

**TESTIMONY BEFORE THE NEW YORK CITY
COUNCIL COMMITTEE ON SANITATION & SOLID WASTE MANAGEMENT
REGARDING THE NEW YORK CITY
PLASTIC CARRYOUT BAG RECYCLING LAW**

January 8, 2008

Good Afternoon. My name is Donna Dempsey and I am testifying on behalf of the Progressive Bag Affiliates (PBA) of the American Chemistry Council that represents plastic bag and resin manufacturers in the country. I want to thank the City Council and Speaker Quinn for their leadership on the very important issue of plastic bag recycling.

The Progressive Bag Affiliates is here today to express its support for **Intro 640**, the New York City Plastic Carryout Bag Recycling Law, which will require at-store recycling programs for customers to recycle their used plastic shopping bags and encourage the use of reusable bags. New York has an opportunity to become a leader in plastic bag recycling with this proposal, and we are excited to see the support and momentum behind this initiative.

Our bag manufacturers are committed to sustainable business practices and protecting the environment by promoting producer responsibility, the use of recycled materials, and the environmentally responsible use of plastic bags. Accordingly, we are looking forward to working with the Council, the grocers, and community members to establish a measurable program to get plastic bag recycling off the ground in the City.

Over the years, we have found that grocery stores have been innovators in providing recycling opportunities to their customers. As a part of this effort, our group has been happy to help grocers by engaging them in one of our key programs, the "Bring It Back" campaign, that provides them with a toolkit of instructional materials and signage to help promote their in-store recycling programs. We have also worked to help connect grocery stores with recyclers in order to make their programs financially viable.

As you know, plastic shopping bags are fully recyclable and there is a high demand for plastic film materials for recycling into secondary consumer products such as composite decking, and building and construction materials and bags. We are hopeful that the new recycling program in New York will create a successful secondary revenue stream for the city's grocers to defray their bag expenses by selling their reclaimed plastic bags to the region's recyclers.

In closing, we look forward to actively working with the Council, the City Department of Sanitation, and the grocers to implement a measurable system in place in New York that works for everyone because plastics are a valuable resource—too valuable to waste. **Intro 640** is a fine example of how government, NGOs and industry can work together to come up with a workable solution to benefit both the environment *and* industry. It is our hope that the Council's leadership at devising this new program will serve as a best practice example to other major metropolitan cities in the Northeast grappling with this same issue.

Once again, I thank you for the opportunity to speak to you today.

DS Dempsey

Donna S. Dempsey

Consultant

Progressive Bag Affiliates of the American Chemistry Council



Remarks by Jennifer McDonnell, Green Mission Specialist for Whole Foods Market Northeast, to the New York City Council's Committee on Sanitation and Solid Waste Management on January 8, 2008.

Good afternoon Chairman McMahon and Members of the City Council. My name is Jennifer McDonnell and I'm the Green Mission Specialist for Whole Foods Market's, Northeast Region. I'm here today to offer Whole Foods Market's support for Introduction 640-A, the proposed law establishing a citywide recycling program for plastic carryout bags.

Our motto, Whole Foods, Whole People, Whole Planet, is our daily working philosophy. A key component of that philosophy is green — a deep commitment to environmental stewardship that puts us at the forefront of the effort to make the planet whole and healthy. We offer plastic bag and film recycling services in all of our New York stores and wholeheartedly support making this service a requirement. This legislation will encourage all shoppers to reduce, reuse, and recycle. We will continue to offer our 10 cent rebate for each bag re-used when shopping and look forward to seeing increased participation in both the re-use and recycling programs as a result of this resolution.

In closing, we would like to commend and thank Council Speaker Quinn and Council Members Vallone, McMahon and all the sponsors of this legislation for their leadership and advocacy on this important issue to the residents of New York City.



STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL
BEFORE THE NEW YORK CITY COUNCIL, COMMITTEE ON SANITATION
AND SOLID WASTE MANAGEMENT, JANUARY 8, 2008
RE: PLASTIC CARRYOUT BAG AND FILM PLASTIC RECYCLING, INTRO. 360-A

Good afternoon, Chairman McMahon and members of the Committee. My name is Eric A. Goldstein and I am Urban Program Co-Director of the Natural Resources Defense Council, ("NRDC"). NRDC, as you know, is a national, non-profit legal and scientific organization that has been active on New York City environmental issues for nearly four decades. Both at the national level and here in New York, a particular focus of NRDC has been to advance environmentally sound policies for solid waste management. We are pleased to be here today to testify in support of Intro. 360-A.

