

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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May 12, 2017  
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HELD AT: 250 Broadway - Committee Rm,  
16th Fl.

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Chairperson

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Vanessa L. Gibson  
Costa G. Constantinides  
Steven Matteo  
Brad S. Lander  
Helen K. Rosenthal  
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## A P P E A R A N C E S (CONTINUED)

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2 [sound check]

3 [pause]

4 [background comments]

5 [pause]

6 CHAIRPERSON REYNOSO: Welcome all. I  
7 wanna say hi to everyone in the overflow room as well  
8 and everyone watching at home. My name is Council  
9 Member Antonio Reynoso and I am the chair of  
10 Sanitation and Solid Waste here in the City of New  
11 York. I want to acknowledge the presence of fellow  
12 Council Members; first, Steven Matteo from Staten  
13 Island, from the Sanitation Committee -- thank you  
14 very being here, sir; and Fernando Cabrera from the  
15 Bronx joining us today as we hear his bill.

16 This might be a long one tonight, folks,  
17 or this afternoon, maybe leading into tonight, so  
18 we're gonna be very particular about how we move  
19 forward with questions, answers and statements and  
20 testimony.

21 I want to welcome everyone to this  
22 hearing concerning Intro 1480, a bill that would  
23 designate expanded polystyrene, also known as EPS, as  
24 recyclable in New York City residential recycling  
25 programs. This is not the first time the City



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2 Council has sought to address the challenges  
3 polystyrene poses on our waste stream and  
4 environment. In December 2013, the City enacted  
5 Local Law 142, which banned soiled EPS food and  
6 beverage containers as of July 1, 2015 unless the  
7 DSNY Commissioner determined that such containers  
8 could be recycled in a manner that is  
9 "environmentally effective, economically feasible,  
10 and safe for employees."

11 On December 31, 2014, Commissioner  
12 Kathryn Garcia issued a determination which found  
13 that EPS could not be recycled in a manner that was  
14 environmentally effective or economically feasible.  
15 However, after the ban went into effect, a State  
16 trial court judge annulled the Commissioner's  
17 determination, the result of which is that EPS food  
18 and beverage containers are currently still allowed.

19 Intro 1480, the bill we are considering  
20 today, would not ban EPS; it would instead designate  
21 EPS as recyclable in the City's residential  
22 recyclable program. It would also repeal the  
23 requirement for DSNY to conduct a determination of  
24 recyclability.

25

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2 I am eager to listen to both proponents  
3 and opponents of this bill and hope this hearing  
4 brings clarity as to what solution is the best way to  
5 address this material in our waste stream and  
6 environment. I look forward to hearing from DSNY,  
7 Sims Metal Management, Dart Container Corporation,  
8 and environmental advocates and other interested  
9 groups and individuals about Intro 1480. Thank you.

10 I want to allow for the sponsor of the  
11 bill to say a few words before we start, Council  
12 Member Cabrera.

13 COUNCIL MEMBER CABRERA: Thank you so  
14 much. Good afternoon Committee Chairperson, Council  
15 Member Reynoso. Thank you so much for allowing for  
16 the hearing of this bill and to listen to both sides.  
17 Thank you for the opportunity again to speak on  
18 behalf of my bill, Intro 1480, which will designate  
19 expanded polystyrene as a recyclable and repeal  
20 conflicting code sections.

21 This is progressive legislation that  
22 helps New York City reach its goal of Zero Waste  
23 shipped to landfills by 2030. We know that  
24 polystyrene is 100% recyclable, it is currently  
25 recycled commercially in cities across the nation,

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2 including Los Angeles, Baltimore, Madison, Wisconsin  
3 and Yonkers.

4           The 2016 report by the Berkeley Research  
5 Group found that recycling foam would create an  
6 economic gain for New York City by saving \$1.9  
7 million in annual landfill costs and generating \$2.2  
8 million revenue from the sale of foam to a recycler.

9           Recycling polystyrene is much more cost-  
10 effective than a ban; friendlier to small businesses,  
11 which abound in my district, the third poorest  
12 councilmanic district in New York City. Many small  
13 businesses in the city will be devastated by a ban on  
14 the takeout container that allows them to survive.  
15 In 2013 hearings we learned that foam alternatives  
16 could cost neighborhood businesses up to \$10,000 per  
17 year, depending on size of the business and this is  
18 in the record [sic]. Recycling polystyrene is  
19 responsive to the concerns of environmentalists and  
20 small businesses.

21           Again, thank you, Mr. Chairman and  
22 Committee members and Cullen Howe, Senior Legislative  
23 Counsel and members of the staff for your work on  
24 this bill. Thank you so much.

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2 CHAIRPERSON REYNOSO: Thank you Chair  
3 Cabrera. And now we are going to go to Robert Orlin,  
4 from DSNY and the Commissioner of DSNY, the Kathryn  
5 Garcia.

6 COMMISSIONER GARCIA: It's so good to see  
7 you again; it's been so long.

8 CHAIRPERSON REYNOSO: Two times in one  
9 day. Only in New York City.

10 COMMISSIONER GARCIA: Only in New York  
11 City, or at least at the Sanitation Committee.

12 [background comment]

13 Good afternoon Chair Reynoso and members  
14 of the City Council Committee on Sanitation and Solid  
15 Waste Management. I am Kathryn Garcia, Commissioner  
16 of the New York City Department of Sanitation. Also  
17 with me is Bob Orlin, Deputy Commissioner for Legal  
18 Affairs for the Department. I am here to speak  
19 briefly on expanded polystyrene Food-Service Foam.

20 I have to say that I am disheartened  
21 today that the Council is considering a bill that is  
22 transparently driven by corporate interest and trying  
23 to masquerade as an environmental initiative. I hope  
24 that my testimony today and the facts associated with  
25 the case will persuade the Council that it is not in

2 the best interest of New Yorkers or our shared goal  
3 of leaving a healthier planet to our children.

4           New York City Local Law 142 of 2013  
5 requires the New York City Sanitation Commissioner to  
6 make a determination about the recyclability of  
7 expanded polystyrene single-service articles, also  
8 known as Food-Service Foam. This includes food  
9 service items that are intended by the manufacturer  
10 to be used once for eating or drinking or are  
11 generally recognized by the public as items to be  
12 discarded after one use, which is, by its very  
13 nature, dirty. Local Law 142 required that this  
14 determination be based on environmental  
15 effectiveness, economic feasibility and the safety of  
16 Department employees and the employees of the City's  
17 designated recycling processing facility run by the  
18 City's recycling processor, Sims Municipal Recycling  
19 at the South Brooklyn Marine Terminal.

20           Throughout 2014, the Department analyzed  
21 the potential for collecting and sorting Food-Service  
22 Foam into its Metal Glass and Plastic (MGP) recycling  
23 program. The Department also investigated whether  
24 markets exist for Food-Service Foam, which is the  
25 type of foam that the Department would be able to

2 collect as part of the MGP program. The Department  
3 visited several California facilities to understand  
4 existing Food-Service Foam recycling efforts  
5 elsewhere in the United States and the feasibility of  
6 recycling Food-Service Foam in New York City.

7           In January 2015, the Department issued a  
8 determination that Food-Service Foam can be collected  
9 and sorted in a manner that is safe for employees,  
10 but it could not be recycled in a manner that is  
11 economically feasible or environmentally effective.  
12 This determination was based on the fact that there  
13 were no established markets to purchase and recycle  
14 the Food-Service Foam that would be collected by the  
15 Department's comingled MGP program because it would  
16 be considered unmarketable. To date, Food-Service  
17 Foam, as defined in Local Law 142 of 2013, has never  
18 been lifted as a recycled commodity in a trade  
19 journal. As the Department determined that Food-  
20 Service Foam could not be recycled, these articles as  
21 well as packing peanuts were to become banned on July  
22 1, 2015 in accordance with Local Law 142.

23           In April 2015, a coalition of plaintiffs  
24 representing various businesses connected with Food-  
25 Service Foam products filed a lawsuit challenging the

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2 Department's determination, which the New York State  
3 Supreme Court subsequently annulled and vacated in  
4 the case of *Restaurant Action Alliance NYC v. City of*  
5 *New York*. The Court remanded the matter to the  
6 Commissioner of Sanitation for reconsideration.

7 The Department will issue its new  
8 determination later today. This determination again  
9 finds that Food-Service Foam cannot be recycled in a  
10 manner that is environmentally effective or  
11 economically feasible.

12 For 30 years, attempts to recycle Food-  
13 Service Foam -- both subsidized and non-subsidized  
14 attempts -- have failed at each step of the recycling  
15 process. The municipalities and programs that the  
16 Department researched tell a very clear story: Food-  
17 Service Foam is not capable of being recycled in an  
18 environmentally effective or economically feasible  
19 manner.

20 The municipalities found that Food-  
21 Service Foam compacts in collection trucks, breaks  
22 into bits, and becomes covered in food residue,  
23 making it worthless when it arrives at the material  
24 recovery factory (MRF). It then blows throughout the  
25 MRF, is missed by manual sorters, mistakenly moves

2 with the paper material and contaminates other  
3 valuable recycling streams, namely paper, which can  
4 be the most consistently valuable commodity in a  
5 recycling program, and the only one that we are  
6 currently receiving any revenue on. Food-Service  
7 Foam is too costly to clean and process compared to  
8 virgin material. If some is sorted successfully, the  
9 lightweight foam must be stored for months, waiting  
10 for enough material to economically ship.

11           If any Food-Service Foam makes it over  
12 these hurdles, the process grinds to a stop due to  
13 the struggle to find a buyer. With no buyer,  
14 municipalities get stuck with the material and  
15 ultimately send the remaining amount of Food-Service  
16 Foam that was not already landfilled after the  
17 compacting or sorting phases to a landfill.

18           This has been the experience of the large  
19 municipalities contacted by the Department -- the  
20 same municipalities that Dart suggested the  
21 Department research -- and several other small and  
22 large municipalities that also attempted to recycle  
23 Food-Service Foam. After designating Food-Service  
24 Foam, numerous municipalities ended up disposing of  
25 the material at each step in the recycling process.



2 There is no basis to expect that New York City's  
3 experience will be any different.

4           Accordingly, the Department strongly  
5 opposes Intro 1480, because it would require the  
6 Department to designate, as a recyclable, a material  
7 that is clearly not recyclable. However, I wish to  
8 note that even if Food-Service Foam was designated as  
9 a recyclable material, there is a strong likelihood  
10 that this material will continue to be landfilled  
11 based on what we see in other cities in North  
12 America, so there is little justification for the  
13 Department to ask over 8.5 million people to source  
14 separate post-consumer Food-Service Foam items as  
15 part of the MGP program. Throwing this material  
16 directly into the trash -- as we currently ask City  
17 residents to do -- is a more efficient way to dispose  
18 of it. Moreover, if Food-Service Foam is collected  
19 as part of the Department's MGP collection, our  
20 research shows that it is likely to contaminate other  
21 recyclable streams that do have value; this is  
22 because Food-Service Foam tends to easily break into  
23 small pieces, which are difficult to sort  
24 effectively, and these small lightweight pieces can  
25 easily spread around a recycling facility.

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2 I look forward to further discussions  
3 with the Committee Chair and the Council Speaker  
4 regarding the Department's new determination as to  
5 whey Food-Service Foam should not be designated as a  
6 recyclable material. I would also like to personally  
7 thank this Committee and the Council for its  
8 continuing support for all of the Department's  
9 current sustainability and solid waste management  
10 programs.

11 CHAIRPERSON REYNOSO: Thank you  
12 Commissioner. I have some questions and then I'll go  
13 over to the sponsor of the bill to also ask some  
14 questions, and I know that we are now joined by  
15 Council Member Constantinides and Council Member Brad  
16 Lander.

17 So from your testimony, you are  
18 unequivocally stating that polystyrene is not  
19 recyclable? Can you elaborate on that?

20 COMMISSIONER GARCIA: Absolutely. So we  
21 were asked to evaluate whether food-service  
22 materials, expanded polystyrene materials were  
23 recyclable and we found them not to be, again, after  
24 extensive additional research.

25

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2 CHAIRPERSON REYNOSO: Is there a market  
3 -- so this is the big thing -- Is there a market for  
4 clean expanded polystyrene?

5 COMMISSIONER GARCIA: We did not look at  
6 clean expanded styrene in-depth, so there may be a  
7 market for clean polystyrene; however, any foam that  
8 would be collected as part of our recycling program,  
9 even if it started off clean, would not be clean  
10 after it went into a collection truck, because it  
11 would be touching everything else that goes into the  
12 Metal Glass and Plastic stream, which often has food  
13 residue in it.

14 CHAIRPERSON REYNOSO: And the breaking  
15 down of this material in small bits and pieces, like  
16 you said -- you're making mention to the fact that  
17 during the recycling process would be extremely  
18 difficult to manage; can you talk about the  
19 experience that you currently have in your  
20 facilities...

21 COMMISSIONER GARCIA: Well we don't  
22 collect or designate polystyrene within the im..  
23 [interpose]

24 CHAIRPERSON REYNOSO: It just goes into  
25 the general...

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2 COMMISSIONER GARCIA: It goes into black  
3 bag refuse waste. But I might wanna mention that  
4 shortly after our determination, the Plastic Partners  
5 Report came out, which had looked at how much  
6 expanded polystyrene would make it through a MRF and  
7 found that only 7% did. This is an organization that  
8 I would say is probably not usually considered part  
9 of the environmental movement, and so just another  
10 thing to say that they did not find that there was a  
11 high level of movement of this material successfully.

12 The other thing about this material is;  
13 the pieces that don't break tend to flatten and be..  
14 the sorting equipment thinks that it's paper and so  
15 you end up with polystyrene in your paper bail and  
16 that makes it so your paper bail is no longer that  
17 valuable.

18 CHAIRPERSON REYNOSO: Are you aware of  
19 any municipal recycling programs that recycle  
20 expanded polystyrene right now...? [crosstalk]

21 COMMISSIONER GARCIA: So from our  
22 research that we have done, there is a clear  
23 distinction between collecting material as recyclable  
24 and making sure that the collected material is  
25 actually recycled. For example, Dart has cited Los

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2 Angeles as an example of a city that is successfully  
3 recycling foam; however, in a 2013 memo to the Los  
4 Angeles City Council, Enrique Zaldivar, the Director  
5 of Los Angeles Bureau of Sanitation -- he also has  
6 sewers [sic], by the way, and wastewater treatment  
7 plants -- noted: "MRFs only recover EPS that is clean  
8 and in bulk form because manufacturers and processors  
9 of EPS will only purchase post-consumer EPS free of  
10 contaminants such as food waste, oil, grease, etc.  
11 Contaminant EPS becomes part of the MRFs residual  
12 waste which is disposed of at a local landfill." It  
13 is my understanding that this was part of the record  
14 when the Council held the hearings on Intro 1060,  
15 which eventually became the Law 142 of 2013. DSNY  
16 has recently confirmed the accuracy of this memo  
17 through conversations with Los Angeles Department of  
18 Sanitation staff. DSNY has also further learned that  
19 even clean foam is failing to find a market. In the  
20 last several months, MRFs processing -- Los Angeles  
21 recyclables -- have stopped sorting for expanded  
22 polystyrene because the cost of bailing and sorting  
23 is too high.

24 CHAIRPERSON REYNOSO: In the last two  
25 months, California stopped doing what they are

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2 legally required to do because there's just no market  
3 for it?

4 COMMISSIONER GARCIA: I don't know  
5 exactly how their legal structure works in terms of  
6 that, but there is no market for it; they can't find  
7 anyone to take it.

8 CHAIRPERSON REYNOSO: So we know that if  
9 a market exists, it might be there for clean, but  
10 dirty, absolutely not, and what we're talking about  
11 here would be mostly dirty polystyrene, considered  
12 dirty polystyrene in the City of New York?

13 COMMISSIONER GARCIA: Yes.

14 CHAIRPERSON REYNOSO: Are these program  
15 subsidized in some manner in California, for example;  
16 do you know that information?

17 COMMISSIONER GARCIA: We are aware that  
18 some of the programs are subsidized and what our  
19 research has shown is as soon as the subsidy  
20 disappears the program falls apart. There have been  
21 attempts over the last 30 years -- the National  
22 Polystyrene Recycling Company in 1989 was subsidizing  
23 a program; they opened six recycling facilities; all  
24 had to close by 1993. The Canadian Polystyrene  
25 Recycling Association funded a recycling facility

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2 that then closed in 2007. So they start programs and  
3 then they disintegrate and the municipality is left  
4 really struggling with this material.

5 CHAIRPERSON REYNOSO: If this material is  
6 designated as recyclable, what issues would DSNY have  
7 to address?

8 COMMISSIONER GARCIA: So we would have of  
9 course the public education issues and we've learned  
10 that we would suffer from contamination of our  
11 valuable recycling stream; we are particularly  
12 concerned about that; as you know, our plans to move  
13 to single-stream recycling in 2020, so we think that  
14 this would be a problem across the board. We are  
15 definitely concerned about the devaluation of that  
16 particular portion.

17 CHAIRPERSON REYNOSO: Do you know of the  
18 company called PRI?

19 COMMISSIONER GARCIA: I'm aware of the  
20 company called PRI.

21 CHAIRPERSON REYNOSO: Would you consider  
22 them a viable player in the dirty polystyrene  
23 business or collection of their dirty polystyrene?

24 COMMISSIONER GARCIA: No. My  
25 understanding is they have done some tests at their

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2 facility, but they are not taking material from a  
3 major municipality, and I know that several major  
4 municipalities -- both in the U.S. and in Canada --  
5 have requested that they take their material and they  
6 have so far, as far as we can tell, declined.

7 CHAIRPERSON REYNOSO: So our best case  
8 scenario, even if we have polystyrene, PRI won't  
9 necessarily take it if it's dirty?

10 COMMISSIONER GARCIA: Well I don't know  
11 if they'll take it or won't take it; I believe they  
12 have a financial relationship that might subsidize  
13 it, but we've not seen -- the facility isn't running  
14 in a way that we can say oh, I see that you've taken  
15 dirty foam that would be similar to ours and you've  
16 run it through all your equipment and oh, we see that  
17 it works. We've been unable to see that on a large  
18 scale with material that we would be providing.

19 CHAIRPERSON REYNOSO: Now is there any  
20 other recipient of polystyrene outside of PRI that  
21 you're aware of in the country?

22 COMMISSIONER GARCIA: There are; there  
23 were; we actually spent quite a bit of research  
24 actually looking at Dart's website, as well as the  
25 EPS Industry Alliance and the people who they



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2 recommend on their website that were taking them, so  
3 they on their website identify 48 companies having an  
4 interest in purchasing post-consumer foam; 39 state  
5 that they are only interested in clean foam which can  
6 include packing foam or clean service; eight  
7 companies indicated TBD regarding the type of  
8 material they could accept; eight of these companies  
9 do not have websites; the other two companies that  
10 had websites indicate that it accepts clean foam in  
11 the Madison, Wisconsin area, and it is unclear from  
12 the other company's website that it accepts foam at  
13 all. Only one company that lists the type of foam it  
14 accepts fails to specify that it accepts clean foam  
15 only; that company, American Polymer Corporation,  
16 located in Ohio, does not accept foam from out of  
17 state; it will not pay for any foam it receives;  
18 moreover, on its own website American Polymer states  
19 that it is a plastic brokerage firm that specializes  
20 in the post-industrial plastic recycling market.

