increase the percent requirement for recycled content in new plastic and glass beverage containers. This will strengthen the market for recycled content.
4. A portion of the unclaimed deposits should be given to maintain municipal recycling programs.

Enacted in 1982, the New York State Returnable Container Act, commonly known as the Bottle Bill, requires a 5-cent refundable deposit to be placed on eligible beverage containers. The program originally covered beer and soda sold in New York and was later expanded to include wine coolers. The law requires retailers who sell covered beverages to accept any empty containers back of products that they sell and refund the deposits. The law also requires beverage distributors to compensate retailers for the cost of collecting and recycling empty containers by paying them a small handling fee per container. In 2009, the law was expanded to include bottled water, and the handling fee was increased from 2 cents, which it had been set at since 1997, to 3.5 cents.

Over its 30-year history, New York's Bottle Bill has proven to be a highly effective means of diverting these containers from the waste stream, significantly reducing litter and increasing recycling rates. This program is recognized as New York's most effective litter-reduction measure. In 2017, New York's redemption rate was at 65%.<sup>4</sup> According to DEC, the bottle bill reduces roadside container litter by 70%, and in 2016, 5.1 billion containers were recycled.<sup>5</sup>

Expanding the Bottle Bill to include plastic containers is urgently needed to reduce plastic pollution littering New York's waters and beaches. During Riverkeeper's 2018 Hudson River Sweep, plastic beverage bottles were the third largest type of litter found. The 2018 New York State Beach Cleanup, which had cleanup sites from the shores of Lakes Erie and Ontario to the shores off Long Island, found plastic bottles as the 7th largest type of litter cleaned up – 13,072 plastic bottles were collected. According to a recent report, experts estimate that over eight million metric tons of plastic waste ends up in the world's oceans each year, and that amount is likely to increase dramatically over the next decade unless states and nations act.

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<sup>4</sup> Container Recycling Institute, Bottle Bills in the USA: New York, <http://www.bottlebill.org/legislation/usa/newyork.htm>.

<sup>5</sup> DEC, New York's Bottle Bill, <http://www.dec.ny.gov/chemical/8500.html>.

Additionally, states with bottle deposit laws have far better recycling rates than non-deposit states. According to the Container Recycling Institute, states with bottle deposit laws have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.

Not only would the expansion of the state Bottle Bill increase recycling rates and make New York's environment and communities cleaner, it would also help municipal recycling programs that are currently facing a recycling crisis. China, which had been accepting massive amounts of plastic waste, stopped accepting contaminated plastic waste imports in January 2018, creating a standard many municipal recycling programs cannot meet.

Municipal recycling programs are particularly struggling with glass contaminating their recycling streams. When glass breaks in curbside containers it contaminates the rest of the materials and renders much of it unrecyclable for the municipality. The expansion of the Bottle Bill to include wine, spirits, and hard cider would take a significant amount of the containers that municipal recycling programs are struggling with out of curbside recycling containers. Additionally, municipalities would save money from the costs of litter clean-ups and transportation costs associated with recycling.

Other states with bottle deposit programs have already moved forward with the recommended policies above. Maine's Bottle Deposit Law includes all containers covered in New York's existing Bottle Bill, plus wine, spirits, hard cider and most non-carbonated beverages. Maine has a 5-cent deposit for all beverages, except wine and liquor, which have a 15-cent deposit. Maine's redemption rate in 2017 was 84%. Other states with Bottle Deposit Laws that include non-carbonated beverages include: California, Hawaii, and Oregon. Oregon, in 2017, raised its deposit fee from 5-cents to 10-cents, which led to the state reaching a 90% redemption rate.<sup>6</sup>

It has been ten years since the bottle bill was last expanded – it's time to finish the job and ensure most containers are included. This step will reduce consumer confusion about what can be recycled, ease municipal burdens, and keep communities cleaner.

### **Adopt an Upon-Request Policy for Plastic Straws**

The need to reduce and eliminate all single-use plastics is clear, and adopting an “upon-request” policy for plastic straws is a simple and easy method to reduce plastic waste. These may seem like small items, but their impact is large:

- Plastic straws and stirrers were the 7<sup>th</sup> most commonly found item during the 2017 coastal cleanup.
- Plastic straws cannot be recycled in most places because they are too lightweight.<sup>7</sup> As a result, they can make it harder to recycle other plastics when they contaminate recycling bins.