Intro. 360-A is designed to address one of the more difficult challenges in managing the New York City waste stream – how to minimize the environmental pollution, litter and costs to city taxpayers associated with the use of billions of single-use plastic bags every year. Of course, this is a nationwide problem. Across the country, Americans use and dispose of as many as 100 billion plastic shopping bags annually, according to the Wall Street Journal. Producing these bags requires an estimated 12 million barrels of oil. And the U.S. Environmental Protection Agency reports that less than 5% of these bags are currently being recycled. Instead, many of these bags are ending up in landfills (where they can take up to 1,000 years to decompose), or our waterways (where they jeopardize marine life), or our streets and parks (where they litter the landscape and are costly to collect).

Intro. 360-A is a good first step in seeking to address the nettlesome and growing problem of plastic bag waste in New York. It would require operators of large supermarkets and other chain establishments to establish in-store recycling programs for plastic carry-out bags. All such stores would be required to accept plastic carry-out bags and other film plastic for recycling. All bags provided at such stores would have to be clearly labeled to encourage customer reuse or recycling. And all returned bags would be prohibited from being disposed of in landfills or incinerators and would instead have to be recycled by the manufacturers. In addition, stores would be required to make reusable bags available for purchase and manufacturers would be required to provide education materials to encourage the reduction, reuse and recycling of plastic carryout bags.

To be sure, this legislation has its limitations. It does not restrict the production, distribution or use of single-use plastic bags in any way. It places the responsibility on city residents to voluntarily reuse bags or return them for recycling to participating stores. And it remains to be seen how effective the legislation will ultimately be in stimulating the reuse and recycling of single-use plastic bags in New York. It is quite possible that further city legislation will be necessary in the future, advancing additional strategies to reduce the environmental and economic costs of single use plastic bags to city residents and taxpayers.

Nevertheless, NRDC supports Intro. 360-A for four reasons: It would increase public awareness of the burdens posed by single use plastic carryout bags. It would provide simple alternatives for New Yorkers to adopt in helping to solve the problem. It would give manufacturers and retailers an opportunity to create for themselves successful and efficient programs for reuse and recycling of plastic carryout bags, in the first instance. And, through its reporting requirements and other provisions, it would set the stage for future City Council action, in the event that the bill's new measures do not succeed in achieving the statutory objectives.

NRDC remains hopeful that the program set forth in Intro. 640-A will be successful. We support this legislation and congratulate Councilmember Vallone, Chairman McMahon and Speaker Quinn for advancing the bill, as part of the Council's broad and continuing leadership efforts on solid waste issues in the nation's largest city.

Brooklyn Alliance of Community Services | Emergency Food Reusable Bag Project

1) Our Work and Project

We're with the Brooklyn Alliance of Community Services, which is a neighborhood coalition of Emergency Food Providers in Central Brooklyn, covering the areas of Fort Greene, Clinton Hill, Prospect Heights, Crown Heights, Flatbush, and parts of Bedford-Stuyvesant. We wanted to take a few minutes to speak to you about a project that we're currently working on and also to share with you our feelings on this piece of legislation and how we believe it will impact our particular constituency.

Within our coalition, we are currently conducting a pilot project in which we are attempting to eliminate the use of plastic bags at food pantries by providing reusable pantry bags for emergency food distribution. We estimate, based on numbers from emergency food providers within our own network, that food pantries in New York City distribute approximately from 2 to 2 and a half million plastic bags per year. There are over 1,200 emergency food programs in the 5 boroughs of New York. It is our hope to move our pilot project city wide, and that in doing so, this immense plastic bag usage can be eliminated.

We believe that although this current piece of legislation is a step in the right direction, it is only a small step, and one that falls far short of legislation already enacted or proposed in places such as San Francisco, Ireland, and neighboring New Jersey, in which an all out ban on plastic bag usage has been issued, or a significant tax has been placed on them to limit their use.