21 CHAIRPERSON REYNOSO: Is the fact that  
22 there seems to only be one viable buyer or market  
23 here, is that a concern for the market, I guess, that  
24 there is only one; that DSNY... is it a concern for  
25

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2 DSNY that PRI seems to be the only company that would  
3 accept, possibly accept dirty polystyrene?

4 COMMISSIONER GARCIA: Well we would need  
5 to see an active market for the material before we  
6 would designate and ask 8.5 million people to recycle  
7 it. One of the things that we have learned over the  
8 years is; it is very important to people who take the  
9 time to source separate to know that it is actually  
10 being reused.

11 CHAIRPERSON REYNOSO: What would be the  
12 negative effects, if any, of a city that were to  
13 designate this material as recyclable and then later  
14 switch this determination and declare it not  
15 recyclable?

16 COMMISSIONER GARCIA: So I think that  
17 really we can look back at our own history; New York  
18 City learned the very hard lesson when it suspended  
19 all glass and plastic recycling collections in 2002  
20 due to the fiscal crisis; this cut led to widespread  
21 confusion -- both among residents and electeds --  
22 about what to put in the recycling bin and to a  
23 certain extent, people just stopped, and for a very  
24 long time we had very low diversion rates when the  
25 program had been fully reinstated, and it is only now

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2 that we are getting back to the diversion rates that  
3 we had before we made that change.

4 CHAIRPERSON REYNOSO: So I want to open  
5 it up to questions from other council members that  
6 are sitting, especially the sponsor of the bill, so I  
7 want to go ahead and start with Cabrera; followed by  
8 Constantinides and Lander. Thank you.

9 COUNCIL MEMBER CABRERA: Thank you.  
10 Thank you so much Mr. Chair and welcome Commissioner.  
11 Commissioner, for the sake of time, and I know we  
12 have a lot of people who want to testify, **[inaudible]**  
13 read my questions and try to be parsimonious with our  
14 time.

15 So a determination that a particular  
16 course of action is not environmentally effective  
17 should not be made in isolation but should consider  
18 their relative impacts or the alternatives. For your  
19 determination that recycled expanded polystyrene is  
20 not environmentally effective, did you consider the  
21 potential environmental impacts that replacement  
22 materials would have on the environment if single-use  
23 expanded polystyrene products were banned? So I'm  
24 gonna focus on **[inaudible]** manufacture,

25

2 transportation, recycling, and litter. So here is my  
3 line of questioning.

4           Did you consider the relative energy,  
5 water, carbon and other resource costs for  
6 manufacture of the likely replacement material; if  
7 so, what were they; did you consider the relative  
8 transportation costs in terms of carbon emissions  
9 particles and other pollutants, if so; what were  
10 they? Did you consider the relative energy, water,  
11 carbon, and other resource cost for the recycling of  
12 such materials, if so; what were they? And did you  
13 consider the relative impacts such material would  
14 have on the environment if they become litter, if so  
15 what were they?

16           COMMISSIONER GARCIA: So one of the  
17 things that I just want to clarify is that the way  
18 that the law was written is that I am specifically to  
19 focus on whether or not it can be recycled, and my  
20 finding is that, just by definition, if it does not  
21 actually get reused, it is not recycled. And so the  
22 next question is not something we looked at, 'cause  
23 it couldn't make it over that just definitional bar,  
24 and so we focused on that particular question and  
25

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2 since it didn't make it over that bar, we did not go  
3 further than that.

4 COUNCIL MEMBER CABRERA: Okay. You have  
5 explained to the Council that similar recycling  
6 programs have not worked in other municipalities  
7 around the country, but because it has not worked  
8 elsewhere in the past does not mean they necessarily  
9 would not work in the City today. For your  
10 determination that recycled expanded polystyrene is  
11 not economically feasible, did you consider the  
12 specifics of the proposal put forward by Dart; did  
13 you consider the projected future demand for the  
14 recycled polystyrene market; the costs to acquire and  
15 transport bails of mixed polystyrene to recycle  
16 plants; the current price of recycled polystyrene;  
17 and the estimated operational costs and any economies  
18 of scales that might be present for a city of this  
19 size of New York, and if so, can you explain?

20 COMMISSIONER GARCIA: So I think that we  
21 attempted to find a market for food-soiled expanded  
22 polystyrene and did not. Many of the experience of  
23 the lead cities that have attempted this, where they  
24 were receiving subsidies in one form or another in  
25 many cases, was that even in those subsidized

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2 programs they do not at the end of the subsidy  
3 generate a market that is just not there. And  
4 actually, the recommendations from other cities we  
5 spoke to is that we should not move to put this  
6 material into our recycling designation.

7 COUNCIL MEMBER CABRERA: My last  
8 question. Dart has informed the Council that beyond  
9 one-time cost of purchasing equipment, it will not be  
10 subsidizing the proposed recycling program; given  
11 that, can you explain why you think the proposed  
12 recycler PRI will not be able to make a profit from  
13 this material?

14 COMMISSIONER GARCIA: I'm not sure... So  
15 they're buying... my understanding is they're buying  
16 equipment for PRI.

17 COUNCIL MEMBER CABRERA: So beyond the  
18 buy... [interpose]

19 COMMISSIONER GARCIA: So my understanding  
20 is; the last two times this was tried, both by  
21 industry-led organizations in the United States and  
22 in Canada, when they had funded these particular  
23 types of organizations, obviously not PRI, but other  
24 EPS recyclers, that at the end of the day they  
25 closed; they could not make a profit and therefore

2 they were unable to sustain the ongoing  
3 remanufacture.

4 COUNCIL MEMBER CABRERA: One thing I know  
5 about business, they're into it because often, 'cause  
6 of the bottom line, profits and we want them to be  
7 profitable in order for them to sustain jobs and  
8 business brings jobs and that's a good thing for our  
9 community. I'm a little surprised that a company  
10 would get into something if there was no profit. I  
11 mean there -- and we're gonna hear from them later on  
12 and give them the opportunity, but a big surprise; I  
13 can't think of anything else I have seen here in  
14 seven years where we have seen a company trying to  
15 make **[inaudible]** this way and not be prepared to,  
16 already prepared to do the work and to be profitable  
17 at the end of the day, 'cause at the end of the day,  
18 if they're not profitable, we know what happens.

19 COMMISSIONER GARCIA: Right. What I  
20 mean; they may be optimistic -- and this is me; I  
21 really can't speak to their motivations -- they may  
22 be optimistic that they can make a profit, but I  
23 assume that those other folks who were making  
24 investments in these facilities were also optimistic

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2 that they could make a profit and at the end of the  
3 day they went bankrupt and closed.

4 COUNCIL MEMBER CABRERA: So we'll hear  
5 from them, Commissioner, and I know we have a lot of  
6 testimony, so I don't want to take a lot of your  
7 time, and I know you had a very, very long day so far  
8 and I really appreciate you com... [crosstalk]

9 COMMISSIONER GARCIA: Right, Antonio's  
10 had me in front of him all day.

11 COUNCIL MEMBER CABRERA: Yeah, I know he  
12 did, he did, but he's one of the good guys; he's one  
13 of the good guys. Thank you so much Commissioner.

14 COMMISSIONER GARCIA: Thank you.

15 CHAIRPERSON REYNOSO: Thank you Council  
16 Member Cabrera. I just wanted to... you said that, in  
17 your determination on whether or not it's recyclable,  
18 it needs to be reused in the back end as well, it  
19 can't just simply be purchased by a company and then,  
20 you know, then they send it to a landfill or they  
21 incinerate it; it has to... for it to be recycled, it  
22 needs to be reused and you haven't necessarily found  
23 that it's possible with let's say dirty Styrofoam.

24 COMMISSIONER GARCIA: So we have not  
25 found that to be possible; there are definitely



2 municipalities that are collecting it, but the  
3 feedback that we've gotten from them is; they are  
4 actually either currently storing it, 'cause they can  
5 find nowhere to -- where their outlet that had been  
6 subsidizing is gone; some are putting it with their  
7 mixed rigid plastics and sending it to China; they're  
8 not sure whether or not the foam portion of it is  
9 getting reused or they're just... there's a more  
10 valuable type of plastic in a mixed bail that they  
11 pulling out, polypropylene, I think or polyethylene.  
12 And another one who is doing a similar thing and  
13 sending it to someone in the United States says, very  
14 clearly, the reclaimer says, I'm not using the foam  
15 portion; I just wanted this other portion of this  
16 bail. So we just have not found that there is, for  
17 dirty expanded polystyrene there is not really reuse  
18 options for it. Part of it is the nature of its  
19 structure and the use is that it's very lightweight,  
20 it's very porous and that oils and other lipids get  
21 sucked into it and stay with it, and so sometimes  
22 that food contamination weight can be more than the  
23 foam weight.

24

25

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2 CHAIRPERSON REYNOSO: Thank you,  
3 Commissioner. I wanna go ahead and turn it over to  
4 Council Member Costa Constantinides.

5 COUNCIL MEMBER CONSTANTINIDES: Good  
6 afternoon Commissioner, good to see; sorry I missed  
7 you this morning.

8 COMMISSIONER GARCIA: Yeah, it was very  
9 quiet this morning.

10 COUNCIL MEMBER CONSTANTINIDES: I know; I  
11 was on a train delay and I just missed you by five  
12 minutes, so.

13 COMMISSIONER GARCIA: So we'll blame MTA.

14 COUNCIL MEMBER CONSTANTINIDES: [laugh]  
15 Anyway, so you've used the term a few times in your  
16 testimony, "environmentally effective," and this not  
17 being able to be environmental -- can you expand on  
18 that as far as carbon emissions, on meeting our goals  
19 of reducing 80% by 2050, of reducing our trash goals  
20 by 2030; can you sort of quantify, if we did recycle  
21 this, how it would affect those goals overall?

22 COMMISSIONER GARCIA: So your first  
23 thought is that you are recycling it, and I an going  
24 to restate; you are not recycling it, you are

25

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2 collecting it and sending it on a very long journey  
3 to a landfill...

4 COUNCIL MEMBER CONSTANTINIDES: Right.

5 COMMISSIONER GARCIA: so no, I did not  
6 quantify what your longer journey would be to the  
7 landfill... [crosstalk]

8 COUNCIL MEMBER CONSTANTINIDES: No, no;  
9 I'm trying to quantify -- talking about emissions --  
10 I'm trying to help you here. [laugh]

11 COMMISSIONER GARCIA: Oh. It really did  
12 not go into that, 'cause it's really a first step of  
13 like, are you actually reusing it; is it recycled?

14 COUNCIL MEMBER CONSTANTINIDES: Right.

15 COMMISSIONER GARCIA: And so we did not  
16 look at the greenhouse gas impacts of what that  
17 longer process would be, because it seems sort of  
18 silly.

19 COUNCIL MEMBER CONSTANTINIDES: That  
20 makes sense. So this is something that would hurt us  
21 in the long term on meeting our goals of 80 by 50,  
22 our shared goal of 80 by 50; our shared goals of  
23 reducing our trash stream by 2030; correct?

24 COMMISSIONER GARCIA: Or even keeping  
25 things like our harbor clean. I mean in February of

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2 2016, NY/NJ Baykeeper found that 165 million pieces  
3 of plastic are floating out in the harbor and 38% of  
4 those are Styrofoam.

5 COUNCIL MEMBER CONSTANTINIDES: Thirty-  
6 eight percent that's out there floating around?

7 COMMISSIONER GARCIA: Uhm-hm, that...

8 COUNCIL MEMBER CONSTANTINIDES:  
9 Interesting. Have any environmental organizations or  
10 sustainability groups spoken to you about the  
11 viability of this recycling? Has anyone spoken up in  
12 favor of moving forward with this particular course  
13 of action?

14 COMMISSIONER GARCIA: No. I think you  
15 may hear from them today.

16 COUNCIL MEMBER CONSTANTINIDES: [laugh]  
17 So I haven't heard... [crosstalk]

18 COMMISSIONER GARCIA: No, I mean I... I... if  
19 someone would tell me that this was something that  
20 was really good for New Yorkers, I would've been open  
21 to it, but this just seems like every other city has  
22 experienced a bad deal for their constituents.

23 COUNCIL MEMBER CONSTANTINIDES: Alright.  
24 Thank you.

25

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2 CHAIRPERSON REYNOSO: Are there any other  
3 municipalities within New York that have either  
4 recycled or banned Styrofoam?

5 COMMISSIONER GARCIA: I believe Albany  
6 has banned it.

7 CHAIRPERSON REYNOSO: Albany banned.  
8 Okay. That helps us get over the pre... Okay. So  
9 Council Member Brad Lander.

10 COUNCIL MEMBER LANDER: Thank you  
11 Mr. Chair. And quite a few other cities have...  
12 [interpose]

13 COMMISSIONER GARCIA: Yeah.

14 COUNCIL MEMBER LANDER: banned it as  
15 well, yes?

16 COMMISSIONER GARCIA: Yes. And I  
17 actually think that California may be looking to do  
18 it statewide.

19 COUNCIL MEMBER LANDER: Just wanna start  
20 by just taking one step because, I mean you, through  
21 our municipal solid waste and recycling program and  
22 partnership with Sims -- we recycle many products,  
23 right -- aluminum cans, paper, rigid plastics -- so  
24 where things can be recycled, where there's a market  
25 value, where it makes environmental and economic

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2 sense for the City, the Department of Sanitation  
3 works very aggressively to make recycling work; yes...?  
4 [interpose]

5 COMMISSIONER GARCIA: Absolutely, I mean  
6 we... [crosstalk]

7 COUNCIL MEMBER LANDER: Alright, so I  
8 just...

9 COMMISSIONER GARCIA: continuously do  
10 education to make sure we're getting the right  
11 materials into the blue bin, to make it as easy as  
12 possible, expanding it to the New York Housing  
13 Authority; also, in terms of trying to make sure  
14 we're educating tomorrow's grownups in New York City  
15 public schools. So yes, we are very aggressive in  
16 trying to find markets and opportunities for  
17 recycling.

18 COUNCIL MEMBER LANDER: And you know, I  
19 just think it's worth starting by underlining that,  
20 because as I look at our whole program, which you  
21 run, you know and I've come to look to you as our  
22 city's expert on what can be recycled, what should be  
23 banned, you know the expansion of the organics  
24 programs shows great creativity, so I just think, you  
25 know like that's the... of course we, you know, we

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2 wanna ban products which we think are environmentally  
3 harmful, we wanna recycle those which can be  
4 recycled, so I think it's worth starting there; we're  
5 not kind of in a vacuum here, it's not obviously that  
6 the Department of Sanitation is opposed to recycling;  
7 you run probably the largest municipal recycling  
8 program anywhere... [crosstalk]

9 COMMISSIONER GARCIA: And the largest  
10 organics collection program in the country --  
11 California.

12 COUNCIL MEMBER LANDER: Okay. And I  
13 think rigid plastics is a good example; for a long  
14 time we weren't recycling those -- technology shifted  
15 and changed, markets moved, and now we have a very  
16 big rigid plastics program and the rigid plastics get  
17 recycled, Sims sells them and then those things wind  
18 up being recycled and reused.

19 COMMISSIONER GARCIA: Yes.

20 COUNCIL MEMBER LANDER: And if we did  
21 have a ban, presumably most of the containers, for  
22 example, that are foam would be plastic and those  
23 would be rigid plastics which would go into our  
24 recycling stream... [crosstalk]

25

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2 COMMISSIONER GARCIA: Or hopefully,  
3 compostable paper.

4 COUNCIL MEMBER LANDER: Compost... alright,  
5 it's every better.

6 COMMISSIONER GARCIA: Compostable paper.

7 COUNCIL MEMBER LANDER: Okay, alright,  
8 so. I just wanna underline a couple of things that I  
9 think I heard you say and I just wanna make sure I  
10 really understand them. I know one challenge here is  
11 that a very high percentage of Styrofoam containers  
12 don't wind up in people's homes any way to be in the  
13 recycling stream, right; they get thrown away in  
14 street trash cans; somebody buys something from a  
15 bodega and... [interpose]

16 COMMISSIONER GARCIA: So we're in the  
17 middle of doing a waste characterization study again  
18 to find out exactly how much is in the residential  
19 side of the stream and how much is in the litter  
20 baskets. But we do... they are takeout containers, so  
21 we do find a sizable amount of Styrofoam food-service  
22 in litter baskets. You know Dunkin' Donuts is the  
23 largest chain I think in the City of New York and  
24 they use Styrofoam cups.

25



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2 COUNCIL MEMBER LANDER: And a lot of  
3 those cups obviously wind up getting thrown into  
4 street trash cans, so even if there were a recycling  
5 program, those cups would still be in the street  
6 trash cans and wind up in landfills faster than the  
7 ones that went to Sims and eventually found their way  
8 to landfills also.

9 COMMISSIONER GARCIA: Uhm-hm. Yeah...  
10 [crosstalk]

11 COUNCIL MEMBER LANDER: Okay.

12 COMMISSIONER GARCIA: in a wire gasket,  
13 yes.

14 COUNCIL MEMBER LANDER: And presumably,  
15 if there were a ban, they would move to a compostable  
16 or a recyclable product... [crosstalk]

17 COMMISSIONER GARCIA: They're actually...  
18 ahead of the lawsuit, they had actually already moved  
19 to a different type of cup that was not made out of  
20 polystyrene.

21 COUNCIL MEMBER LANDER: And there are  
22 Dunkin' Donuts, presumably, in the places that have  
23 banned Styrofoam as well... [crosstalk]

24

25

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2 COMMISSIONER GARCIA: Right, which was  
3 why they already had a material type that they were  
4 able to move in quickly.

5 COUNCIL MEMBER LANDER: Okay. I think  
6 the chair and you spoke about the difference between  
7 dirty polystyrene and clean polystyrene, but one  
8 thing that -- it's my understanding is that there are  
9 actually federal rules that prevent some dirty  
10 polystyrene from being used for food, you know, from  
11 being used as a source material for new food  
12 processing; are you... [crosstalk]

13 COMMISSIONER GARCIA: I am not familiar  
14 with that particular federal rule.

15 COUNCIL MEMBER LANDER: Okay; I may ask  
16 some of the environmental experts later. It's my  
17 understanding that there are limitations on what the  
18 dirty polystyrene can be used for, which is part of  
19 the challenge in marketing. So if you can you look  
20 into that... [crosstalk]

21 COMMISSIONER GARCIA: Yeah, yeah, I'd be  
22 happy to look into it; I think that the first piece  
23 of it is that in any recycling market you are always  
24 competing with virgin material, and the costs of  
25 collection, sorting, cleaning; processing has always

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2 so far outweighed the cost of virgin material that no  
3 one ever ends of being able to make a profit.

