



**Joint Legislative Hearing on Recycling
Testimony of Jeremy Cherson, Legislative Advocacy Manager
October 21, 2019**

Senators and Assemblymembers:

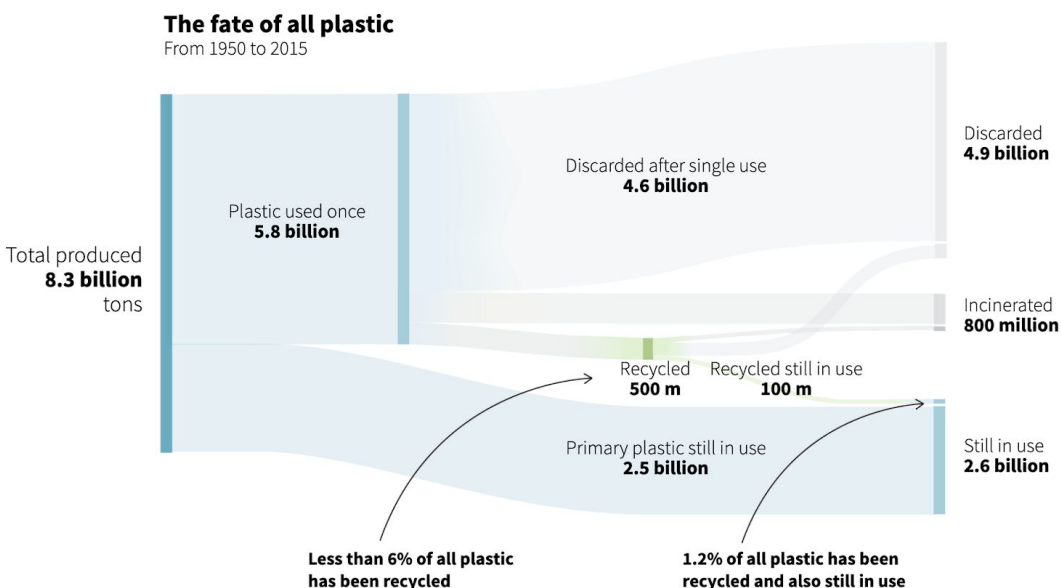
Riverkeeper is a membership organization with nearly 55,000 members and constituents. Our organization protects the environmental, recreational and commercial integrity of the Hudson River and its tributaries, and safeguards the drinking water of millions of New Yorkers. From March through December each year, Riverkeeper's patrol boat travels approximately 6,000 nautical miles on the Hudson, Mohawk and New York Harbor while conducting regular pollution patrols, providing support for scientific studies that advance the understanding of the Hudson's ecosystem, running Riverkeeper's Water Quality Testing Program and bringing state and regional decision-makers, the media, and community stakeholders out on the river. I would like to extend an invitation to join a patrol on the water with us to every member assembled here today.

Thank you chairmen Englebright and Kaminsky for your attention to this very important issue facing New York and the planet. We are currently facing multiple environmental crises and it is important to note that progress and innovation in New York influences the rest of the world. With the collapse of global recycling markets and the closing of China's doors to American recyclables, now is the time to radically rethink our relationship with throwaway culture and consumption. Thanks to your leadership, New York will soon phase in a ban of single-use plastic bags. However, we know that banning plastic bags is only one component of addressing the plastic pollution crisis. Riverkeeper is encouraged to see a diverse range of proposals in the legislature to phase out additional single-use plastic items. As you will hear from many of my colleagues today there are numerous programs and strategies to address the challenges facing recycling in New York. Today I am going to focus on the growing environmental and climate threat from plastics, which is of paramount concern for Riverkeeper and our over 300

Waterkeeper Alliance partners around the globe and highlight a few of the policies we support to address the issue.

Climate Change and Plastics

Climate change, fossil fuels and plastic production are inexorably linked. A recent report, *Plastic & Climate: The Hidden Costs of a Plastic Planet* estimates that by 2050 the growing plastics industry will use between 10-13 percent of the global carbon budget, equivalent to over 615, 500MW coal-fired power plants, threatening global efforts to combat climate change.¹ As of 2019, the global production of plastics equals 189 coal-fired power plants. This projected growth is astounding and must be combatted at every level of policymaking. Shockingly, as the graphic shows, less than six percent of global plastic between 1950 and 2015 has been recycled. The growth and impact of the sector cannot be ignored if New York is going to meet the mandates of the Climate Leadership and Community Protection Act.