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<sup>6</sup> Profita, Cassandra, “Oregon Bottle Deposit System Hits 90 Percent Redemption Rate,” OPB, January 18<sup>th</sup>, 2019, <https://www.opb.org/news/article/oregon-bottle-deposit-redemption-rate-2018/>.

<sup>7</sup> “Understanding Plastic Pollution,” For a Strawless Ocean, <https://www.strawlessocean.org/faq>, accessed June 20, 2019.

- When plastic enters the environment, it breaks down into microplastics, which are being discovered in our air and water, and are found in animals and humans; increasingly microplastics are in the food supply. The impact of this on human health is still being researched.

Some people do need straws, particularly persons with medical needs and persons with disabilities. This is addressed by allowing straws to be available upon request, rather than an outright ban.

### **Enact a Ban on Polystyrene Containers**

Polystyrene, more commonly known as Styrofoam, has become ubiquitous alongside, and in, waterways due to its very nature – it is lightweight and it floats. When it is littered, it is easily carried from streets and through storm drains leading to rivers and, ultimately, lakes and oceans.

According to the Ocean Conservancy, during their 2017 coastal cleanup, foam takeout containers were the 10th most frequently found item. During Hudson Riverkeeper's 2018 Sweep, foam pieces were the second most frequently found item, with foam cups and plates, and foam takeout containers also taking 7th and 9th place respectively.

Once in the environment, polystyrene, like other plastics, likely lasts forever. They break down into smaller and smaller pieces, leading wildlife to mistake polystyrene for food. Additionally, polystyrene cannot be recycled by most municipalities – to recycle polystyrene, it must be sent to a limited number of companies – making it too costly for most municipalities to do so. Additionally, when people place foam containers in recycling bins, the lightweight nature often leads to litter, and the containers add bulk to the bins, making recycling more difficult for municipalities. The easier, and more cost effective option, is to eliminate single-use polystyrene containers – as New York City, Albany and Suffolk Counties have done.

Not only is polystyrene wreaking havoc on our public spaces – it's also a threat to public health. Polystyrene threatens public health throughout its entire life cycle. Polystyrene is made using styrene, a known animal carcinogen and possible human carcinogen and neurotoxin. Additionally, over 50 byproducts made during the manufacturing process contaminate air and water, leading to ozone depletion, and when polystyrene is incinerated for disposal, it releases styrene gas into the air.

### **Enact “Fair Repair” Legislation to Reduce Electronic Waste**

Manufacturers of ubiquitous electronic products like cell phones, computers, tablets and digital audio systems refuse to share diagnostic information or replacement parts. As a result, consumers spend more time and pay more money to repair fixable items and generate an enormous amount of electronic waste as items are discarded instead of being fixed cheaply and locally

Cell phones, for example, are only a small part of the overall need of repair of personal electronics. A growing trend is seen in the design of electronics across all industries that make

devices difficult or nearly impossible to repair.<sup>8</sup> Fair Repair would allow consumers and independent repair shops access to diagnostic equipment and parts so they can extend the life of electronics and put less strain on wallets. Importantly, repairing electronic devices will protect the environment by reducing e-waste: New Yorkers throw away over 23,600 cell phones every day.<sup>9</sup> Fixing electronic products instead of tossing them furthers the state's policy of reducing the flow of all electronic devices into the waste stream.

Fair Repair legislation addresses these consumer and environmental problems by making information and parts accessible to do-it-yourselfers and small repair shops.

In light of China's refusal to accept electronic waste from the U.S. (in addition to other wastes), the U.S. must look to strategies to preserve finite natural resources and eliminate the volume of waste that is sent to landfills, incinerators and recycling facilities.

Thank you for the opportunity to testify today. NYPIRG looks forward to working with the Legislature to ensure New York improves recycling, reduces the solid waste footprint of the state, and reduces plastic pollution and production.

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<sup>8</sup> Carlozo, Lou. "These Are the 5 Toughest Electronics to Repair." Dealnews. July 14, 2015. Accessed March 16, 2018. <https://www.dealnews.com/features/These-10-Electronic-Devices-Are-Almost-Impossible-to-Repair/795102.html>.

<sup>9</sup> Proctor, Nathan. "Recharge Repair." February 1, 2018. Accessed March 20, 2018. <https://drive.google.com/file/d/1-CL43uUqsXq4O2OnvbuMSGDCnwALev8c/view>.