4 COUNCIL MEMBER LANDER: My sense here,  
5 and I guess I'll do some additional research as well,  
6 but you might look at this as that in addition to all  
7 of that, it's also true that there are things you can  
8 do with clean polystyrene, in terms of holding food  
9 that you're not allowed to do with at least some  
10 dirty polystyrene, because of some of the harms it  
11 can cause, so.

12 Okay. I guess we'll get to this later  
13 when they testify, but I guess I didn't see it in  
14 your testimony, so I just wanna ask as well. What is  
15 Dart; who is Dart?

16 COMMISSIONER GARCIA: My understanding is  
17 Dart is an expanded polystyrene manufacturer.

18 COUNCIL MEMBER LANDER: Any sense of  
19 their market share or presence in the polystyrene  
20 market...? [crosstalk]

21 COMMISSIONER GARCIA: I assume it's very  
22 large.

23 COUNCIL MEMBER LANDER: Very... I mean  
24 according to Wikipedia, the world's largest  
25 manufacturer of foam cups and containers, producing

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2 about as much as all the competitors combined, so  
3 that's not quite a monopoly, but it's sure a very  
4 large position. Do you wanna take a guess at what  
5 their approximate annual sales are on polystyrene?

6 COMMISSIONER GARCIA: I'm assuming that  
7 it's gonna be very large.

8 COUNCIL MEMBER LANDER: North of a  
9 billion dollars. And in the lawsuit I know there was  
10 some question about how much they would be paying to  
11 set up this system; did you guys look at essentially  
12 how much money -- I mean obviously you can call it a  
13 one-time, up-front cost, but especially if it  
14 includes the cost of transportation and processing,  
15 even if you sort of seed it up front, it is  
16 essentially a subsidy to that program; did you guys  
17 get any sense of... [crosstalk]

18 COMMISSIONER GARCIA: So just to clarify;  
19 none of that money was ever coming to the City of New  
20 York; that was a private contractual relationship  
21 being made by Sims and Dart. And so you know, the  
22 obvious ongoing challenge is, that's not actually a  
23 market, that's not actually really getting to where  
24 we need to be around ensuring that the material can  
25 actually even end up in the bail...

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2 COUNCIL MEMBER LANDER: Right.

3 COMMISSIONER GARCIA: they say they wanna  
4 buy, and... [interpose]

5 COUNCIL MEMBER LANDER: This goes to my  
6 point. So I don't know if you -- I have some  
7 numbers, but you know I guess I was... I saw somewhere  
8 that there was an estimate that it was bout \$23  
9 million that they were essentially willing to pay in  
10 as subsidy into that deal.

11 COMMISSIONER GARCIA: That's probably on  
12 the right order of magnitude; I don't know if -- I've  
13 always looked at sort of the chunks of it, like how  
14 much is the equipment; how much is the ongoing  
15 tonnage cost, but that would be the right order of  
16 magnitude.

17 COUNCIL MEMBER LANDER: Okay. 'Cause I  
18 just... look, you know, there's one... [crosstalk]

19 COMMISSIONER GARCIA: Was your point,  
20 \$23.1 billion; is that your... [crosstalk]

21 COUNCIL MEMBER LANDER: Well I mean...  
22 look, I'm open to the possibility that Dart is really  
23 in good faith working to help figure out a path to  
24 recycling Styrofoam, but one at least has to ask the  
25 question, if you're selling over \$1 billion of

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2 Styrofoam you obviously have an interest in not  
3 having it banned and spending \$23 million in a  
4 demonstration program to give you the appearance of  
5 recyclability would be a good investment and if it  
6 would up sitting in warehouses or ultimately going to  
7 landfill, you know, that wouldn't... that's not what  
8 we're looking for. So I'll ask those questions of  
9 Dart, but I... you know, I think they're part of our  
10 trying to understand what the best course of action  
11 is here.

12 COMMISSIONER GARCIA: Alright.

13 COUNCIL MEMBER LANDER: Thank you. Thank  
14 you, Mr. Chair.

15 CHAIRPERSON REYNOSO: Okay Commissioner,  
16 I think we're done with the first set of questions.  
17 We're just hoping that some of your folks can stay so  
18 they can hear testimony from Dart and other folks.  
19 And also, just to give the people watching at home  
20 and in the overflow rooms here and here that we have  
21 over 58 people that are gonna testify today; we have  
22 a third overflow room, which I hear is close to a new  
23 record. So people care about this; I don't want  
24 anyone to think that this... to dismiss this idea that  
25 this is not important or it's insignificant. We're

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2 talking about a Friday afternoon and we're talking

3 about polystyrene, people... [laughter] people care.

4 So thank you for everyone that cares, on both sides;

5 I think Council Member Cabrera and I were talking

6 about everyone cares.

7 So the next group is actually gonna be

8 Michael Westerfield from Dart; Alan Shaw from PRI;

9 William Goodfellow from Exponent, Inc.; and robin

10 Cantor from Berkeley Research Group. [background

11 comment] Yeah, we're gonna add another chair. And

12 for this first group we're going to -- thank you,

13 Commissioner. For this group we don't want to

14 necessarily limit the testimony, we want to allow for

15 a good conversation, but I will be asking that we be

16 thoughtful with time so that everyone can speak, and

17 thereafter this panel, we're gonna have an

18 environmental, or I guess, we're gonna have an

19 opposed panel, and then thereafter we're gonna limit

20 to two-minute testimony for everyone else. It's the

21 only way we get out of before 6:00. Okay?

22 [background comments] And there's people that are

23 gonna spend a long time here, so. [background

24 comments] [pause] Okay, so I assume -- I don't know

25 what order you're going to go in, but do you guys

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2 have it figured out; do you think you can do this?

3 Alright. So wherever you wanna store, whoever you

4 wanna start, please go ahead, and like I said, I'm

5 not gonna limit time here, but I just want us to be

6 mindful of the fact that there is [background

7 comment] a lot of testimony that's gonna come up and

8 we wanna make sure everybody gets an opportunity to

9 speak, so please, whenever you're ready.

10 MICHAEL WESTERFIELD: Thank you very

11 much.

12 CHAIRPERSON REYNOSO: You're welcome.

13 MICHAEL WESTERFIELD: Good afternoon

14 Chairman Reynoso and Committee members and Council

15 Members, appreciate your time today. My name is

16 Michael Westerfield, but I think you already know

17 that, I work for Dart and I'm our Director of

18 Recycling programs and we're here today to support

19 1480, obviously.

20 In 2013 we were invited by the Sanitation

21 Department and the Bloomberg Administration to

22 prepare a recycling solution for New York City, and

23 that's exactly what we did, we offered a

24 comprehensive program that would allow New Yorkers

25 from each borough to put foam polystyrene in their



2 recycle bin just like they do with their metal, glass  
3 and plastic; it would be the exact same bin. It  
4 would get picked up on the exact same City truck and  
5 it would also get processed at the exact same sorting  
6 facility operated by Sims. In addition to that, we  
7 made a couple guarantees: we guaranteed a price for  
8 five years -- nobody's ever offered a price for five  
9 years, but we did that -- we also guaranteed a market  
10 for a minimum of five years, and the City doesn't  
11 have any other offers like that either.

12 In 2014, we presented a contract to the  
13 City's sorter confirming this offer, and we also  
14 offered to cover all their costs for infrastructure,  
15 which were pretty significant. Once the sorter  
16 accumulates a container load of polystyrene, the plan  
17 would for them to sell it to Plastic Recycling Inc. -  
18 - who you're gonna hear from here -- and they would  
19 ship the material by rail to their Indianapolis  
20 facility, where it will be reclaimed and then  
21 recycled into cores for paper rolls, picture frames,  
22 office supplies, and architectural moulding.

23 As many of you know, and you've heard so  
24 today, we faced significant opposition to our  
25 proposal, but in our view, that opposition was

2 baseless and unfounded. The argument that the  
3 Sanitation Department has raised in the past have all  
4 been refuted.

5           When Sanitation officials initially  
6 argued that foam is not recyclable, we showed them  
7 foam being recycled into new products.

8           When they argued that dirty foam is not  
9 recyclable, we took a bail of the City's dirties  
10 post-consumer food-service foam that came through the  
11 City's collection process and was sorted at Sims and  
12 we recycled it right in front of them. They came to  
13 Indianapolis and they saw us run the material through  
14 our system.

15           When the previous administration argued  
16 that recycling would require 1,000 additional new  
17 trucks at a cost of \$70 million a year, we refuted  
18 that and we were fortunate Commissioner Garcia agreed  
19 with us on that. The City has enough excess truck  
20 capacity for this lightweight material to add it to  
21 the collection stream without any new routes or  
22 miles.

23           When the current administration argued  
24 that there were no market participants willing to

2 participate in this program, we took them to court to  
3 expose that was not true and we won.

4           In September of 2015, a New York State  
5 Supreme Court justice agreed with us, finding that  
6 "the one undisputed short answer..." (this is a quote)  
7 "to whether EPS is recyclable is yes: single serve  
8 EPS is recyclable." The court also found that the  
9 Department of Sanitation, which had opposed  
10 recycling, had provided no evidence for its finding  
11 that there was no market for this material. To the  
12 contrary, the record compiled during the Sanitation  
13 Department's review of our proposal made clear that  
14 there was a market for New York City's post-consumer  
15 EPS products. Our expert economists at Berkeley  
16 Research Group is sharing a summary of that evidence  
17 with you today on this panel, and you'll hear from  
18 some market participants as well.

19           We also proved the environmental  
20 benefits. We showed that recycling EPS as part of  
21 the City's program will do more to keep waste out of  
22 landfills than a limited ban on food-service foam  
23 alone.

24           This afternoon we go even further,  
25 presenting evidence from a Board-Certified

2 Environmental Scientist, Bill Goodfellow, that shows  
3 how recycling EPS can reduce the City's carbon  
4 footprint and conserve fossil fuel resources.

5 Today I'm here to reiterate that we stand  
6 behind our proposal to recycle your foam, we're also  
7 reiterating our commitment to recycle all the other  
8 polystyrene materials that the City accepts in the  
9 recycle bin but doesn't recycle. This will save New  
10 Yorkers hundreds of thousands of dollars per year.

11 In 2013 we promised to build a facility  
12 that can process all of New York City's polystyrene  
13 and we were told we'd never do it. Well we did do  
14 it; the facility is built. Together with PRI, we  
15 have more than \$8 million invested in this facility  
16 and we've invested in technology that didn't exist a  
17 few years ago. It makes recycling environmentally  
18 effective and economically feasible. The record is  
19 clear that our proposal is a financial and  
20 environmental win-win for everybody.

21 The Mayor's vision for OneNYC calls for  
22 Zero Waste and our plan certainly steers NYC in that  
23 direction, offering to reduce net landfill rates  
24 starting on day one.

2 The Mayor's vision for OneNYC also calls  
3 for a greenhouse gas reduction and our plan does that  
4 too.

5 Plus, our plan doesn't cost the City any  
6 money. Dart and PRI are bearing all of the costs.

7 Moreover, our plan actually saves the  
8 City money by reducing landfill costs, which are  
9 borne by the City and the taxpayers that fund the  
10 City.

11 Moreover, our plan actually saves the  
12 City money by generating revenue also, which the City  
13 has a revenue-sharing plan with the sorter.

14 So in short, our plan is forward thinking  
15 and an excellent example of how private and public  
16 sectors can partner together for the greater good.  
17 Isn't that everybody really wants?

18 To oppose this bill simply because a  
19 business proposed it is bad policy. Recycling foam  
20 is a win for the environment, it's a win for  
21 taxpayers, and it's a win for NYC.

22 I've already mentioned some of the other  
23 people who will be testifying today, including an  
24 expert economist and environmental scientist, but  
25 you'll also hear from the plastics recycling expert

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2 that designed the PRI facility, who will talk about  
3 all the new technology used at it -- that is if he  
4 can get in; he's stuck downstairs on the street, so  
5 we'll definitely wanna get him in here, but he  
6 designed the facility.

7 CHAIRPERSON REYNOSO: Everyone's in.  
8 Everyone's in.

9 MICHAEL WESTERFIELD: Alright, real good.

10 CHAIRPERSON REYNOSO: So he's in some  
11 room somewhere.

12 MICHAEL WESTERFIELD: Okay. Alright,  
13 fantastic.

14 The owner of Plastic Recycling Inc. will  
15 also talk about how he's already successfully  
16 recycling material just like NYC's, despite what you  
17 heard earlier, and you will hear from some of the  
18 other recyclers and market participants that want to  
19 buy NYC foam.

20 So after hearing the testimony today and  
21 reviewing the summary that's attached to my  
22 testimony, we respectfully ask for your yes vote for  
23 Intro 1480 so together we can help NYC reduce its  
24 environmental footprint and move NYC one step closer  
25 to Zero Waste. Thank you.

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2 CHAIRPERSON REYNOSO: Thank you. Next.

3 ALAN SHAW: I'm Alan Shaw, President of  
4 Plastic Recycling out of Indianapolis and I  
5 appreciate the opportunity to come talk to you today.

6 You've got my testimony; it pretty much  
7 tells you a lot about us, but what I'd like to share  
8 today is some success stories that we've had that  
9 were facing people just like New York City was on  
10 their landfill problems.

11 I started Plastic Recycling back in 1988  
12 and it was done by accident; I never thought I'd be  
13 in the recycling business, but I sold polystyrene  
14 sheets, big rolls, to companies like Dannon, Kraft  
15 and Yoplait Yogurt, and when they make the six packs  
16 of yogurt that you get in the grocery store, you peel  
17 off that alitting [sp?] film. When they make the  
18 yogurt cups, they generate 20% scrap that they have  
19 to discard and every time I went to one of their  
20 plants, they asked why doesn't someone come up with a  
21 way to recycle this and that's how Plastic Recycling  
22 started back in 1988. I built a system thinking I  
23 would sell them a system, not recycle it because  
24 they're a food processing company, they didn't  
25 recycle it; they said you make a plant and we'll

2 supply you with the materials to recycle. So as of  
3 today, we're still doing it today; this is  
4 polystyrene, it's got the foil laminated to it and we  
5 get truckload after truckload every month of this  
6 material, so we took the yogurt companies from a cost  
7 of them having to take it to a landfill and now we  
8 pay them for the same material that they had great  
9 cost every month to do.

10           The second success story is that; 1990  
11 the record industry had a big problem; they were  
12 getting into CDs, but they had also been making VHS  
13 and cassette tapes; their problem was, they had to  
14 get rid of the records or the CDs that they couldn't  
15 sell, but the problem was they couldn't take them to  
16 a landfill because they had to be somehow destroyed,  
17 because if someone went to a landfill, they'd pick  
18 them out of the landfill and take them to a music  
19 store and sell them back to the music store. So it  
20 was a twofold problem for them, so they came to us,  
21 after they knew were in polystyrene, asked us; is  
22 there a way we can recycle this, and I asked them how  
23 much they were putting into the landfill in  
24 Indianapolis and five million pounds was going in  
25 there. The next week we started collecting this for



2 them and we turned -- back then it was around  
3 \$350,000 a year they were spending on incinerator  
4 costs, and all of a sudden that went away and we  
5 started paying them for this. And these are the CDs  
6 that we're doing -- and just an example, yesterday,  
7 before I left, Sony called us and said they have 50  
8 semi loads of CDs and DVDs that they have to destroy,  
9 so those are gonna come to us and we'll destroy them,  
10 we'll make them into pellets and make it into useful  
11 products, and this clear material, this is  
12 polystyrene, this is general purpose polystyrene,  
13 which is exactly what foam egg cartons are made of,  
14 plates are made of. We take this, recycle it into a  
15 clear pellet, and then we sell this back to the egg  
16 carton manufacturers; we sell over 15 million pounds  
17 of this material that was once going to an  
18 incinerator is being made back into a foam egg  
19 carton, and now we're gonna take another step and  
20 we're gonna recycle those foam egg cartons to be made  
21 back into something else. So it's a never-ending  
22 success story for us to be able to take all this  
23 material that was landfilled or incinerated and make  
24 it into a good product.

2 Another story that we did was Imation,  
3 which was in Wahpeton, South [sic] Dakota; they were  
4 the largest manufacturer of floppy disks in the  
5 world, and they had a problem because they generated  
6 a ton of scrap; never thinking they'd be able to  
7 recycle it, we started taking that for them from  
8 South Dakota all the way to Indiana and in a floppy  
9 disk there's the metal piece, there's also the floppy  
10 itself, and we took all that out, repelletized it,  
11 sent it right back to them, and they made more floppy  
12 disks out of it, and it was a closed loop recycling  
13 program that we developed with them. Unfortunately,  
14 there's no floppy disks anymore, so that program  
15 died.

16 Another program that we do a lot of was  
17 with hangers for Walmart; all the clothes hangers  
18 they put in a bin and those things are brought to us  
19 or some other companies that recycle those and those  
20 go back into making picture frames; all kinds of  
21 different products on the hangers.

22 Other projects that we do is, we do a lot  
23 with 3M; we supply them with millions of pounds of  
24 clear material to make their Scotch tape dispensers,  
25 but also they came to us and they wanted us to supply

2 them with a red material to make these tape  
3 dispensers they have now. And at the time we started  
4 developing the pellets to be able to do that, I went  
5 to their plant and they were throwing at least two  
6 semi loads a month of this material exactly that I'm  
7 looking at right now, which is a dispenser that is --  
8 something is wrong with it, it was molded wrong or  
9 whatever. This has a metal blade in it and it has  
10 paper that's glued to the sides, and they're  
11 landfilling it all; we're taking this now, taking the  
12 blade out of it, taking the paper off of it, making  
13 it back into red pellets, and then it's going right  
14 back to them and they're making these tape dispensers  
15 again out of it, so it's another closed loop system  
16 that we're able to do.

17           So Plastic Recycling wasn't built for  
18 Dart, it wasn't built for New York City, it was built  
19 to solve problems, and our mission from day one is  
20 going out and finding projects that no one else wants  
21 to deal with that we spend the time and energy to  
22 come up with a way and a solution to be able to solve  
23 this, and I can say every project that we've worked  
24 on we've been successful to save millions of pounds  
25 going to landfills.

2           And then back in 2001 we started another  
3 company called Recycling Technologies, 'cause I  
4 wanted to take our own resin that we recycle and make  
5 it into a product. So we got into the cash register  
6 business making cores for the paper industry. We  
7 make cash register rolls, we make adding machine  
8 rolls, we make ATM rolls; we make all of the.. we're  
9 the second largest manufacturer; we started from  
10 zero, scratch in 2001 and now we're the second  
11 largest manufacturer of plastic cores in the United  
12 States for this industry.

13           And then when people keep saying there's  
14 not a use for this plastic and foam, it irritates me  
15 because I've been successful, my company's been  
16 successful for taking this type of material since  
17 1988, so it can be done. And what are we gonna do  
18 with all this material? We're gonna use it  
19 internally for our own use, because all this  
20 material, whether it's foam or rigid, can be made  
21 into this core.