If this current piece of legislation is all that the city of New York plans to do about plastic bags, then essentially what the city is telling us is that if we intend to keep pace with the progressive practices of our neighbors, then it will be the responsibility of its citizens and groups such as our own to do so.

2) Environmentalism and Collective Empowerment of Low-income Neighborhoods

We see environmental action as a powerful medium of collective action for some of New York City's otherwise economically marginalized populations. Where there are marginalized people with a lack of significant financial capital, we look towards other modes of human behavior and influence to provide our self worth. We rely instead on our creativity and ingenuity, alternative modes of action. To me this is very heart of environmentalism. This is the meaning of the word "alternative" that is used often to describe energies and behavior. It's a statement which says we don't have to spend large sums of money or use vast amounts of resources in order to give ourselves value. Our worth lies in our thrift, our creativity, and the ability to eliminate the damage we do to each other and our world.

We stress continually that the people who come through our pantry doors are not merely recipients of charity; they are also consumers, producers, volunteers, activists, and most importantly citizens. I hope that our efforts see to it that they become empowered and enlightened citizens, and that we work to erase the class bias of environmental action, the myth that people of low economic standing don't care about their world.

3) The Need For Bolder Legislation: The City is Playing Catch-Up

We are pro, for we believe the legislation is a step in the right direction, but it is surely incomplete. It's unfortunate and illogical that the City has to play catch-up not only with other municipalities, but also with its own residents, who have to resort to boutique-style initiatives, which are scattered, less uniform, and small in scope. Since, January of 2006, The Park Slope Food Coop has an extensive plastic recycling program: they recycle wide-mouth #1 and #2, #4 and #5, as well as plastic film and bags.

I believe our efforts should be focused on reduction rather than recycling, and the use of biodegradable bags where necessary. Foremost of course are reusable bags. I urge the Council to be bolder in future legislation, in both purpose and scope. After all, disposable plastics are used extensively in places other than retail settings, as I hope we have illustrated.

An expansion of outreach and education programs will be necessary. I urge the Council and the Department of Sanitation to listen to and work closely with neighborhood groups and activists to spread environmental awareness.

Emergency food programs are perennially and historically under-funded. The public sector loves to give us food, but not the means to distribute it effectively or consciously.

In our reusable bag project, we need public support and resources. We already have the will, and we are ready to organize around these issues. We are waiting for you to take the lead.

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**TESTIMONY OF LAWRENCE A. MANDELKER on behalf of
THE NEW YORK METROPOLITAN RETAIL ASSOCIATION (NYMRA) before the
COMMITTEE ON SANITATION AND SOLID WASTE**

**Chair: Michael McMahon
Tuesday, January 8, 2007, 1:00 p.m.
Hearing Room City Hall, New York, NY**

**NEW YORK CITY COUNCIL PROPOSED INT. NO. 640-A
REQUIRING A RECYCLING PROGRAM FOR PLASTIC
CARRYOUT BAGS AND FILM PLASTIC**

Chairman McMahon and members of the Committee: I am testifying today on behalf of NYMRA, the New York Metropolitan Retail Association. NYMRA is an organization consisting primarily of national chain retailers operating in the City of New York.

We applaud the Council's concern and its efforts to address this issue. We also appreciate how attentively the Committee and its staff have been to address the concerns that NYMRA and others have raised about the original bill. Among those concerns was that our members, who operate stores in many different jurisdictions, would be required to comply with different and perhaps conflicting requirements in each jurisdiction.

For example, Section 16-453 (a) (i) requires a recycling message to be printed on each plastic carryout bag. Multi-state retailers source all of their bags from one supplier for use in all of their stores. Not all states/cities have plastic bag recycling programs, and those that do might require different language. Customer confusion would result. The requirement that specific language be printed on the bag means that retailers would have to order specific plastic bags for their New York City stores. This would not be cost-effective for our members, and it is not necessary for the City to have a successful recycling program.

The Committee and staff have addressed that concern by permitting retailers to distribute plastic carryout bags that either contain the mandated statutory recycling message, or a similar message encouraging consumers to reuse or recycle plastic carryout bags designed by each retailer for nationwide use.