¹ <https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-Executive-Summary-2019.pdf>

² The fate of all plastic. Reuters. <https://graphics.reuters.com/ENVIRONMENT-PLASTIC/0100B275155/index.html>



It should come as no surprise that the growth of the plastics industry is primarily driven by the fracking and petrochemical industries, which are looking for ways to diversify their existing portfolio of combustible fuels and petrochemicals. In the United States alone, nearly \$164 billion in investment and 264 facilities are in various stages of construction and planning to power this toxic growth in plastics production.³ This buildout is supported at the highest levels of the government as demonstrated by a visit by President Trump and the Department of Energy leadership to an ethane cracker facility under construction by the Royal Dutch Shell Corporation in Beaver County, Pennsylvania. Once operational, Shell's plant will produce nearly 3.5 billion pounds of plastic pellets a year from hydraulically fractured ethane, sourced from the Marcellus shale.⁴ This project is one of many currently proposed to turn Appalachia into a new petrochemical sacrifice zone to fuel an unprecedented growth in virgin plastics. If we have any hope of holding back the coming surge in new plastics, we must act aggressively in New York to reduce demand for these products and create a cradle to cradle system for plastics, and we must do as quickly as possible.

A 2017 article published in the academic journal *Science advances* estimates that half of all plastics ever produced on planet earth were made between the 13 year period between 2002 and 2015.⁵ Plastic production is accelerating like a runaway train at the very moment the science is beginning to understand the consequences on public health and the environment.

³ <http://www.ciel.org/wp-content/uploads/2017/09/Fueling-Plastics-How-Fracked-Gas-Cheap-Oil-and-Unburnable-Coal-are-Driving-the-Plastics-Boom.pdf>

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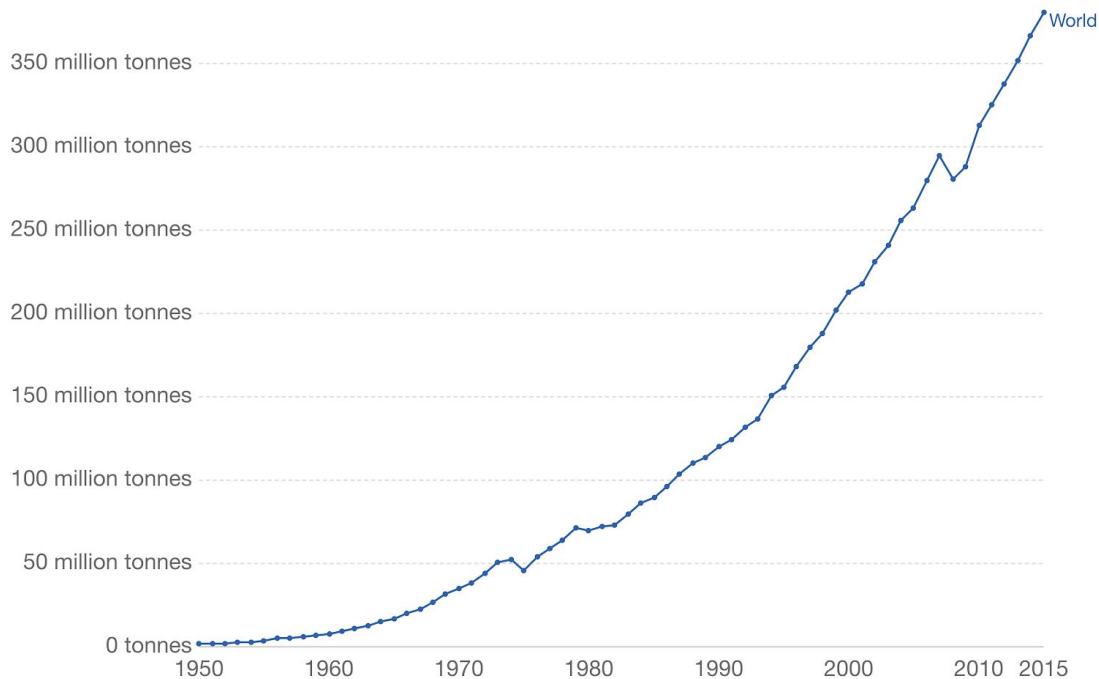
<https://www.post-gazette.com/business/powersource/2019/08/13/Shell-cracker-Trump-protesters-plastics-ethane-oil-gas-Beaver-EPA-regulations-pennsylvania/stories/201908130059>

⁵ Geyer, Roland, Jenna R. Jambeck, and Kara Lavender Law. "Production, use, and fate of all plastics ever made." *Science advances* 3.7 (2017): e1700782.