22           And another opportunity that we're gonna  
23 show -- and this is new, no one even knows --

24 [interpose]

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2 CHAIRPERSON REYNOSO: So this is gonna  
3 have to be your last product placement... [crosstalk]

4 ALAN SHAW: Okay, this... Okay, but this  
5 is... [laughter] Okay... [crosstalk]

6 CHAIRPERSON REYNOSO: No, I'm just say...  
7 all due respect, we've got time here.

8 ALAN SHAW: Okay, but this is huge,  
9 because all the major cores that are the 3", 6" core  
10 are made out of paper; no company has ever been able  
11 to compete in this industry; we're gonna be able to  
12 compete; we've got a patent on a new core that we  
13 came out with that all this resin from the foam and  
14 the rigid that's gonna be comin' out of New York City  
15 is gonna go into these cores. So there's a huge  
16 opportunity; we need this material to continue our  
17 growth. I appreciate the opportunity. Thank you.

18 CHAIRPERSON REYNOSO: Thank you, Alan;  
19 appreciate it.

20 ALAN SHAW: Yeah.

21 CHAIRPERSON REYNOSO: Robin. Thank you.

22 ROBIN CANTOR: Thank you for the  
23 opportunity to speak today... Am I being... uh, wait a  
24 minute... push the button. Thank you. Thank you for  
25 the opportunity to speak today.

2 My name is Robin Cantor; I'm an economist  
3 and Managing Director at Berkeley Research Group and  
4 that is an independent economic and consulting firm.  
5 I earned a Ph.D. in economics from Duke University  
6 and an undergraduate degree in mathematics from the  
7 Indiana University of Pennsylvania, and I have more  
8 than 30 years of research, consulting and teaching  
9 experience in applied economics including work  
10 related to waste management and the environment. And  
11 a good portion of my work is in a number of reports  
12 and testimonies already, which has been submitted in  
13 various parts of this matter and certainly is  
14 available for anyone to review.

15 Based on this prior work, I am here  
16 offering three opinions regarding the Dart/PRI  
17 Recycling Plan.

18 The first one is that the market outlook  
19 for New York City's recycled post-consumer EPS  
20 foodware is positive. And I think that what is very  
21 important to understand is that you do have a ready  
22 and willing buyer here in PRI for New York City's  
23 polystyrene. PRI has indicated to DSNY that its  
24 current demand for these materials is more than  
25 90,000 tons per year and this demand far exceeds the

2 17,500 tons per year that is assumed to be  
3 recoverable in the New York City recycling program.  
4 And in addition, PRI has guaranteed to pay \$160 per  
5 ton for these materials for at least the next five  
6 years.

7           Regarding this market outlook, the  
8 Commissioner previously raised a concern about a  
9 single buyer for the New York City material, but I'm  
10 here to tell you that economics is very clear on this  
11 point, that a single buyer is not a condition that  
12 makes the market infeasible or unsustainable.

13           Single seller and single buyer market  
14 structures can produce the same kind of market  
15 outcomes that perfectly competitive markets produce  
16 with large number of sellers and buyers, and  
17 previously I did identify dozens of firms that are  
18 potential processors for post-consumer EPS foodware  
19 as well as firms that act as brokers and so make the  
20 connections between sellers and buyers. I further  
21 understand that a number of firms have indicated a  
22 willingness to consider purchasing PRI's output.

23           To understand market outlook for  
24 recycling post-consumer EPS foodware, it's necessary  
25 to examine the fundamental driver of the market for

2 recycled EPS, and that is end-user demand in  
3 applications that use EPS and polystyrene.

4           And I think this is one of the things  
5 that has not been carefully looked at in the work  
6 that's been done for the Commissioner, which is  
7 really understanding that this demand for these  
8 materials is basically a derived demand, which means  
9 that it's a demand generated because people demand a  
10 final good, much in the same way that it's the demand  
11 for cell phones that creates the demand for cell  
12 phone batteries. So it's very important to  
13 understand that you have to look down the product  
14 chain to understand what the demand will be for this  
15 particular product and BRG did quite a bit of  
16 research looking at what this demand might be,  
17 including reviewing third party industry projections  
18 for demand growth, both for EPS and also polystyrene  
19 from a number of standard industry sources (and that  
20 material is included in my written testimony).  
21 Although the projected growth rates might vary from  
22 study to study, there is general agreement among the  
23 studies that the demand for EPS is growing.

24           We also looked at the prices for virgin  
25 resins and primary materials and we used information



2 from the Bureau of Labor Statistics that showed EPS  
3 used in food containers has the highest growth rate  
4 in prices compared to plastic bottles and plastic  
5 materials more generally. In other words, virgin EPS  
6 has gotten more expensive, relative to these other  
7 plastics. And it's very important to understand what  
8 is going on with the prices of those materials,  
9 because those virgin materials, obviously, if the  
10 price is low, then recycled materials will find it  
11 difficult to compete when the price is high; the  
12 recycled materials will find it easier to compete.

13           And then we also looked at the pricing  
14 data for recycled plastics, which indicated that the  
15 price for recycled EPS pellets compared well to both  
16 the PET product and also the HDPE materials.

17           In combination, all of these things tell  
18 you that there is actually a solid economic  
19 foundation to invest in the recovery and recycling of  
20 post-consumer EPS foodware.

21           The second opinion is that the Dart/PRI  
22 Recycling Plan would save New York City businesses  
23 and consumers tens of millions of dollars per year,  
24 and we identified a number of factors that are  
25 relevant to the choice between recycling EPS foodware

2 inclusive of the proposal and banning its use in some  
3 applications. Accepting EPS foodware into the  
4 recycling system avoids the costs imposed by a  
5 product's ban. And generally, again, in economics,  
6 banning a product is a very expensive proposition  
7 because it forces people to switch to alternatives  
8 that may be more expensive; in this case, there are  
9 also loss of incremental recycling revenues to Sims  
10 and incremental landfill costs, and we reviewed them  
11 and we actually quantified these numbers to support  
12 that given the alternatives and the landfill  
13 implications, the Dart/PRI Recycling Plan results in  
14 an economic gain for New York City of more than \$56  
15 million per year.

16           The third opinion is that the Dart/PRI  
17 Recycling Plan would decrease New York City's  
18 landfill use, and this is because it has positive  
19 implications for recycling beyond the post-consumer  
20 EPS foodware; it covers materials which include EPS  
21 materials subject to and not subject to the soft foam  
22 ban and also covers rigid polystyrene materials.  
23 Under the soft foam ban, materials sent to the  
24 landfill would be reduced annually by approximately  
25 12,000 tons. But under the Dart/PRI Recycling Plan,

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2 the amount of materials sent to the landfill would be  
3 reduced by approximately 18,000 tons, so more than a  
4 50% increase in that reduction.

5 That concludes my opinions and I want to  
6 thank you for allowing me to testify about these  
7 issues today.

8 CHAIRPERSON REYNOSO: Thank you so much  
9 Miss Cantor, and William Goodfellow?

10 WILLIAM GOODFELLOW: Thank you Chairman  
11 Reynoso and other Council Members... [interpose]

12 CHAIRPERSON REYNOSO: Can we just turn  
13 off that one? There you go; no feedback, and we've  
14 turned off the air conditioner temporarily; it was  
15 freezing in here.

16 [laughter]

17 WILLIAM GOODFELLOW: My name is William  
18 Goodfellow; I am a Principal Scientist at Exponent  
19 and Director for EcoScience practice. I have a  
20 Master's degree, with a research focus on assessing  
21 ecological and environmental impacts and  
22 environmental toxicology. I am a Board-Certified  
23 Environmental Scientist recognized by the American  
24 Academy of Environmental Engineers and Scientists as  
25 well as a Fellow of the Society of Environmental

2 Toxicology and Chemistry, which is an international  
3 professional society represented by more than 100  
4 countries, with a strong sustainability research  
5 initiative, as well as a partnership with the United  
6 Nations Environmental Practice.

7           I have over 30 years of experience in  
8 identifying specific environmental issues,  
9 determining causation of observed environmental  
10 impacts, and assessing potential impacts from  
11 proposed environmental projects.

12           To describe the environmental impacts of  
13 recycling EPS single-serve food containers, I  
14 prepared a white paper analysis examining the  
15 resource requirements of producing virgin and  
16 recycled products. I also used paper products as an  
17 alternative, to compare the environmental impacts of  
18 EPS and its most likely substitute. In the white  
19 paper, we focused on energy requirements, like fossil  
20 fuel use, because energy consumption is a critical  
21 measure of total environmental impact. For example,  
22 if you use more energy, you're probably releasing  
23 more greenhouse gases and causing more pollution.

24           First, we looked at energy it takes to  
25 form a foam cup as compared to a paper cup, which

2 offers the opportunity to assess variables of two  
3 products with similar uses. We found that it takes  
4 almost three times as much energy to make a paper  
5 cup, which means that banning EPS or forcing the use  
6 of alternatives would increase total energy use in  
7 the manufacturing industry. Based on that, if  
8 reducing energy consumption is a goal, then a ban on  
9 foam is an environmentally harmful solution.

10           Second, we looked at the energy  
11 requirements to recycle EPS single-serve food  
12 containers. We found that it takes less energy to  
13 recycle EPS products than it does to produce new EPS  
14 products from virgin material. This means that  
15 recycling is preferable to not recycling, in terms of  
16 total environmental impact. We also found that  
17 recycling processes continue to get more efficient,  
18 which increases the potential gains from recycling  
19 programs in the future.

20           We looked specifically at the recycling  
21 proposal made by Dart and PRI. In doing that, we  
22 found that the major energy inputs required to  
23 recycle EPS single-serve products are the  
24 transportation energy to ship EPS to the recycling  
25 facility and the process energy used to convert EPS

2 to polystyrene feedstock. In terms of comparison,  
3 the transportation energy has the lion's share of the  
4 importance. Given Dart's proposal to transport  
5 recyclable materials by rail, it is likely that the  
6 total energy expenditure will be roughly equal to the  
7 energy expended to transport it to the landfill.  
8 That coupled with the benefits of reducing overall  
9 materials being sent to the landfill and creating  
10 products from recycling that are sought after by  
11 consumers; recycling a product such as EPS is  
12 advantageous both from a carbon footprint and  
13 landfill space standpoint.

14 In sort, if recycling EPS is transported  
15 to PRI by rail, it will be roughly the same energy-  
16 consumption impact as sending to the landfill. To  
17 the extent that the City sends some of its waste to  
18 landfills via truck, the balance tips decidedly in  
19 favor of recycling under the Dart proposal.

20 The advantages of recycling EPS are  
21 further heightened when one takes into account the  
22 most likely alternatives. If the City were to ban  
23 EPS, for example, consumers would be very likely to  
24 increase their use of relatively heavier paper  
25 products. Like EPS, these products will need to be

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2 transported to recycling facilities or landfills  
3 after use, at the expense of higher energy  
4 consumption on a per-unit basis. Switching from EPS  
5 single-serve products to paper would emit roughly 2.5  
6 times more carbon dioxides to transport.

7 Thank you very much for the opportunity  
8 to provide this testimony today and thank you for  
9 your time and thoughtful consideration.

10 CHAIRPERSON REYNOSO: Thank you to the  
11 panel. Just want to ask a couple of questions. In  
12 the City Council, almost in every single hearing when  
13 we're trying to propose something new, a host of  
14 Council Members would come out -- "but it won't work  
15 in New York City" -- right, that's always the go-to  
16 for people that I consider are not necessarily  
17 supportive of like innovation, right; we speak about  
18 plastic bags and how other cities have done it and  
19 they've been successful, but that city is not New  
20 York City, that's what always happens, right; New  
21 York City's special. But in this one case it's gonna  
22 be the reverse conversation we're having here; that  
23 New York City's the only place it's gonna work. So  
24 can you just speak to that being -- that's a huge  
25 issue for me -- Canada, statements from the

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2 Sanitation Commissioner regarding Canada and the  
3 United States and the shutting down; the reverting  
4 back to not doing it in California and so forth,  
5 where it seems like the secret sauce, only one  
6 company has the secret sauce, but everywhere else it  
7 goes apart [sic], but in here, in New York City, it's  
8 going to work this time, and it's important to get to  
9 that, because you know I'm gonna lean on that  
10 conversation too -- if it hasn't worked anywhere  
11 else, it probably won't work in New York City, where  
12 it's much more complex, the volume is much higher,  
13 the contamination is probably there; we're talking  
14 about a 16% diversion rate; that there's an issue  
15 that we're having -- it's moving steadily up, but  
16 we're having a hard time after the ban on recycling  
17 that we had at one point. So just in general here --  
18 it doesn't work anywhere, but it's gonna work in New  
19 York City -- so explain that to me and then we'll  
20 have like two more questions after.

21 MICHAEL WESTERFIELD: I would say first,  
22 it does work in other places, but New York City, the  
23 reason it's attractive, or more attractive...

24 [crosstalk]

25



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2 CHAIRPERSON REYNOSO: So can we just go  
3 to the places that the Commissioner specifically  
4 talked about that she says that they're having  
5 trouble, like Los Angeles... [interpose]

6 MICHAEL WESTERFIELD: L.A. is not a  
7 program that we've partnered with; all the programs  
8 we've partnered with are doing very well. In Canada,  
9 you know we've been asked to sign a contract and  
10 we're not gonna do that until we hear about New York  
11 City, till we reach a final decision, because we  
12 don't wanna compromise our capacity; we want to make  
13 sure that if we commit to New York City we can handle  
14 it. I can tell you that we're accepting loads at  
15 PRI, purchasing some without -- I'm sorry; we're not  
16 purchasing, we're getting loads from Canada and  
17 paying for the transportation without a contract -- I  
18 could list off the cities for you if you'd like.

19 But New York City, it's attractive  
20 because you have eight million people and only two  
21 MRFs, and there is nowhere else, that I'm aware of,  
22 that has that kind of population going to two places.  
23 One of the Achilles heels of foam recycling is  
24 critical mass, it's such a small percentage of the  
25 waste stream that most people say there's not enough

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2 of it to make it worth their while, but when you have  
3 eight million people, there's enough of it to make it  
4 worth your while. In our talks with your sorter,  
5 they thought they could generate multiple containers  
6 per week, so they're not gonna have to sit on it for  
7 months, like was said earlier; they can turn it. And  
8 in terms of the quality of it, it's no different than  
9 anywhere else; PRI is actively getting material from  
10 Canada; they're actively getting material from  
11 California and those bails look virtually identical  
12 from the bails that were generated by your sorter, by  
13 your material recovery facility, which -- I'm sorry,  
14 I keep calling the MRF -- but your MRF is sorting  
15 material that's exactly like the stuff that we're  
16 getting in Los Angeles, but critical mass here makes  
17 this really work.

18 CHAIRPERSON REYNOSO: Okay. So are there  
19 products that typically use virgin polystyrene that  
20 can't use recycled post-consumer polystyrene or  
21 expanded polystyrene, like foodware? Really wanna  
22 speak to that as well.

23 MICHAEL WESTERFIELD: Well that's true;  
24 you -- and we have plenty of markets that don't have  
25 that requirement -- you can do it; you have to get a

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2 letter from the FDA, it's called a letter of non-  
3 objection; PRI does have a letter of non-objection  
4 for their CD cases, which he told you they're  
5 converting back into egg cartons; we do not have that  
6 for curbside material.

7 CHAIRPERSON REYNOSO: Okay. And what's  
8 the current market price for clean or virgin  
9 polystyrene, per ton, at the moment?

10 MICHAEL WESTERFIELD: For virgin? It's  
11 over a dollar a pound. This is the latest issue of  
12 *Plastics recycling News*, and..

13 CHAIRPERSON REYNOSO: You guys don't  
14 publish that, I hope.

15 MICHAEL WESTERFIELD: What... No, no, no,  
16 no, absolutely not; this is a Crain publication.  
17 Polystyrene, depending on the volume you're buying,  
18 it's like a \$1.17 or more per pound, and actually,  
19 it's... [crosstalk]

20 CHAIRPERSON REYNOSO: Does that include  
21 expanded polystyrene?

22 MICHAEL WESTERFIELD: Let's see... second  
23 here... polystyrene -- expanded for cups, \$1.11-1.14  
24 per pound. And then actually, also, the post-  
25 consumer is listed in here; we said that it was not

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2 in any publications, but it says right here, post-  
3 consumer polystyrene, and if you convert it to  
4 pellets, like PRI is, that's 57-63 cents per pound,  
5 and PRI has offered Sims 8 cents a pound, so you can  
6 see there's quite a spread between what they can sell  
7 it for and what they acquire it for.

8 CHAIRPERSON REYNOSO: Right, so I guess I  
9 wanna speak to that for PRI.

10 MICHAEL WESTERFIELD: Do you want this?

11 CHAIRPERSON REYNOSO: Yeah, of course.

12 MICHAEL WESTERFIELD: Gotcha.

13 CHAIRPERSON REYNOSO: We'll take it, for  
14 sure. The recycled polystyrene, PRI, I just wanna  
15 speak to that right now. How much recycled  
16 polystyrene do you sell on a per-ton basis per year?  
17 Recycled polystyrene.

18 ALAN SHAW: We don't do it per ton, ours  
19 is all per pound, so... [crosstalk]

20 CHAIRPERSON REYNOSO: Right.

21 ALAN SHAW: but we... our plant right now  
22 -- last year, 2016, we did probably 87 million pounds  
23 of material from out of our plants, recyc...  
24 [crosstalk]

25

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2 CHAIRPERSON REYNOSO: Mostly recycled  
3 material?

4 ALAN SHAW: Yeah, it's all recycled; 100%  
5 is recycled... [crosstalk]

6 CHAIRPERSON REYNOSO: Okay.

7 MICHAEL WESTERFIELD: And when he  
8 testified in 2013 to this same committee, I believe  
9 you said it was 60 million pounds, so you can see the  
10 growth that they've experienced -- 60 million to more  
11 than 80 million.

12 ALAN SHAW: Yeah and this year we'll  
13 probably exceed 100 million, is what our expectations  
14 are.

15 CHAIRPERSON REYNOSO: Do you landfill  
16 ever; do you landfill any of the products that you  
17 receive?

18 ALAN SHAW: Well fortunately, in  
19 Indianapolis there's an incinerator, so anything that  
20 we can't recycle that is -- we're a full-service  
21 recycling company, so we have almost every technology  
22 there is to be able to recycle not only styrene, but  
23 polypropylene, polyethylene, so if there any  
24 byproducts that come off of that that can't be

25

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2 recycled, they go to the incinerator, but it's  
3 probably less than 2%; maybe less than that probably.

4 [pause]

5 CHAIRPERSON REYNOSO: So at the moment  
6 you're saying that you can take up to 17,000 tons --  
7 the expected tonnage is 17,000 of which I think you  
8 can take up to 90, I think was the number or 80. So  
9 you have that much capacity; given how great the  
10 market is for this product, why is it that you have  
11 90,000 tons of spare capacity at the moment in the  
12 business model? You would figure -- like in waste  
13 transportation in the City of New York, a lot of  
14 people try to peak and make sure that they're at cap;  
15 in your case there's a lot of open capacity; why is  
16 that?