The Committee and its staff recognize that a number of our members already have programs in place to recycle the plastic shrink wrap in which merchandise is shipped to their stores. The bill now permits our members to add plastic carryout bags to these pre-existing programs. Equally important, the bill now requires the Commissioner to meet with various stakeholders to determine how best to determine at the manufacturing level, the quantity by weight of the plastic carryout bag and plastic film that has been collected and transported.

We look forward to working with the Department to develop reports that will further the City's goal of removing plastic carryout bags from the City's solid waste

stream without unduly burdening retailers with expensive bureaucratic data-gathering requirements.

Finally, the Speaker's office, the Chair and the Committee's staff led by Judge Cagnetta have fostered a transparent, open, collegial process in which all parties have been heard. We thank everyone involved for their time and courtesy.

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**TESTIMONY OF ROBERT LANGE
DIRECTOR OF THE BUREAU OF WASTE PREVENTION, REUSE AND RECYCLING
NEW YORK CITY DEPARTMENT OF SANITATION**

**HEARING BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON
SANITATION & SOLID WASTE MANAGEMENT
TUESDAY, JANUARY 8, 2008 – 1:00 P.M.
CITY HALL—COMMITTEE ROOM**

RE: Intro. No. 640-A: In relation to requiring a recycling program for plastic carryout bags and film plastic.

Good afternoon Chairman McMahon and members of the Committee on Sanitation and Solid Waste Management. I am Robert Lange, Director of the Bureau of Waste Prevention, Reuse and Recycling for the Department of Sanitation. I am here today to testify on behalf of Intro. No. 640-A as revised and presently under consideration by this Committee.

Following this Committee's hearing last November at which the Department first testified on Intro. No. 640, Department and Council staff worked together to develop today's consensus legislation establishing a recycling program for plastic carryout bags and film plastic.

Under the earlier version of Intro No. 640-A and the version under consideration today, City retailers with retail or wholesale establishments with space in excess of 5,000 square feet, would be required to maintain a clearly marked bin in a visible and accessible location of each so effected retail store, for the acceptance of unwanted plastic bags for recycling. As I have previously testified, this would have targeted approximately 2-3% of the City's residential waste stream, based upon the results of the Department's Comprehensive Residential Waste Characterization Study completed in 2005.

In today's amended version, the proposed legislation has been expanded to cover, as well, any retail chain store comprised of five or more store locations within the City, and to further include film plastic such as dry cleaning bags and shrink wrap from the same category of retail or chain store generator. By including these additional plastic materials the legislation will now target approximately 4-5% of the City's present residential waste stream.

Food service establishments whose primary business is providing food for individual portion service directly to consumers are exempt from this requirement.

Additionally, Intro No. 640-A requires retailers covered by this legislation to provide plastic bags labeled with the words "PLEASE REUSE OR RECYCLE AT A PARTICPATING STORE" or a similar message encouraging the reuse or recycling of plastic carryout bags. Such retailers must also make available to consumers reusable bags which may be purchased and used in lieu of plastic or paper carryout bags. Retailers covered by this legislation must maintain records evidencing the weight of plastic bags it accepts annually for recycling and report this information to the Department.

Intro No. 640-A imposes penalties against retailers who fail to: 1) establish an in-store recycling program; 2) maintain records documenting the weight of the plastic carryout bags and film plastic that it collects; or 3) submit an annual report to the Department reporting the weight of combined plastic bags and film plastic it has collected during the preceding calendar year. This legislation also imposes penalties against manufacturers who fail to: 1) collect, transport and recycle all plastic carryout bags and other film plastic from retailers; 2) report annually to each such retailer the total amount by weight of plastic carryout bags and other film plastic collected; or 3) provide educational materials requested by a retailer.

It is the Department's intent to assist retailers in complying with these specific requirements so that compliance is facilitated in a manner that is both feasible and not overly burdensome upon their operations.

As you are well aware, having helped to author some of initiatives therein, recycling and re-use is a key component of the City's Solid Waste Management Plan, and diverting material away from the solid waste stream is an important component of the City's overall waste management operations and overall strategy. While the exact impact upon the waste stream of this legislation cannot be known at this time, establishing a program to divert through recycling a portion of the film plastics presently contained within the solid waste stream as intended by Intro No. 640-A, is a positive step toward raising public awareness and maximizing recycling success in this City.

Thank you for the opportunity to testify this afternoon, and we look forward to the Committee's favorable vote on this legislation.