Global plastics production

Annual global polymer resin and fiber production (plastic production), measured in metric tonnes per year.

Our World
in Data



Source: Geyer et al. (2017)

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Data gathered by Riverkeeper and others points to the prevalence of microplastics—which can result from the degradation of plastic — in waters worldwide, including the Hudson River Estuary.⁷ Microplastics have been documented in waters and the tissues of marine life here in New York. Studies have revealed concentrations as high as 578,333 microplastics per square kilometer in parts of the Hudson.⁸ The plastic manufacturing process uses and creates numerous toxic materials and plastics, particularly in water, accumulate toxins.⁹ Pesticides, toxic industrial compounds—including PCBs—as well as pharmaceuticals and other unregulated contaminants adhere to plastics, and can both contaminate fish and drinking water

⁶ Geyer, R., Jambeck, J. R., & Law, K. L. (2017). Production, use, and fate of all plastics ever made. *Science Advances*, 3(7), e1700782.

⁷ <https://www.riverkeeper.org/wp-content/uploads/2018/04/Microplastics-Poster.pdf>

⁸ https://hudsonriverpark.org/assets/content/general/Microplastic_Short_Report_Final.pdf

⁹ 10 Rochman, C.M., Hoh, E., Hentschel, B.T. and Kaye, S., 2013. Long-term field measurement of sorption of organic contaminants to five types of plastic pellets: implications for plastic marine debris. *Environmental Science & Technology*, 47(3), pp.1646-1654.



supplies.^{10 11} A Lamont Doherty Earth Observatory study in the Hudson River found microplastics in the digestive tracts of each of the five types of marine organisms it studied.¹² The Lamont Doherty study found that Newtown Creek in Brooklyn had the highest levels of microplastics within the geographic study area.

Addressing the plastic pollution crisis is going to have to involve a multifaceted approach from phasing out certain products to a vast increase products and manufacturers covered by extended producer responsibility starting with an expansion of New York's Bottle Bill. Extended producer responsibility, known as EPR or product stewardship, is a waste management strategy that places the responsibility for the full life-cycle of the product on entities involved in the supply chain of the product. EPR ensures that the producers of products are ultimately responsible for their products' end use.¹³ Current recycling practices and policies place much of the burden on individuals. The most recognizable EPR policy is around bottle bills globally but also exist for a full range of products including mattresses, tires and rechargeable batteries.

California Circular Economy and Pollution Reduction Act

In California, an EPR bill known as SB-54/AB-1080, the California Circular Economy and Pollution Reduction Act proposes to achieve for single-use plastic waste what the CLCPA in New York will do for climate mitigation. It is highly ambitious and the law came close to passage in California legislative session but the clock ran out on the bill. The sponsors and advocates have high hopes it will pass early next session. The legislation mandates CalRecycle adopt regulation for a 75 percent reduction in single-use plastic packaging and priority single-use products by 2030 and requires that all packaging be recyclable or compostable by interim targets set by regulators.¹⁴ The California legislation puts most of the responsibility for implementing

¹⁰ Hirai, H. et al. Organic micropollutants in marine plastic debris from the open ocean and remote and urban beaches. *Mar. Pollut. Bull.* 62, 1683-1692 (2011)

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<https://www.poughkeepsiejournal.com/story/tech/science/environment/2016/08/04/valley-environment-rozalia-project-microfibers-hudson-river-marine-life/88066716/>

¹² <https://www.riverkeeper.org/wp-content/uploads/2018/04/Microplastics-2-2017-Poster.pdf>

¹³ <https://www.calrecycle.ca.gov/epr>

¹⁴ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB54



the proposed law with the state agency, CalRecycles. New York does not have a stand alone agency focused on waste management and may have difficulty following the exact agency heavy regulatory model delineated in SB-54/AB-1080. New York should look to alternate approaches with Washington State HB-1204 and the European Union Strategy for Plastics in a Circular Economy for additional examples on how to holistically tackle single-use plastic packaging and additional plastic items.