17 ALAN SHAW: Well we have our regular  
18 plants -- we've got two other plans in Indianapolis  
19 that we do different things at -- we pelletize at one  
20 and the other one we do the grinding and all that --  
21 I mean this new capacity is all at the new plant that  
22 we just built, so we have a little bit of capacity  
23 left at our regular plant, but all the new capacity  
24 is gonna come out of the new plant that we just  
25 built. And like Mike said, we're waiting; I mean our

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2 machine's waiting to be able to do all this. I mean,  
3 we've had other cities talk to us, but we've  
4 committed to New York City on this project, and if we  
5 get involved with another city, then if you guys do  
6 come to us, which we anticipate you are, we don't  
7 wanna say hey, we can't take all your material or  
8 your scrap comin' out here. I mean we've made that  
9 commitment and we're standing by that commitment, and  
10 we're ready; I mean, more than ready to start taking  
11 it.

12 CHAIRPERSON REYNOSO: Cart before the  
13 house; be very careful.

14 ALAN SHAW: Yeah.

15 CHAIRPERSON REYNOSO: Just to Dart --  
16 what are the projected costs of installing the  
17 equipment at Sims' facility in Brooklyn to receive  
18 and sort and process polystyrene? So what are you  
19 willing to invest in the equipment at the Sims  
20 facility?

21 MICHAEL WESTERFIELD: The answer is \$3  
22 million. They got a quote -- I think that their  
23 provider is Van Dyke and their provider came in and  
24 gave them an estimate for what it would take to  
25 retrofit their facility at South Brooklyn, and then

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2 also the one in Jersey City, and then combined, you  
3 know, it wound up being about \$3 million and that's  
4 what we offered them to cover 100%.

5 CHAIRPERSON REYNOSO: And the equipment  
6 does the job of being able to separate... [interpose]

7 MICHAEL WESTERFIELD: Yeah, so it...

8 CHAIRPERSON REYNOSO: polystyrene from  
9 like let's say paper and that if that doesn't happen,  
10 because the big issue here is that paper is the most  
11 valuable commodity we currently have and do not want  
12 it mixed, so you're pretty much saying that with the  
13 \$3 million investment, you guarantee that the foam  
14 will be separated from all the other valuable like  
15 waste streams?

16 MICHAEL WESTERFIELD: Sure. So it would  
17 cover the cost of an optical sorter which does that  
18 which, you know that technology that you know we  
19 hadn't -- when people in this room started arguing  
20 against foam recycling, that technology wasn't even  
21 invented back then and now it's something that -- it  
22 can capture the small pieces, you know it can capture  
23 things you couldn't capture before with humans, so  
24 it's really effective and that's why we're having  
25 success with this; it reduces the huge cost in



2 recycling foam, so that's great. And in terms of  
3 commodities, by overall dollar value, paper may  
4 generate more revenue for you, but in terms of value,  
5 steel cans right now are \$75-80 a ton (that's the  
6 published price); old newspapers \$40-45 a ton; old  
7 corrugated containers \$125-130 -- this is in the  
8 latest *Recycling Markets* magazine; I've got a copy of  
9 that for you if you want -- we're offering \$160 a ton  
10 for the material for the material; it'd be the most  
11 valuable of any of these items -- steel cans, green  
12 glass, old newspapers, OCC, everything.

13 CHAIRPERSON REYNOSO: And how much can  
14 you capture with the system and the equipment that  
15 you would be able to buy; what's the capture rate?

16 MICHAEL WESTERFIELD: I believe -- it was  
17 in the Commissioner's determination, I believe Sims  
18 had said they believe they could get up to 90%, but  
19 we'd have to look at the administrative record for  
20 that.

21 CHAIRPERSON REYNOSO: Okay, it's a range  
22 and 95 is at its highest, that's... [interpose]

23 MICHAEL WESTERFIELD: I think that's what  
24 they thought they could get up to, yeah.

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2 CHAIRPERSON REYNOSO: Okay. Now I wanna  
3 allow for other Council Members to say a few things,  
4 so I want to, of course, Council Member Cabrera,  
5 who's the sponsor of the bill.

6 COUNCIL MEMBER CABRERA: Thank you  
7 Mr. Chairman. I wanna ask you, because as I heard  
8 the Commissioner, her two central arguments were the  
9 economic viability and marketability. Can you  
10 address that, 'cause what I hear you say is that we  
11 already have a market for it; there is a greater need  
12 for the product, we could use the product right now,  
13 and that we have the buyers; I'm just trying to  
14 understand, where is this gap that we have right now  
15 that the Commissioner is not getting; can you help us  
16 get there? And also, you were getting ready to  
17 mention some of the cities where you all have been  
18 successful, and I appreciate the fact that you  
19 mentioned that what's happening in L.A. is not  
20 related to the work you're doing, so it's probably --  
21 I'm assuming it's either the technology that they're  
22 working with over there or how they're managing their  
23 business and their business plan.

24 MICHAEL WESTERFIELD: Sure. The issue  
25 with L.A. -- L.A. does publicize that they accept

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2 foam, it's here, it's in their brochures, but the  
3 reality is, they're doing a very poor job of  
4 capturing it; we agree with that, but it's not a  
5 program we partnered with, so we're... [crosstalk]

6 COUNCIL MEMBER CABRERA: Gotcha.

7 MICHAEL WESTERFIELD: kind of being  
8 handicapped here. You know every program that we've  
9 instituted continues to work today. We started  
10 recycling from drop-offs at our plant in Mason,  
11 Michigan in 1990 -- we still do it, we haven't walked  
12 away from anything; can you imagine the consequences  
13 if we did walk away from it? You know, it's... we'd be  
14 done, foam would be done.

15 As far as the pricing goes, you know we  
16 acquire the material for 8 cents a pound from Sims,  
17 you figure you've got 5-6 cents per pound to transfer  
18 it, and then if you look at the end-market value that  
19 was in that magazine that I just passed out, I mean  
20 on a per ton basis, the end value is at \$1140 per  
21 ton; you're paying 160; you know you've got some  
22 shipping costs in there, but clearly you can see how  
23 the math works on this. And in terms of the facility  
24 itself, you know I'm a little perplexed because we  
25 invited Sanitation out; we've even let NRDC [sic] and

2 their experts out to this facility when it was first  
3 being built; we haven't hidden anything to anybody,  
4 but we processed a bail from your sorting facility  
5 right in front of them, so I don't know how anybody  
6 can say it's not recyclable. And another point is;  
7 we didn't approach PRI about this, they approached  
8 us; we were at a summit at the Foodservice Packaging  
9 Institute; it was a recycling summit for packaging of  
10 all types, PRI was there, the National Restaurant  
11 Association co-hosted it; they approached us because  
12 they said they were running out of post-industrial  
13 markets for material; they needed more markets and  
14 they thought that this was a good opportunity. So  
15 given their creativity and all the equipment and all  
16 the intellectual capital they had, it was a good fit  
17 for us, so when we were invited to introduce a  
18 solution in 2013 by New York City, we jumped on it.

19 COUNCIL MEMBER CABRERA: One last  
20 question and that is; if we were -- some people are  
21 proposing a ban -- if we were to have a ban, how much  
22 of this foam would actually end up -- how much of it  
23 would end up in our landfills?

24 MICHAEL WESTERFIELD: Do you want to take  
25 that? Yeah, this is your data.

2 ROBIN CANTOR: So we actually looked at  
3 that and because the ban does not actually get to all  
4 sources of the EPS, nor does it address the issue of  
5 the rigid polystyrene, so when you look at those two  
6 other factors, it turns out that you will reduce the  
7 amount of the polystyrene and the EPS that's going to  
8 landfill, but you only reduce it down to the 46,500  
9 tons. But under the Dart/PRI proposal, you'll reduce  
10 that further down to about 41,000 tons. So you  
11 actually take more, because they are taking the rigid  
12 polystyrene and also they're taking -- there is  
13 material that would not have been subject to the ban.

14 COUNCIL MEMBER CABRERA: So we actually  
15 will have less and we will make more money in the  
16 City?

17 ROBIN CANTOR: Yes.

18 COUNCIL MEMBER CABRERA: Sounds good...

19 [crosstalk]

20 ALAN SHAW: Can I make one more  
21 statement?

22 COUNCIL MEMBER CABRERA: Yes.

23 ALAN SHAW: It was brought up that you  
24 know in the past that no one's been successful in  
25 doing what we're trying to do..

2 COUNCIL MEMBER CABRERA: Right.

3 ALAN SHAW: and the biggest difference we  
4 feel is that the other companies didn't have the  
5 expertise that Plastic Recycling has and Dart has on  
6 polystyrene, and basically, what they were trying to  
7 do is; they were just gonna take the foam and make it  
8 into a pellet and then try to sell that and market  
9 that pellet; we don't do that at Plastic Recycling;  
10 we make a product for every customer; we don't have a  
11 stock item, so we're gonna take this crystal styrene  
12 that we get from the foam; we're gonna add additives  
13 to it and then when a customer wants something, we'll  
14 make it exactly to their specs, and that's a huge  
15 difference in the market... [crosstalk]

16 COUNCIL MEMBER CABRERA: That is huge. I  
17 think that is, in your business plan, I think that's  
18 the winnable ingredient right there, because you're  
19 not waiting for -- if I understand right, you're not  
20 waiting for somebody else to go ahead -- you're  
21 getting the product right there, the recyclable  
22 product and then you're going directly into making  
23 the outcome product that you desire, and I think  
24 that's the missing link probably in what was  
25 happening in Los Angeles.

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2 ALAN SHAW: Yeah, 'cause we do profile;  
3 this is a profile extrusion part, so we do this every  
4 day. So when we make pellets for the profile picture  
5 frame guys, if we can run it in our profiles, we know  
6 they're gonna be able to run it in theirs and so we  
7 do a lot of testing so we don't have a lot of return  
8 resin coming back to us because we don't want the  
9 resin coming back, we wanna make sure it's done right  
10 at our facility and we give our customers exactly  
11 what they're wanting.

12 COUNCIL MEMBER CABRERA: So one last  
13 question, and I'll get back to you in a second, but  
14 you mentioned -- the Commissioner mentioned that  
15 sometimes paper is not detectable, is not able to be  
16 detected by the sorter; do you encounter that problem  
17 or is that something that she's looking at, what  
18 happened in Los Angeles?

19 ALAN SHAW: I think she was more talking  
20 about -- I mean she wanted to capture the paper; I  
21 mean if paper comes with our **[inaudible]**... [crosstalk]

22 COUNCIL MEMBER CABRERA: That's what I  
23 meant; I'm sorry. Yeah.

24

25

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2 ALAN SHAW: Yeah, we have the technology  
3 to take the paper -- I mean paper's not a problem for  
4 us... [interpose]

5 COUNCIL MEMBER CABRERA: Okay.

6 ALAN SHAW: I mean we've got the new  
7 technology that we're able to screen all that paper  
8 off and come out with a good product... [crosstalk]

9 COUNCIL MEMBER CABRERA: 'Cause she was  
10 mentioning L.A. -- they do have that problem, so your  
11 level of technology is able -- you don't have any  
12 problems?

13 MICHAEL WESTERFIELD: L.A. is not using  
14 optical sorters to sort their product... [crosstalk]

15 COUNCIL MEMBER CABRERA: That's the key  
16 right there.

17 MICHAEL WESTERFIELD: You had asked about  
18 cities also and I... sorry, I didn't... [crosstalk]

19 COUNCIL MEMBER CABRERA: Yeah.

20 MICHAEL WESTERFIELD: answer your  
21 question, but you know, they're getting material from  
22 Burrtec in California -- Burrtec's a MRF, just like  
23 Sims -- they sent a letter to the Commissioner in  
24 February of 2016 detailing all the cities that they  
25 are actively servicing and they're not small cities;



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2 you've got Fontana, with 200,000; City of Riverside,  
3 over 300,000, you know there's 26 cities that they  
4 listed in their letter that they're actually doing  
5 it, so I thought it was interesting that that wasn't  
6 mentioned; this is all Southern California...

7 [crosstalk]

8 COUNCIL MEMBER CABRERA: Right. Thank  
9 you. Thank you much.

10 CHAIRPERSON REYNOSO: No problem. We  
11 just wanna put in perspective; large city, 200,000  
12 people; that's what we have in like my community  
13 board, right?

14 MICHAEL WESTERFIELD: Right.

15 CHAIRPERSON REYNOSO: Like this is New  
16 York and I don't want to run away from that, but I  
17 wanna -- what's the half-life on plastic, or on  
18 polystyrene I guess; what's the half-life on it?  
19 [background comments] Half-life is like, I guess a  
20 scientific term; well how does it break down;  
21 biodegradable, anyone?

22 WILLIAM GOODFELLOW: Well yeah, I don't  
23 think half-life is actually something that would be  
24 related to a plastic product...

25

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2 CHAIRPERSON REYNOSO: Yeah, I guess  
3 that's the point.

4 WILLIAM GOODFELLOW: I mean...

5 CHAIRPERSON REYNOSO: So it doesn't...  
6 [crosstalk] [background comments]

7 WILLIAM GOODFELLOW: No, no, no, no, no,  
8 no... [background comments] [crosstalk]

9 CHAIRPERSON REYNOSO: I don't mean... I  
10 don't mean to be...

11 WILLIAM GOODFELLOW: no, because half-  
12 life... half-life is typically generated towards  
13 something that's emitting... [crosstalk]

14 CHAIRPERSON REYNOSO: Right. Okay.  
15 You're right; it is the wrong thing [sic].

16 WILLIAM GOODFELLOW: so you're basically  
17 moving something, such as radiation, so it's not  
18 really... [crosstalk]

19 CHAIRPERSON REYNOSO: It doesn't break  
20 down **[inaudible]**...

21 WILLIAM GOODFELLOW: The one thing... one  
22 thing that should be remembered in the whole process  
23 is, going from taking production of a virgin product,  
24 polystyrene, to a recycled polystyrene, there  
25 actually is -- 90% of the energy is maintained in the

2 product that has been already manufactured in it when  
3 it's recycled, so hence, that's why it's economically  
4 viable, because most of the energy stays in the  
5 product that you no longer have to expend -- you've  
6 already made that investment in the production of  
7 polystyrene the first time, so the second time you  
8 don't have to recapture that. So basically -- and  
9 then the next time you use it, it's even better and  
10 it just keeps on paying dividends, so it's really a  
11 compounding process.

12 CHAIRPERSON REYNOSO: For me, I want a  
13 like clean compound, right. For me, it's like  
14 turning it around; it's like not doing it at all,  
15 right, like when you don't have it in the first part  
16 of it, then you don't need to worry about it being  
17 like a problem in the future, right? So my concept  
18 overall is to make sure that we have the highest  
19 levels of diversion and that we remove as many of  
20 these, you know, long-term issues that are gonna be  
21 long-term issues from the waste stream right now, so  
22 my thing is not necessarily -- even if it is -- and  
23 I'm not saying it is, in any way, shape or form --  
24 let's say it is recyclable, whether or not that's the  
25 best path anyway; that no matter what the

2 circumstance, maybe banning is the way to go. So I  
3 guess that's part of the argument that I'm gonna be  
4 making more so than anything else; it's not  
5 necessarily whether or not it's recyclable; it's  
6 whether or not recycling is the right path at all.

7 WILLIAM GOODFELLOW: Can I speak to that?

8 CHAIRPERSON REYNOSO: Sure, of course.

9 WILLIAM GOODFELLOW: 'Kay. Polystyrene  
10 as a product, regardless of how it's used, is going  
11 to be -- it's a sought-after commodity for consumers;  
12 they're craving for activities for that, so it's  
13 gonna be produced regardless. I'm not talking about  
14 expanded polystyrene; all polystyrene. So hence the  
15 recycling process of it will provide feedstock to the  
16 manufacturers to create opportunities so they'll  
17 actually be using less fossil fuel. So from an  
18 environmental effectiveness, why recycling of a  
19 product that is taking a lot less energy and a lot  
20 less carbon emissions than making the inversion  
21 product is advantageous and that's why the equation  
22 for environmental effectiveness is there. [sic]

23 CHAIRPERSON REYNOSO: Thank you. Council  
24 Member Brad Lander and then he's gonna be followed by  
25 Council Member Helen Rosenthal that just joined us.

2 COUNCIL MEMBER LANDER: Thank you

3 Mr. Chair and thank you guys for being here; I do  
4 appreciate it and I appreciate the work that you guys  
5 have put in on this issue. You know and I think,  
6 look, the challenge we have, we are Council Members,  
7 we are not experts on solid waste or recycling or  
8 chemistry; we have some experts that we look to,  
9 right; I look to our Sanitation Commissioner because  
10 I found her to be a trustworthy, honest, expert on  
11 these issues and similarly, we talked to the  
12 environmental community and that's -- you know that's  
13 why I have the perspective that I have and I'm just  
14 trying to drill down and understand.

15 I wanna start by focusing a little on the  
16 price question, because -- and I think it's just  
17 worth underlining -- I think this is just another  
18 version of what the chair said -- you know I don't  
19 doubt physically that you can recycle the product,  
20 right; I think you showed that; I don't doubt that it  
21 is physically possible under some circumstances, at  
22 some cost, to take post-consumer EPS and turn it into  
23 another product, but -- and you know, this isn't the  
24 easiest place to get into like total understanding of  
25 the cost, what you're gonna pay for it, what it costs

2 to process, what you can sell it for; it's not easy  
3 for us to do that in a public hearing and like it's  
4 not the kind of question we usually drill down on,  
5 but it's really critical here, because that is the  
6 question; the question is not is it physically  
7 possible to recycle, the question is; is the price at  
8 which you can take the EPS, do the processing and  
9 sell it going to work because if not, people are just  
10 going to buy the virgin product instead or buy a  
11 different replacement product instead and all our EPS  
12 is gonna wind up sitting in landfills or warehouses  
13 or incinerators, and that might make sense for Dart,  
14 honestly, financially, but it does not make sense for  
15 the people of New York City.

16           So I wanna start by asking about this  
17 price you quoted; you said it was 57-63 cents per  
18 pound in the *Plastic News*, but I'm looking at it; I  
19 wanna make sure I understand it. Is that for EPS,  
20 for foam or is that for polystyrene?

21           MICHAEL WESTERFIELD: ...and chime in here,  
22 but the... you know what happens is, whether you take a  
23 foam cup or you take this; when you recycle them, you  
24 recycle them both back into a pellet, right? And so  
25

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2 that is post-consumer polystyrene pellets. So it  
3 could be both. Now... [interpose]

4 COUNCIL MEMBER LANDER: But I don't... I  
5 mean is it both or could it be both?

6 MICHAEL WESTERFIELD: It is both.

7 COUNCIL MEMBER LANDER: I don't think  
8 it's both, because we called *Plastic News* and asked  
9 them and what they said is that this price is the  
10 price for recycled polystyrene pellets and that in  
11 fact they can't quote a price for recycled foam for  
12 EPS because there isn't currently a big enough market  
13 to generate the price.

14 MICHAEL WESTERFIELD: That is -- what  
15 they produce though is a recycled polystyrene pellet;  
16 that is what they produce.

17 [background comment]

18 COUNCIL MEMBER LANDER: Well that's what  
19 you reuse in your own products, which you have on the  
20 table, but there's not a market at which you sell it  
21 and can quote a price for it, or at least that's not  
22 what this price is... [crosstalk]

23 ALAN SHAW: Yeah, this... this is...

24 COUNCIL MEMBER LANDER: What do you sell  
25 it... you...

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2 ALAN SHAW: this is black pellets made  
3 from foam, 100% foam and this... [crosstalk]

4 COUNCIL MEMBER LANDER: And what do you  
5 get when you sell those per pound or per ton?

6 ALAN SHAW: The same, 60 some... 50-60  
7 cents a pound, and this was from foam; this was from  
8 CD cases. You go and put this in a machine and you  
9 find the properties, the properties are the same;  
10 it's the same thing... [crosstalk]

11 MICHAEL WESTERFIELD: If you were to do  
12 cleaning of the foam... [crosstalk]

13 COUNCIL MEMBER LANDER: Well no, it's not  
14 the same thing, because we talked before about the  
15 difference between clean and dirty; some of it... I  
16 mean I assume an awful lot of what polystyrene and  
17 EPS is going into food containers and at a minimum  
18 you can't sell them there, right?

19 MICHAEL WESTERFIELD: As of right now,  
20 no, 'cause we've gotta get the FDA approval on it, I  
21 mean but...

22 ALAN SHAW: We... I mean we sell these CD  
23 cases; we got FDA approval on and we're able to go  
24 back into egg cartons, foam plates, you name it;  
25 we're able to do this with this product.



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2 COUNCIL MEMBER LANDER: Right, but I mean  
3 recycled CD cartons are a lot cleaner than an EPS  
4 foam container that might have had oils and salad  
5 dressings and you know, the kinds of things that we  
6 don't wanna have recontaminated; that's why the FDA  
7 has the rules, isn't it; otherwise they wouldn't  
8 bother... [crosstalk]

9 ROBIN CANTOR: **[inaudible]** the  
10 polystyrene as well. I mean you have the other  
11 materials; [crosstalk] [background comment] they're  
12 also contaminated.

13 MICHAEL WESTERFIELD: That right there, I  
14 mean you know *Plastic News* is gonna know better than  
15 us, but that is a post-consumer polystyrene pellet  
16 and that... [crosstalk]

17 COUNCIL MEMBER LANDER: It is a post-  
18 consumer polystyrene pellet, yes; it is not...  
19 [crosstalk]

20 MICHAEL WESTERFIELD: and that... and that...

21 COUNCIL MEMBER LANDER: dirty post-  
22 consumer EPS... [crosstalk]

23 MICHAEL WESTERFIELD: But the pellets...

24 COUNCIL MEMBER LANDER: and we don't know  
25 what the price for that would be.

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2 MICHAEL WESTERFIELD: Well no, that's not  
3 true; the pellets that they are producing aren't  
4 dirty; that's... the whole process cleans it, and so  
5 you wind up with a polystyrene pellet that's post-  
6 consumer. See, look it, if he... he takes... [crosstalk]

7 COUNCIL MEMBER LANDER: I mean the FDA at  
8 least can tell the difference.

9 MICHAEL WESTERFIELD: If he takes plain  
10 white foam, you know, isolated all the colors and  
11 removed it from it and ran it through, it's gonna  
12 look just like the CD case; this is what virgin looks  
13 like, it's clear, and it becomes white because as it  
14 expands it stretches it, but once you pelletize it,  
15 it's clear again.

16 COUNCIL MEMBER LANDER: Look, I think  
17 you... I'm sure you do a great job; this is not a  
18 reflection on PRI and how good you're recycling; this  
19 is just a fact-based understanding of what the price  
20 will be of this product and I think there's reason to  
21 be concerned if they're telling us that this is for  
22 recycled polystyrene pellets and probably from  
23 cleaner feed, that the price for recycled dirty foam  
24 would be less than this. Either that or that it  
25 would cost you a lot more to process it to get it to

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2 this quality, which I guess is the other set of  
3 questions. [background comment] So let me maybe...  
4 let me go there for a minute, because.. [crosstalk]

5 MICHAEL WESTERFIELD: Yeah, let me answer  
6 one question though..

7 COUNCIL MEMBER LANDER: help me  
8 understand the.. you're gonna buy it at 8 cents and  
9 pound and like what does it cost you to process into  
10 something that is clean enough to sell?

11 MICHAEL WESTERFIELD: Let me go back to  
12 your question there on the difference. So if you're  
13 taking post-industrial, not post-consumer that  
14 doesn't need cleaning; yes, you could eliminate the  
15 washing step; you still extrude it and all that. So  
16 there is an added cost when you have to clean  
17 material, but that's washing. But there's still a  
18 significant margin between your acquisition, your  
19 transportation to Indianapolis, and the final sell  
20 price. The final sale price -- PRI produces quality  
21 pellets -- it is in that neighborhood right there  
22 that you're seeing; that's why we feel confident that  
23 you know that price is fair for the end product that  
24 he does produce.

25

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2 ALAN SHAW: And the other thing I would  
3 say is that you know, we honestly, I think will be,  
4 honestly, be able to take this material at some point  
5 and get FDA approval on it, because you look at PET  
6 bottles, all the Coke bottles, all that; they got FDA  
7 on that and there's gasoline in those, you have no  
8 idea what's in those bottles when people put that..  
9 and it goes through the same kind of process that  
10 we're gonna go through and they FDA to go back into  
11 bottles and other applications -- food containers and  
12 everything -- they've got that FDA, so it's being  
13 done today and we feel that we can do it and clean it  
14 just as well as they are.

15 COUNCIL MEMBER LANDER: Okay. I mean I  
16 hear you and I admire your optimism; to me it's just  
17 an awfully big risk for us to contract long-term and  
18 it's something that hasn't worked in any other city  
19 on tons and tons of waste material on those hopes.  
20 But let me ask you; it seemed like you were gonna  
21 talk to me a little about the cost of -- 'cause  
22 obviously it is that delta that I feel like is  
23 relevant here; if it was clear, that you could buy  
24 it, transport it, clean it, process it; pelletize it  
25 all for a price that was less than what you could

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2 sell it for; then we could have more confidence that  
3 it could be recycled. So I feel like -- we know for  
4 sure what you'd pay Sims for it; can you walk me  
5 through your costs of transportation, washing;  
6 processing so we can understand kinda how much room  
7 there is between that 8 cents and -- you know, even  
8 stipulating for a minute that I'm not sure that 57-63  
9 cents is right, how much room there is, so how much  
10 does it cost you to do those things per pound or per  
11 ton?

12 ALAN SHAW: Well hopefully we're gonna be  
13 able to do this by rail, which is a big cost-savings;  
14 once we go from truck to rail out of New York City,  
15 it's gonna see a significant... [interpose]

16 COUNCIL MEMBER LANDER: You know we don't  
17 have any freight rail that makes it to this side of  
18 the Hudson, much to many of our chagrin, but.

19 MICHAEL WESTERFIELD: But no, Sims said  
20 that we could ship by rail when we asked them, so  
21 that's what we're going off of.

22 COUNCIL MEMBER LANDER: They're gonna go  
23 up to Selkirk and...

24

25

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2 MICHAEL WESTERFIELD: I don't know if  
3 they barge it to Jersey City and then load there; I  
4 don't know how they do that, but.

5 COUNCIL MEMBER LANDER: Okay.

6 MICHAEL WESTERFIELD: And I know CFS..  
7 [interpose]

8 COUNCIL MEMBER LANDER: I love rail and I  
9 love great rail and I like the idea of our waste  
10 going out of here on rail rather than on trucks, but  
11 part of the problem is that there's no rail freight  
12 tunnel or bridge on the Hudson south of... [crosstalk]

13 MICHAEL WESTERFIELD: So how are you  
14 transporting all the other recyclable commodities  
15 coming out of Sims; is that by truck then?

16 COUNCIL MEMBER LANDER: I mean you know,  
17 a lot of things are trucked, some things are barged  
18 to Jersey where they can then be put on rail, so that  
19 may be what we're talking about here, but.

20 MICHAEL WESTERFIELD: That might be the  
21 plan. Yeah.

22 COUNCIL MEMBER LANDER: Alright, so..  
23 Alright, go ahead, so hopefully by rail..

24 ALAN SHAW: Yeah, and then the other..  
25 [interpose]

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2 MICHAEL WESTERFIELD: Yeah, so you... I  
3 mean you've got your acquisition costs of 8 cents a  
4 pound, you've got your 5-6 cents transportation cost,  
5 you've got your processing costs and sale price, and  
6 the processing cost, there's a lot of room there and  
7 we're not comfortable telling everybody here exactly  
8 what that is, but this is a business proposition for  
9 us; we wouldn't be engaging in this if it was  
10 something we had to subsidize. We're comfortable  
11 with setting up Sims with the equipment that they  
12 need to process it, but that's not the purpose of  
13 this program..

14 COUNCIL MEMBER LANDER: So I mean I  
15 understand that... [crosstalk]

16 MICHAEL WESTERFIELD: for us to expand  
17 across the country.

18 COUNCIL MEMBER LANDER: and I appreciate  
19 your proprietary issues; at the same time, if we'd be  
20 the only folks doing it anywhere near this scale,  
21 committing ourselves for the long-term in a way that  
22 would have a lot of costs for the City, and there's  
23 only one single buyer, I don't think it's good enough  
24 to say well you can't tell us what it would cost to  
25 process; like you're really asking us to be your

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2 partner here, like this is not a market with a lot of  
3 buyers and sellers, with posted prices and with  
4 multiple competitive players. You're asking New York  
5 City to be your partner in this process, but you  
6 won't tell us what it's gonna cost to process, so  
7 it's pretty hard to have the level of confidence that  
8 would be necessary to overrule our Sanitation  
9 Commissioner, both... [crosstalk]

10 MICHAEL WESTERFIELD: We're willing to  
11 sign a contract to guarantee it.

12 COUNCIL MEMBER LANDER: Hm?

13 MICHAEL WESTERFIELD: We're willing to  
14 sign a contract to guarantee it.

15 COUNCIL MEMBER LANDER: Well for five  
16 years you're willing to put the money in, but that  
17 doesn't mean it won't sit in a warehouse and it  
18 doesn't mean you guys will pay the cost of having it  
19 sit in that warehouse rather than having it wind up  
20 recycled.

21 MICHAEL WESTERFIELD: Well we're very  
22 transparent, we offer -- you know, you can come and  
23 see the facility any time and watch it process  
24 **[inaudible]**... [crosstalk]

25



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2 COUNCIL MEMBER LANDER: I don't doubt  
3 physically, as I said before, that you can -- that's  
4 just not the question; I believe you that the  
5 facility does a good job, but that doesn't mean that  
6 if the price doesn't work to produce it below the  
7 cost of other feedstocks that it's not gonna wind up  
8 in landfills or incinerators or warehouses.

9 ALAN SHAW: Like I said in the beginning,  
10 Plastic Recycling was not built for this; we built  
11 the company back in 1988, and if I didn't dream or  
12 feel that I was gonna make money, I wouldn't be doing  
13 this, you know, we're gonna make money on this  
14 project, you know, 'cause we are gonna use a lot of  
15 this material internally so we don't have to rely on  
16 outside customers to buy it; we need it internally,  
17 and then we know that there's customers out there,  
18 numerous customers, we've got lists of customers that  
19 will buy this material, once we clean it up and get  
20 it into... [crosstalk]

21 COUNCIL MEMBER LANDER: I mean are you  
22 guaranteeing the City a recycling rate so that we  
23 could have 100% confidence that it isn't gonna go to  
24 incinerator or landfill? I mean I admire the  
25 optimism, again, and obviously that entrepreneurial

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2 spirit of trying something new is great, but it feels  
3 very risky, given, you know, the Bloomberg  
4 Administration, de Blasio Administration, our  
5 Sanitation Commissioner, the whole environmental  
6 community; that's a lot of op... [crosstalk]

7 ALAN SHAW: And that's why I shared  
8 success stories, because every one of these companies  
9 that we talked about, they hoped and dreamed that  
10 we'd be able to do this, but we provide to them that  
11 we've done it; we've done it since 1988, so this is  
12 not any different than what we've done with these  
13 other companies, you know we're... it's... we proved...  
14 [crosstalk]

15 COUNCIL MEMBER LANDER: Well okay,  
16 there's a big difference between those companies and  
17 New York... anyway. Let me just ask one more question  
18 and then I'll... I know there's a lot of people signed  
19 up to testify.

20 I just wanna ask about what you'll take  
21 from Sims and won't take from Sims. It's my  
22 understanding that in the infrastructure agreement  
23 that you proposed to them last time there were some  
24 strict standards on what you would and would not take  
25

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2 from them; has that changed or is that still the  
3 case?

4 MICHAEL WESTERFIELD: Every industry has  
5 bail specs for MRFs for their materials; our bail  
6 specs are actually more lenient; most of the bail  
7 specs are 95% plus purity; we allowed for 85% so that  
8 Sims can dial in their equipment, you know and meet  
9 with us. I believe -- I'm fumbling through here --  
10 but I believe it's in your testimony, there's some  
11 bail specifications in there for you to take a look  
12 at, and if there's not, I will certainly get those  
13 for you. But we're very tolerant in those bail  
14 specs.

15 COUNCIL MEMBER LANDER: Alright.  
16 Mr. Chair, is Sims testifying later? Alright.  
17 Alright, 'cause I really don't feel qualified on my  
18 own to dive into bail specs and I'm concerned..  
19 [crosstalk]

20 MICHAEL WESTERFIELD: If they're not  
21 there.. If they're not there, I'll get them for you,  
22 but.

23 COUNCIL MEMBER LANDER: Alright, I'd like  
24 to be able to follow up with you and with them on  
25 what that looks like and whether that's sort of

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2 reasonable or whether they're still gonna wind up  
3 sitting with a whole lot of this stuff.

4 MICHAEL WESTERFIELD: Absolutely and you  
5 know in the contract that we agreed to them with in  
6 principal and both shared that with the Commissioner  
7 back in 2014, you know we did have guarantees in  
8 there and we're happy to put guarantees in there for  
9 you that address your concerns.

10 COUNCIL MEMBER LANDER: Alright, I thank  
11 you for your testimony, you know and I do appreciate  
12 your optimism; again, I think given -- [background  
13 comment] Alright. Alright, well I'll just point out  
14 that it looks to me like there are a fairly  
15 substantial number of specifications for where there  
16 can and can't be contaminants and at least in this  
17 one, that one of the contaminants not allowed at any  
18 level at all is oils and grease, but I mean aren't  
19 there a lot of oils and grease on our post EPS..  
20 [crosstalk]

21 MICHAEL WESTERFIELD: If you look at..  
22 actually, look right below that, you'll see excludes  
23 **[inaudible]**... [crosstalk]

24

25

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2 COUNCIL MEMBER LANDER: I knew this was  
3 dangerous to start asking questions about bail  
4 specifications.

5 MICHAEL WESTERFIELD: Yeah, right. It  
6 clarifies what we're talking about with that. And  
7 that's standard; that's gonna be on any spec that you  
8 would get from the Association of Plastics Recyclers  
9 for any of your plastics, they say that. The reality  
10 is, yes, you're going to get some of that, but you  
11 have to have your protection. Typically in the  
12 recycling industry, if you allow for a certain level  
13 of contamination, you're going to get it.

14 COUNCIL MEMBER LANDER: But this is why I  
15 guess I just wanna push on this again; I think all of  
16 the cases where you're talking about the sort of  
17 normal situation, normal bail specifications, are  
18 situations where there's multiple buyers for the  
19 commodity at the end of the process, and that's just  
20 what we don't have here; we don't have multiple  
21 buyers, I mean and I've talked to Tom Outerbridge at  
22 Sims about this approach, because he would like to  
23 take everything that comes out of Sims -- and I had a  
24 lot of conversations with him about plastic bags --  
25 he'd love if there was someone that would buy his

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2 dirty post-Sims processing plastic bags and take them  
3 and go do something good with them, because his  
4 alternative is to pay to landfill them, but in this  
5 situation we don't have that normal relationship  
6 because we'd be entering into a long-term single-  
7 source contract without any ability for us to adjust  
8 on our end and so if things change in the market and  
9 the product does not wind up getting recycled, then  
10 we've just entered into a long-term contract to send  
11 a whole lot of EPS foam to landfill.

12 MICHAEL WESTERFIELD: Well would you say  
13 that you view Tom as a recycling expert?

14 COUNCIL MEMBER LANDER: I view Tom as a  
15 recycling expert.

16 MICHAEL WESTERFIELD: Because...

17 COUNCIL MEMBER LANDER: And I have talked  
18 to him about this at some length.

19 MICHAEL WESTERFIELD: we sat down with  
20 the Commissioner and reached a deal and principal to  
21 recycle this foam, so why would he take that risk if  
22 he's an expert and have to turn to his own company...

23 [crosstalk]

24 COUNCIL MEMBER LANDER: Well you're  
25 guaranteeing him a price, so you know, if you

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2 guarantee him \$160 a ton, it's definitely a good  
3 business proposition for Tom to say sure, for \$160 a  
4 ton, but that doesn't in any way give me the -- my  
5 questions have all been about the confidence that we  
6 could have or not have that after you pay him for  
7 that product that it's going to wind up recycled.  
8 And with due respect, and like I don't wanna get in a  
9 battle about it; I don't doubt you'd like to get it  
10 recycled, but it does seem to me you have a very  
11 substantial financial interest in New York City not  
12 banning Styrofoam and that that might be well worth  
13 paying for.

14 MICHAEL WESTERFIELD: We do have a  
15 significant interest, but we also you know truly  
16 wanna see this material recycled. You'll hear later  
17 today from a recycling expert that hopefully will  
18 address some of your concerns, the person that built  
19 this facility; that's built many other plastics  
20 recycling facilities, so hopefully that'll give you  
21 some comfort. You're also gonna hear from a number  
22 of businesses that have an interest in this material  
23 as well.

24 COUNCIL MEMBER LANDER: Okay. Thank you.

25

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2 CHAIRPERSON REYNOSO: Thank you. Council  
3 Member Rosenthal.

4 COUNCIL MEMBER ROSENTHAL: Hi, thank you  
5 for testifying. I'm sort of doing a couple of  
6 different things at the same time, so I apologize,  
7 but how much money do you guys think you're gonna  
8 make off this deal; why are you so interested in  
9 this? [background comment] No, we just have  
10 different jobs, you're in the private sector; I'm a  
11 public servant; I'm asking you what you're gonna do  
12 that you think is so profitable -- not what you're  
13 gonna do; I'm asking you, how much profit are you  
14 gonna make off of our garbage?

15 ALAN SHAW: Good question. A lot, I  
16 hope, I mean that's our goal... [crosstalk]

17 COUNCIL MEMBER ROSENTHAL: Right. So if  
18 the deal is that we do this and all the profit comes  
19 back to public service, are you still interested --  
20 we'll use the money to, I don't know, build more  
21 homeless shelters and take care of, you know, paying  
22 our workers the rate they should be paid -- now are  
23 you interested in doing this?