Bottle Bill Expansion

Plastic bottles were the most common type of litter found along the Hudson for the Riverkeeper Sweep shoreline cleanups in 2019.¹⁵ At the 12 sites where detailed data was collected, approximately 1,653 plastic bottles and 1,241 plastic bottle caps were collected. Expanding New York's 5-cent deposit on containers is a critical policy solution to address both plastic pollution and the current recycling crisis. New York's existing bottle deposit program, first enacted in 1982, covers a limited number of carbonated beverages, plastic water bottles and wine coolers with a 70-80 percent bottle return rate for currently covered containers.¹⁶ Compare that to states without bottle deposit programs that report an average 24 percent recycling rate in traditional curbside programs. Lessons from other states with more expansive bottle deposit programs such as Maine report an 84 percent redemption rate, showing that expanding the bottle bill to include more types of beverage bottles will increase redemption rates and reduce the number that ends up polluting our waterways.¹⁷

Environmentalists aren't alone in supporting the expansion, the Newsday editorial board in January of 2019 wrote in support of an expansion of the deposit program. The board highlighted how an expanded program could reach an additional 1.4 billion bottles a year. They

¹⁵ <https://www.riverkeeper.org/blogs/ecology/plastic-pollution-in-the-hudson-detailed-data-from-riverkeeper-sweep-2019/>

¹⁶ <https://www.dec.ny.gov/chemical/8833.html>

¹⁷ <http://www.bottlebill.org/index.php/current-and-proposed-laws/usa/maine>



also rightly pointed out that claims from beverage companies that an expanded deposit would hurt sales should be ignored, as those claims, originally used from the 1980s never came true.¹⁸

While we understand the concerns raised with the impact of a bottle bill expansion on valuable PET plastic bottles for local recyclers, Riverkeeper believes enacting policies proven to reduce plastic pollution must move forward expeditiously. The bottle bill expansion is a proven strategy and we encourage compromise and further discussion with local leaders concerned about the expansion to ensure a policy is fair and does not leave local recycling programs without the revenue they depend on. Riverkeeper urges all parties to work together to expand New York State's bottle deposit program to cover all plastic bottles in the next legislative session.

Additional Plastics Legislation for the 2020 Legislative Session

In addition to the expanded bottle bill, Riverkeeper supports additional steps to tackle plastic waste. Riverkeeper supports Senator Kreuger and Assemblyman Ortiz's S.3068B/A.5398A to prohibit the use of expanded polystyrene foam in food service, state agencies and municipalities. The state of Maine, New York City, Albany, Ulster, Suffolk, Westchester and Dutchess counties currently have laws in place that prohibit the use of this environmentally damaging and non-recyclable product in food service.¹⁹

Riverkeeper is encouraged by Senator Kaminsky and Assemblyman Englebright's proposal in S.5282/A7662A to ban single use hotel bottles and are glad it has the support of industry partners. The transition away from these unnecessary single-use items is long overdue. We support the legislation and encourage its passage this upcoming session.

We strongly support Assemblymember Rosenthal and Senator Hoylman's S.1477/A.90 to make single-use plastic straws by request only, as California recently enacted. It is estimated that Americans use roughly 500 million straws everyday, or 1.6 straws per person per day.²⁰ That's

¹⁸ <https://www.newsday.com/opinion/editorial/an-expanded-bottle-law-would-do-more-for-new-york-state-1.25952335>

¹⁹ Dutchess County polystyrene prohibition only applies to chain restaurants

²⁰ <https://www.nps.gov/articles/straw-free.htm>



enough straws to circle the earth two and a half times each day.²¹ The recent B.A.N. List 2.0 report prepared by 10 partner organizations analyzed statistics from multiple datasets, in order to pinpoint the top 20 plastic pollutants prominent in U.S. waterways. Plastic straws and stirrers is ranked fifth, accounting for about 7.5% of plastic pollution.²²

Assemblymember Fahy introduced legislation just last week introduced new legislation to require plastic bottles to be made from 75 percent recycled content by 2025. Riverkeeper strongly supports this legislation as a mechanism to reduce the demand for virgin plastic and create new, local markets for recycled plastic. The graphic in my testimony produced by Reuters shows the 4 trillion plastic bottles produced over the past 10 years situated over New York City, dwarfing the Lower Manhattan skyline. This staggering visualization emphasizes the urgency of enacting policies such as the expanded bottle bill and Fahy's proposed legislation.



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²¹ <https://thelastplasticstraw.org>

²² <https://upstreampolicy.org/ban-list-20/>

²³ <https://graphics.reuters.com/ENVIRONMENT-PLASTIC/0100B275155/index.html>



I want to again thank chairmen Kaminsky and Englebright for calling this hearing and to all the members assembled here today to listen to stakeholders as New York presses forward on the challenges ahead. I urge the legislature upon hearing to accelerate efforts and make New York State the global leader in transitioning away from single-use plastics. I encourage this body to look towards advancing bold comprehensive policies as we simultaneously tackle individual single-use plastic items. We need solutions on scale with the crisis we face. Future generations are depending on the actions we take today.

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