24 MICHAEL WESTERFIELD: I'm not sure I  
25 understand the questions.



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2 COUNCIL MEMBER ROSENTHAL: I'm asking if  
3 you would be willing to do this as a not profit-  
4 making venture but a venture where you believe in  
5 your product, you think it's great to recycle and you  
6 would give all the money, all the profits, back to  
7 the City of New York?

8 MICHAEL WESTERFIELD: Well PRI is a  
9 private business; I can't speak for them on what they  
10 -- this is their undertaking; we're facilitating part  
11 of it, but this is their undertaking.

12 COUNCIL MEMBER ROSENTHAL: I don't know  
13 why -- what's in it for New York? I just don't see  
14 it.

15 MICHAEL WESTERFIELD: Well New York saves  
16 millions of dollars in revenue every year -- you  
17 know, the ban that's been proposed is a partial ban  
18 and when you look at all polystyrene... [interpose]

19 COUNCIL MEMBER ROSENTHAL: No, I asked  
20 you, what benefit is it to the City of New York...  
21 [crosstalk]

22 MICHAEL WESTERFIELD: Yeah, that's what  
23 I'm getting at.

24 COUNCIL MEMBER ROSENTHAL: if we're gonna  
25 lose money out of this... [crosstalk]

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2 MICHAEL WESTERFIELD: No, you're gonna  
3 save millions of dollars by landfill diversion...

4 [crosstalk]

5 COUNCIL MEMBER ROSENTHAL: and it's not  
6 gonna help the environment?

7 MICHAEL WESTERFIELD: Okay, I'm sorry; I  
8 know you missed the beginning, but they talked about  
9 the environmental benefits -- Zero Waste, greenhouse  
10 gas reduction -- but on top of that it takes millions  
11 of dollars... [crosstalk]

12 COUNCIL MEMBER ROSENTHAL: So if you  
13 don't make the product at all, you still get that  
14 benefit, right? So if you don't make the product...

15 [crosstalk]

16 MICHAEL WESTERFIELD: Well there's gonna  
17 be a...

18 COUNCIL MEMBER ROSENTHAL: if it's  
19 banned; then there would be Zero Waste and there  
20 would be, you know... [crosstalk]

21 MICHAEL WESTERFIELD: **[inaudible]**...

22 COUNCIL MEMBER ROSENTHAL: no carbon  
23 dioxide released into the air, so why make the  
24 product?

25

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2 MICHAEL WESTERFIELD: In a perfect world  
3 I think that makes sense, but the reality is, people  
4 are gonna continue to use takeout containers..

5 [crosstalk]

6 COUNCIL MEMBER ROSENTHAL: Yeah. So this  
7 is the public sector; again... [crosstalk]

8 MICHAEL WESTERFIELD: and Dr. Goodfellow  
9 spelled out what the alternative **[inaudible]**.

10 COUNCIL MEMBER ROSENTHAL: what I'm not  
11 hearing from you is why we should help you make a  
12 profit and why the City of New York couldn't benefit  
13 off the profits... [crosstalk]

14 MICHAEL WESTERFIELD: Then why recycle  
15 anything? Why recycle any of your metal, glass or  
16 plastic, 'cause it's the same situation... [crosstalk]

17 COUNCIL MEMBER ROSENTHAL: right? So  
18 until I hear an answer about that, I don't know why..  
19 [crosstalk]

20 MICHAEL WESTERFIELD: If...

21 COUNCIL MEMBER ROSENTHAL: a public  
22 sector, right, whose job it is to protect taxpayer  
23 money, right; to protect its citizens, to make sure  
24 they have clean air, why would we invest in something  
25 that makes you a profit?

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2 WILLIAM GOODFELLOW: Can I take your  
3 question and pose it another way, 'cause there was  
4 another aspect [sic]... [crosstalk]

5 COUNCIL MEMBER ROSENTHAL: No, that's the  
6 way I'm asking it.

7 WILLIAM GOODFELLOW: Well no, 'cause your  
8 other aspect was the environmental benefits.

9 COUNCIL MEMBER ROSENTHAL: No, I'm asking  
10 it the way I'm asking it. You... [crosstalk]

11 MICHAEL WESTERFIELD: Okay, so here's the  
12 benefits...

13 COUNCIL MEMBER ROSENTHAL: City  
14 government is not here, we are not here to help  
15 companies make a profit; that's just not what public  
16 service is about.

17 MICHAEL WESTERFIELD: So what you missed  
18 is; this is going to save New York about \$2 million  
19 per year in landfill fees...

20 COUNCIL MEMBER ROSENTHAL: \$2 million.

21 MICHAEL WESTERFIELD: it's going to  
22 generate... [interpose]

23 COUNCIL MEMBER ROSENTHAL: It's an \$86  
24 billion budget, so you're gonna save \$2 million a  
25 year in landfill fees. Go ahead.

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2 MICHAEL WESTERFIELD: and it's gonna  
3 generate millions of dollars in revenue; it's gonna  
4 save... [interpose]

5 COUNCIL MEMBER ROSENTHAL: A million; two  
6 million; three million...? [crosstalk]

7 MICHAEL WESTERFIELD: it's gonna save  
8 your consumers \$51 million per year; I think \$51  
9 million is significant.

10 COUNCIL MEMBER ROSENTHAL: So if we don't  
11 have it at all, if we have nothing of this product,  
12 ban it altogether and instead, invest in a product  
13 that perhaps doesn't destroy the planet; why not  
14 invest there with our City dollars?

15 MICHAEL WESTERFIELD: Well I think you're  
16 starting from a biased standpoint, because it  
17 doesn't... [crosstalk]

18 COUNCIL MEMBER ROSENTHAL: True, I am.

19 MICHAEL WESTERFIELD: destroy the planet.  
20 Now the alternatives, Dr. Goodfellow talked about the  
21 alternatives; they're actually worse, so if you're  
22 truly concerned about greenhouse gases, if you're  
23 concerned about climate change; **[inaudible]**...  
24 [crosstalk]

25

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2 COUNCIL MEMBER ROSENTHAL: You know I'm  
3 gonna wait to hear from the experts this afternoon  
4 about that... [crosstalk]

5 MICHAEL WESTERFIELD: The expert just  
6 spoke, but you missed it. [background comments] Dr.  
7 Goodfellow spoke... [crosstalk]

8 COUNCIL MEMBER ROSENTHAL: This... So first  
9 of all, this livestreams throughout the City of New  
10 York, so I've been watching it up in my office for  
11 the last two hours, so I don't appreciate your making  
12 an assumption about how I've been spending my time,  
13 number one, and number two, I would like to hear from  
14 some additional experts who I have worked with who I  
15 trust who have told me that what you're saying here  
16 is not true. So I'm waiting to hear from them; I  
17 have heard from the good Doctor; I still get back to  
18 my fundamental point of -- why would the City of New  
19 York participate in something that would help a  
20 profit-making business when we could actually invest  
21 in things that are good for the planet and decrease a  
22 market for something that we're not so keen to have,  
23 right? Same thing as fossil fuels; why not disinvest  
24 from coal and invest in solar, geothermal, wind;  
25 that's where I wanna see jobs created; those are the

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2 jobs for the next generation. I still am not sold  
3 why I wanna help you make a profit.

4 MICHAEL WESTERFIELD: The alternatives  
5 have a greater carbon footprint.

6 COUNCIL MEMBER ROSENTHAL: I'm not  
7 hearing it, but... [interpose]

8 MICHAEL WESTERFIELD: Understood.

9 COUNCIL MEMBER ROSENTHAL: thank you for  
10 your time.

11 MICHAEL WESTERFIELD: Understood.

12 CHAIRPERSON REYNOSO: Council Member  
13 Constantinides. We're almost done here, almost done  
14 and then we'll get to time limits.

15 COUNCIL MEMBER CONSTANTINIDES: Alright.  
16 Just very quickly; just a quick follow-up for PRI.  
17 What cities in California and Canada are you working  
18 with to take those materials from?

19 ALAN SHAW: You want... I mean... [interpose]

20 COUNCIL MEMBER CONSTANTINIDES: I... I...  
21 Yeah, I asked the questions; I'd like an answer, yes.

22 ALAN SHAW: In California there's at  
23 least 20 -- Fontana, City of Riverside, Corona,  
24 Desert Hot Springs, Grand Terrace, Highland, Indian

25

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2 Wells -- I don't know what that one; how do you  
3 pronounce that?

4 MICHAEL WESTERFIELD: Jurupa Valley.

5 ALAN SHAW: Jurupa Valley, Lake  
6 Arrowhead, Montclair, Morongo Reservation, Norco,  
7 Ontario, Palm Desert, Palm Springs, Rancho Cucamonga,  
8 Rancho Mirage, Rialto, Crestline, Rubidoux, Running  
9 Springs, San Bernardino, Twentynine Palms, Upland --  
10 what's that?

11 MICHAEL WESTERFIELD: Yucca Valley.

12 ALAN SHAW: Yacava...

13 MICHAEL WESTERFIELD: Oh, Yucaipa.

14 ALAN SHAW: Yucaipa and Yucca Valley.

15 COUNCIL MEMBER CONSTANTINIDES: So how  
16 many people in those cities total; more than Queens?  
17 'Cause I've got 2.5 million people in Queens alone.

18 ALAN SHAW: Like 1.7 million.

19 COUNCIL MEMBER CONSTANTINIDES: Total?

20 ALAN SHAW: In that -- yes.

21 COUNCIL MEMBER CONSTANTINIDES: Okay, so  
22 how 'bout in Canada?

23 ALAN SHAW: The big cities are Waterloo  
24 region, the City of Kingston, then there's Niagara

25



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2 Falls, Port Colborne, St. Catherine's, Theroux [sp?],  
3 and Welland.

4 COUNCIL MEMBER CONSTANTINIDES: How many  
5 people total?

6 MICHAEL WESTERFIELD: Don't know.

7 ALAN SHAW: Don't know on that.

8 COUNCIL MEMBER CONSTANTINIDES: So we're  
9 talking about not even one borough of the City of New  
10 York and yet somehow you're saying that you can  
11 transfer this, you have the capacity to do this in a  
12 city of eight million people, when the Sanitation  
13 Commissioner is saying this is not viable, with no  
14 real evidence other than your good word, as our chair  
15 has pushed out?

16 MICHAEL WESTERFIELD: We invited  
17 Sanitation to come and take a tour of the facility;  
18 we showed them the facility; you'll hear from an  
19 expert today that designed it, who can talk about the  
20 capacity also.

21 ALAN SHAW: This facility is half a  
22 million square feet; it's probably.. it's gotta be one  
23 of the largest recycling facilities in the United  
24 States.

25

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2 COUNCIL MEMBER CONSTANTINIDES: But you  
3 can understand why it's a little bit of a leap of  
4 faith, right; you're asking us to -- you know, it's  
5 like asking whether or not I think Tim Tebow is gonna  
6 play baseball for the Mets this fall; I... he looks  
7 good, but I don't think that's really gonna happen.

8 ROBIN CANTOR: I guess I just want to  
9 insert here that again, one of the things that's been  
10 pointed out is that there are economies of  
11 consolidation because you are so large, and there are  
12 economies of scale that are operating here to make  
13 this a profitable proposition. But I think that the  
14 other thing that I keep hearing being missed here is  
15 this notion that, again, if there is a single buyer;  
16 that somehow or another this is putting you at much  
17 more risk because again, they have agreed to a  
18 certain price that they are guaranteeing and in fact,  
19 you know you're talking about a product that people  
20 get great use out of and the alternatives to the  
21 product are more expensive, so you're going to impose  
22 all this cost when the risk largely is being absorbed  
23 by the proposal as opposed to having New York City  
24 absorb the risk. If at any point you decide this  
25 isn't working out, this isn't what you thought;

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2 you've just delayed all of that cost that would come  
3 through the ban, you've delayed it, which is always a  
4 good thing; it's not a good thing to accept the costs  
5 immediately as opposed to being able to postpone it.

6 ALAN SHAW: The big opportunity here is  
7 that New York City... [background comment] the  
8 opportunity that New York City has over... [interpose]

9 COUNCIL MEMBER CONSTANTINIDES: Your  
10 microphone, please. Wanna make sure you're on the  
11 record; I don't want this to be missed... [crosstalk]

12 ALAN SHAW: The biggest opportunity is  
13 that New York City has Sims; Sims is a unique MRF and  
14 there's not hardly any other MRF in the United States  
15 that has the capacity or the capabilities that Sims  
16 has. I mean this is unbelievable opportunity. I  
17 mean I don't see where it's a loss situation for you  
18 guys; I mean it's gonna be a win-win; I mean, you're  
19 gonna save a lot of money from going to landfills --  
20 environmentally it's gonna be unbelievable, the  
21 amount of material that we'll be able to take and  
22 make into a new product. It's a no-brainer; I mean,  
23 I think that we're giving you the opportunity to see  
24 -- you guys are gonna -- all these other cities in  
25 the United States are gonna look at New York City and

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2 see how the program's gonna work and how successful  
3 it's gonna be and then there's gonna be major cities  
4 that are gonna follow you guys.

5 COUNCIL MEMBER CONSTANTINIDES: Yeah.  
6 Chair.

7 CHAIRPERSON REYNOSO: Or we'll be the  
8 city that bans it and then they follow that, so I  
9 just wanna be clear... [interpose]

10 ALAN SHAW: Right.

11 CHAIRPERSON REYNOSO: There's two sides  
12 to every story.

13 ALAN SHAW: Right.

14 CHAIRPERSON REYNOSO: I want to allow for  
15 Council Member Cabrera to speak now, because we've  
16 gotta move on, so Cabrera; go ahead.

17 COUNCIL MEMBER CABRERA: Yeah, thank you  
18 so much. So what I hear is -- So look, the  
19 assumption that I hear, some of the arguments being  
20 made, is because if it's larger, 'cause you have more  
21 waste coming through, right, that somehow -- is it  
22 more difficult to do or is it... the machine is still  
23 gonna do what it's gonna do, right?

24 ALAN SHAW: Oh yeah.

25

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2 COUNCIL MEMBER CABRERA: So this is not  
3 gonna put you in a situation that you can't produce.  
4 I mean you're producing for literally a couple of  
5 million people in California and Canada, so I still  
6 don't understand the argument that is coming through  
7 here, which is basically saying because it's more, I  
8 guess the economist, you're the one who's really  
9 point here that if it's more that somehow we're gonna  
10 be less effective and actually, you're gonna make  
11 more money. As a matter of fact, in order to work  
12 better -- is that what I hear -- in order to work  
13 better, we're in the best possible situation in New  
14 York City in order to work and you already showed it,  
15 that -- as a matter of fact, let me ask you this  
16 question: has there been -- and I didn't hear it from  
17 the Commissioner -- none of the cities that you  
18 mentioned, none of the places you mentioned; has  
19 there been any complaint; has there been any articles  
20 that said that you have not been effective; is there  
21 any data showing that you have not been effective?

22 MICHAEL WESTERFIELD: None of the  
23 programs that we've partnered on **[inaudible]**...  
24 [crosstalk]

25

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2 COUNCIL MEMBER CABRERA: So in the  
3 research field and when it comes to following the  
4 true science here, 'cause this is what it's gonna  
5 come down to, following true science, there has  
6 never... you have no science telling us -- as a matter  
7 of fact, I hear the opposite in science; I hear the  
8 science saying, if I understood right, that it takes  
9 three times more energy and carbon footing with paper  
10 cups; did I hear that right, with paper products?

11 WILLIAM GOODFELLOW: Actually, 2.5, but  
12 yeah...

13 COUNCIL MEMBER CABRERA: 2.5...

14 WILLIAM GOODFELLOW: you're on the right  
15 scale. So you know we assessed that just to make  
16 sure that we looked at what are potential  
17 alternatives should the EPS not be available to the  
18 consumer, 'cause the consumer's gonna have a need and  
19 so the alternative, by using a fluted paper product,  
20 actually requires 2.5 more times energy than EPS.

21 COUNCIL MEMBER CABRERA: And it's  
22 actually less energy recycle vs. virgin; right?

23 WILLIAM GOODFELLOW: Correct.

24

25

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2 COUNCIL MEMBER CABRERA: And then  
3 transportation, what was that; is that like pretty  
4 even with landfill and recycle or is...

5 WILLIAM GOODFELLOW: When you take into  
6 consideration, only factoring in rail-to-rail -- rail  
7 for EPS recycling; rail to the landfills -- they are  
8 very similar... [crosstalk]

9 COUNCIL MEMBER CABRERA: Very similar.

10 WILLIAM GOODFELLOW: I mean within like  
11 3-5% difference. When it's... When it's... [crosstalk]

12 COUNCIL MEMBER CABRERA: Okay, so we have  
13 a time-wise...

14 WILLIAM GOODFELLOW: When it's trucks,  
15 when it's 100% trucks going to a landfill, it's  
16 considerably -- I mean it's almost double and triple  
17 the amount of greenhouse gas with transportation...  
18 [crosstalk]

19 COUNCIL MEMBER CABRERA: So... Okay.  
20 That's very good. Thank you so much.

21 CHAIRPERSON REYNOSO: Thank you for your  
22 testimony and see you soon.

23 Alright, we're gonna go through this; we  
24 have about 11 to 15 panels, depending on how many  
25 folks are here. We're gonna start with Ron Gonen,

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2 Priya Beryl, Brendan Sexton, Eric Goldstein -- I'm  
3 sorry, Beryl Thurman and Priya Mulgaonkar.

4 [background comments] Five folks. We'll make it  
5 happen. There's a chair right here on the end that  
6 you can take. Five at a time. And we're going to do  
7 a couple of things. [background comments] [pause]

8 This is our first group of... we're gonna do two  
9 minutes each for this one. If... what I would like to  
10 say to the public is every testimony is important,  
11 every single testimony that you could possibly  
12 provide to the City of New York is of value, but we  
13 can get it in writing, is one thing, and it'll be put  
14 on the record, and two, should any of the statements  
15 that you make sound exactly the same as let's say  
16 this panel or the panel before, you might wanna hold  
17 out so that new voices can be inserted in to the  
18 conversation. We're gonna do a two-minute clock now  
19 and we are going to start with Eric Goldstein. Where  
20 are you from, Eric?

21 ERIC GOLDSTEIN: Hi, my name is Eric  
22 Goldstein, from the Natural Resources Defense  
23 Council. Thank you for this hearing, Mr. Chairman  
24 and greetings to the members of the Committee.

25



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2 We strongly oppose Intro 1480 and  
3 instead, support legislation that would ban  
4 polystyrene foam food and beverage containers; that's  
5 the only sensible and proven way to get rid of the  
6 billions of foam containers that constitute a first-  
7 class environmental nuisance throughout our city.

8 In short, Intro 1480 is an industry-  
9 backed proposal that's a wolf in sheep's clothing.  
10 Even in the industry testimony today, nobody  
11 contested the fact that dirty foam food and beverage  
12 containers pose litter and environmental challenges,  
13 they pollute virtually every New York City  
14 neighborhood. Foam containers interfere with the  
15 City's recycling program, as the Commissioner talked  
16 about; they interfere with the City's expanding  
17 efforts to compost all of our organics and food  
18 waste, which makes up a third of our waste stream;  
19 and there is no doubt that environmental  
20 organizations love recycling, but recycling is not  
21 the answer for dirty polystyrene foam; the reason is  
22 simple, this material can't be effectively recycled  
23 in New York City or anywhere in the New York region.

24 The incontrovertible evidence is here --  
25 not a single big city in America has implemented a

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2 recycling program for dirty polystyrene foam. Not  
3 one. And in all the testimony we heard from industry  
4 today, they were naming Podock [sp?] and Topeka and  
5 all of that; let's look at the 30 largest cities in  
6 America, and as you'll hear from further testimony  
7 down the line from Chicago, Los Angeles, Houston,  
8 Philadelphia, all the way through, not a single large  
9 city in America successfully recycles dirty  
10 polystyrene foam food and beverage containers. Not  
11 one. And you could be sure that if the industry  
12 experts who testified earlier were familiar with  
13 large cities that do recycle this foam anywhere in  
14 North America, people from [bell] those cities would  
15 be here today.

16           There is an answer -- one other thing;  
17 even if the City recycling program were to designate  
18 foam as recyclable, most of the cups and clamshells  
19 would not make it into the recycling facility in the  
20 first place; many are tossed out in wastebaskets and  
21 at street corners; lots are left as litter on streets  
22 and under park benches, and even for that which is  
23 brought home, City statistics show that more than  
24 half of the residential trash never makes it into  
25 recycling. So even if there were a recycling program

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2 and it were possible to recycle this foam, most of  
3 the cups and clamshells generated in the city would  
4 not end up in the program.

5 CHAIRPERSON REYNOSO: And we're gonna go  
6 through questions, so don't... don't get... [crosstalk]

7 ERIC GOLDSTEIN: Yeah, okay. Let me just  
8 add a couple... [crosstalk]

9 CHAIRPERSON REYNOSO: too concerned that  
10 we're not gonna give you a shot out her, Eric..  
11 [crosstalk]

12 ERIC GOLDSTEIN: Let me just respond to  
13 three of the questions that have come up in the  
14 earlier testimony... [crosstalk]

15 CHAIRPERSON REYNOSO: Yeah, go ahead.

16 ERIC GOLDSTEIN: First, Council Member  
17 Cabrera said that small businesses would be  
18 devastated by a ban. None of the evidence anywhere  
19 else in communities that have instituted bans -- and  
20 by the way, more than 100 communities around the  
21 country have instituted bans, and these are big  
22 cities like, Seattle, San Francisco, Portland,  
23 Minneapolis and Washington, D.C. -- these are cities  
24 that have instituted bans and none of them have found  
25 devastating economic consequences. In the bill for a

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2 ban that has been drafted by yourself, Council Member  
3 Lander, Council Member Constantinides, and others,  
4 there is a provision that allows for a waiver for  
5 small businesses if there's undue economic hardship;  
6 this is a provision that is replicated from the San  
7 Francisco and other laws. Those laws have served  
8 successfully to address that issue, but very, very  
9 few businesses have made use of those provisions  
10 because the reality is, there's a trivial difference,  
11 if any, between the price of compostable trays,  
12 compostable clamshells and the polystyrene foam  
13 clamshells. The evidence of that is New York City;  
14 we've abandoned 850,000 polystyrene trays a year that  
15 the Department of Education used; they switched to  
16 compostables at less than a penny difference in the  
17 price. But again, if there are small businesses --  
18 because we care about small businesses -- that have  
19 economic problems, they could apply for a hardship  
20 and continue to still use that thing.

21           Second, one of the experts from  
22 Indianapolis talked about recycling CD cases. Okay,  
23 that's great, but we're not talking about all  
24 polystyrene and we're not talking about CD cases,  
25 we're talking about dirty expanded polystyrene foam,

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2 which is 95% air and it makes no sense, even if it  
3 was **[inaudible]** supplied to ship that material of  
4 such low value 700 miles to Indianapolis to be  
5 recycled. If this is such an economically sound  
6 proposition; why aren't there recycling facilities  
7 for this material right here in the New York region?  
8 Let's take a look at paper, in contrast, there a  
9 company came to New York City, Pratt Industries,  
10 based in Staten Island; they're taking all of our  
11 paper right close by; we know that makes  
12 environmental sense as well as economic sense. And  
13 the new organics program that the Council has  
14 advanced; you were the one who specified we're only  
15 going to require food businesses to send their  
16 organics to composting facilities if those facilities  
17 are located within 100 miles of New York City. It  
18 doesn't make sense and yet here we are talking about  
19 an untested facility and sending waste 700 miles  
20 away.

21 Finally, recycling vs. downcycling.

22 Recycling means to collect materials for  
23 remanufacturing that those materials came from --  
24 aluminum cans, you recycle it; it becomes an aluminum  
25 can; paper, you recycle it; it becomes paper. This

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2 isn't happening anywhere in the United States for  
3 expanded polystyrene foam -- Dart hasn't shown us a  
4 single recycling polystyrene foam coffee cup and you  
5 can be sure if they had one would have seen it here  
6 today. So to the extent there's any remanufacturing,  
7 there are two big differences -- it's clean foam, not  
8 dirty foam, and there's no federal commission to make  
9 foodservice articles from polystyrene foam.

10           One last vote: no. This is a very risky  
11 proposition for the first time of any big city in  
12 America, to try this kind of recycling of dirty foam  
13 and New York City normally doesn't wanna take those  
14 risks with taxpayer dollars and with taxpayer  
15 interests and it's still largely a hope and a dream.  
16 As someone who's participated in City Council  
17 hearings for more than 30 years, I can say that the  
18 subject of this hearing really is -- to use the  
19 Commissioner's words -- quite disheartening. There  
20 is no big push for this kind of recycling; not from  
21 the Sanitation Department, not from the environmental  
22 community, not from government efficiency experts;  
23 not from national waste experts. This proposal is an  
24 attempted hijacking of public policy by a very well-  
25 funded private industry with a direct financial stake

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2 in the outcome and this is exactly the wrong time for  
3 that proposal. People in this city are angry,  
4 they're angry about abuse of privileges in financial  
5 wealth and I believe that they are gonna be objecting  
6 very, very strongly to this ill-conceived, private  
7 benefit legislative proposal. Thank you for the  
8 time.

9 CHAIRPERSON REYNOSO: You're welcome.

10 [background cheers, clapping]

11 CHAIRPERSON REYNOSO: We're gonna... yeah,  
12 you're gonna have to do the wave, guys. Good job,  
13 Eric.

14 PRIYA MULGAONKAR: You have my timer on?

15 Okay. Good afternoon everyone, my name is Priya  
16 Mulgaonkar and I'm here to testify on behalf of the  
17 New York City Environmental Justice Alliance (NYE-  
18 EJA). NYC-EJA is a nonprofit citywide membership  
19 network linking grassroots organizations from low-  
20 income neighborhoods and communities of color  
21 throughout New York City in our struggle for  
22 environmental justice. NYC-EJA has been a leader in  
23 advocating for a more equitable and sustainable solid  
24 waste system for over 20 years, leading efforts for  
25 comprehensive policy reforms to address solid waste

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2 and the impacts of dozens of transfer stations on a  
3 handful of low-income communities of color throughout  
4 New York City, our efforts culminating in the  
5 landmark 2006 Solid Waste Management Plan.

6           New York City creates roughly 35,000 tons  
7 of garbage every day. Garbage trucks needless travel  
8 thousands of miles throughout New York City polluting  
9 our air with diesel fuel, clogging our streets and  
10 diminishing our quality of life. These impacts are  
11 greatest in those few low-income and communities of  
12 color where truck-dependent transfer stations are  
13 clustered, and along the truck routes used to haul  
14 garbage. Because a number of NYC-EJA member  
15 organizations and allies come from communities  
16 overburdened by garbage -- specifically in North  
17 Brooklyn, the south Bronx and Southeast Queens -- we  
18 advocate for strong policies that minimize the impact  
19 of truck traffic and trash in our neighborhoods --  
20 including restricting harmful materials that  
21 inevitably end up polluting our communities on their  
22 way to landfills or incinerators, where they continue  
23 to degrade the environment.

24           While we do support strong polices that  
25 lead to waste diversion, we are skeptical of false



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2 solutions that preclude meaningful reductions in  
3 plastic pollution. There is no precedent for  
4 recycling Styrofoam in any major city in America. In  
5 contrast, a ban on Styrofoam containers has proven  
6 successful in over 100 communities around the nation,  
7 including San Francisco and Washington, D.C.

8           Rather than impede the progress on the  
9 city's Zero Waste goals, the Council should focus on  
10 legislation that bans harmful, unnecessary plastics  
11 from our environment and reduces the amount of [bell]  
12 noxious materials in our waste stream. Low-income  
13 communities and communities of color in this city  
14 deserve cleaner air and safer streets. Only a  
15 restriction on this polluting plastic foam will truly  
16 bring our city closer to a fair, zero-waste system.  
17 We strongly oppose the passage of this legislation.

18           Thank you for the opportunity to testify.

19           CHAIRPERSON REYNOSO: Thank you, Priya.

20           RON GONEN: Council Member Reynoso and  
21 distinguished Council Members, thank you for the  
22 opportunity to address you today. By way of  
23 introduction, my name is Ron Gonen, and I have over  
24 15 years of experience in the recycling industry as  
25 an entrepreneur, a CEO of a recycling company that

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2 serviced over 50 municipalities around the country,  
3 as a Deputy Commissioner here at the Department of  
4 Sanitation, and as an investor. Currently, I co-lead  
5 Closed Loop Partners; an investment firm focused on  
6 investing in municipal recycling programs and  
7 advanced recycling technologies.

8           Investors in our firm include many of the  
9 world's largest consumer goods companies, such as  
10 Proctor & Gamble, Unilever and Johnson & Johnson.  
11 Municipalities where our firm has provided financing  
12 for major recycling projects include Chicago,  
13 Minneapolis and Memphis. Perhaps most relevant to  
14 this hearing, our firm invested in the most advanced  
15 plastics recycling facility in North America, QRS,  
16 which is located in Maryland and focused on trying to  
17 recycle plastics from municipal waste streams that  
18 cannot be recycled in current programs.

19           In my position, I have reviewed hundreds  
20 of investment proposals from municipalities and  
21 private companies focused on municipal recycling  
22 infrastructure, advance recycling technologies, and  
23 markets for recycled material. We have yet to see a  
24 single viable proposal for either the sortation or  
25 processing of expanded polystyrene from municipal

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2 recycling programs. Furthermore, as investors in  
3 major recycling facilities that service major  
4 metropolitan areas, we are keenly aware of the costs  
5 incurred by these recycling facilities if expanded  
6 polystyrene enters the recycling stream.

7           Beyond our existing investments and  
8 pipeline, we maintain a robust database of  
9 technologies under development in the industry as  
10 well as an extensive network of sanitation  
11 commissioners, industry groups, major consumer goods  
12 companies, and university researchers. We have never  
13 seen, nor are we aware of any current technologies or  
14 business models that are able to recycle expanded  
15 polystyrene from municipal recycling programs.

16           I would be glad [bell] to answer any  
17 questions.

18           CHAIRPERSON REYNOSO: Good job. Can you  
19 repeat -- So I think you're one of those experts that  
20 Council Member Rosenthal was talking about that she  
21 wanted to hear from.

22           RON GONEN: Yes.

23           CHAIRPERSON REYNOSO: But it's nice to  
24 see you back here in a different capacity, and you  
25 know, folks that we do trust and have seen work on

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2 all types of levels when it comes to recycling, so  
3 thank you so much for being here; it's nice to see  
4 you again.

5 RON GONEN: Thank you.

6 BRENDAN SEXTON: Hi, Chairman Reynoso and  
7 the other Council Members. My name is Brendan Sexton  
8 and I'm a former Commissioner of Sanitation here in  
9 New York, but I'm here mostly -- my credential is;  
10 I'm a friend of Ron Gonen's... [laughter]

11 ERIC GOLDSTEIN: And of ours.

12 BRENDAN SEXTON: And... thank you... and  
13 Eric's, oh well. I was privileged to be commissioner  
14 when we instituted curbside recycling in New York and  
15 so I'm very much an advocate of recycling, as you can  
16 imagine. I'm here to represent the Manhattan Solid  
17 Waste Advisory Board, who are also, as a group and  
18 individually, very energetic, I'll say, advocates of  
19 recycling, and nonetheless, we're here today to  
20 testify -- I'm here today to represent the SWAB in  
21 testifying against the notion of the recyclability of  
22 this material, polystyrene foam, expanded styrene  
23 foam, at least that which comes from the residential  
24 waste stream, and that's what is meant by "dirty

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2 foam," foam that has been near or touched -- food  
3 waste.

4 I think most of you know that when we  
5 talk about recycling, we usually know what we're  
6 talking about; I contend that in this case the term  
7 is a fake; that this is a slogan advance by the  
8 industry but they do not actually have anything  
9 behind there; there is no established recycling  
10 infrastructure or ecosystem in America for expanded  
11 polystyrene foam from the residential waste stream,  
12 and that's important to note. People do -- styrene  
13 is recyclable, the plastic material itself can be  
14 recycled, but the stuff that comes out of the  
15 municipal waste stream is not like industrial waste  
16 and it's not like waste that's never been used near  
17 food, and it's not like waste that's never been in  
18 one of our gorgeous white sanitation trucks.

19 I undertook a study of the claims of  
20 recyclability last year, 2016, and I called or  
21 contacted -- and I have an associate working with me  
22 -- more than 100 firms, municipalities or others who  
23 were on Dart's list [bell] of recyclers -- it was  
24 painful for me to sit here and listen to BRG testify,  
25 'cause most of those came from their list to the

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2 court case -- I have not managed to find one single  
3 township, municipality or county in America which has  
4 managed to establish and maintain an ongoing  
5 polystyrene foam recycling program. I say "and  
6 maintain" 'cause a few did get one started with a  
7 hefty subsidy -- I wouldn't say bribe, but a  
8 contribution -- from Dart, they managed to get one  
9 up, but they could not maintain it because there is  
10 no market.

11           Los Angeles is their favorite example and  
12 Los Angeles, as you know, is dozens of municipalities  
13 all in one, so I contacted them and I spoke to my  
14 colleagues out there, and there are some -- Riverside  
15 is one -- there are some of the 88 towns that make up  
16 Los Angeles that advertise they collect it; they're  
17 willing to accept it, but they can't do anything with  
18 it. Grouse Ermano [sp?], who's a colleague in the  
19 L.A. Sanitation Bureau, said to me: "you can't  
20 recycle that stuff; it's garbage." So I said, "Well  
21 could you give me a little more technical language  
22 for the Council to hear?" And he said, and I quote,  
23 "It costs twice as much as other plastics to clean  
24 and prepare for recycle just to get it to the point  
25 of a bail," he said, and then "there is still no

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2 market for the material. Their materials recovery  
3 contractor, Burrtec, who is essentially their Sims,  
4 used to be willing to accept this stuff; they will  
5 still accept it if it's brought to them, but their  
6 website advertises that none of the municipalities or  
7 counties they serve in the upper or lower valley will  
8 accept expanded polystyrene now. When I called them  
9 to check on it, they just said well they'll take it  
10 in order not to offend their customers, but it is not  
11 being recycled; the foam that comes into Los Angeles'  
12 [bell] materials recovery contractor does not get  
13 recycled. And that's all I'll say, **[inaudible]** I  
14 have so much more to say; I wouldn't know where to  
15 stop... [crosstalk]

16 CHAIRPERSON REYNOSO: I... I know you do  
17 **[inaudible]**... I hear you. And like I said, people  
18 are passionate on both sides of this issue and I also  
19 wanna thank you for being here as well, given your  
20 expertise and your background of what you've done for  
21 the City, so this panel is really -- Eric is a tree  
22 hugger, we know that, [laughter] but everyone else,  
23 let me tell you, their resumes... All love. All love.  
24 Go ahead.

25

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2 BERYL THURMAN: Good afternoon and my  
3 name is Beryl Thurman; I'm with The North Shore  
4 Waterfront Conservancy of Staten Island (NSWC) and we  
5 are in opposition to the recycling bill, Intro 1480.

6 I live and work in the environmental  
7 justice communities on the North Shore. Staten  
8 Island is also home to what was once the largest  
9 landfill in the world until its closing in 2001.  
10 Fresh Kills is located on the West Shore of Staten  
11 Island and it is 2,200 acres of non-recycled garbage  
12 generated by all five boroughs of the City of New  
13 York.

14 One of NSWC's goal is to gain safe  
15 waterfront access for Staten Island's North Shore  
16 environmental justice communities. But to do that we  
17 had to bring attention to the industrial waterfront,  
18 so we organized waterfront cleanups at the City-owned  
19 abandoned properties; that is where we saw pebbled  
20 and sand beaches covered with various types of  
21 plastics, all in various colors, sizes and sometimes  
22 these pieces hadn't completely broken apart, so you  
23 could tell what they used to be.

24 So there we were with about 75 or so  
25 volunteers cutting back overgrowth, pulling out



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2 illegally dumped tires, household appliances,  
3 discarded toilet bowls, and at the beach area there  
4 would be a group of people; some had assigned  
5 themselves the task of picking up cigarette butts  
6 because they are nonbiodegradable and others were  
7 picking up plastics, including polystyrene cups and  
8 food containers. People loved these cleanups because  
9 it made them feel that they were making a difference,  
10 that they were doing their part in helping our island  
11 and the environment.

12           But I looked at these cleanups as cupcake  
13 projects, because within a day or two that beach  
14 would look as if we never touched it. The tides and  
15 wakes from the boats would bring in a whole new batch  
16 of plastics, and of course, polystyrene. It occurred  
17 to me that in order for these cleanups not be acts of  
18 futility, we would have to be more responsible in  
19 what types of plastics we use and how we dispose of  
20 them, as well as using more materials that are  
21 naturally biodegradable. [bell]

22           Since Fresh Kills' closing and it being  
23 turned into a New York City park, it is no longer the  
24 largest landfill in the world. My understanding is,  
25 now our oceans are the largest landfills in the

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2 world. Apparently we have learned nothing, thereby  
3 making us the smartest, dumbest species ever. Thank  
4 you.

5 CHAIRPERSON REYNOSO: Thank you. Thank  
6 you so much for your testimony; I actually wanna open  
7 it up to Council Members if they have any questions.  
8 Council Member Cabrera.

9 COUNCIL MEMBER CABRERA: Thank you for  
10 your testimony. You mentioned there were toilet  
11 bowls; tires, so you're not proposing we should get  
12 rid of toilet bowls and tires and ban them, right?

13 BERYL THURMAN: No; what I'm basically  
14 saying to you is that we can't fight against human  
15 nature.

16 COUNCIL MEMBER CABRERA: Yeah, but we  
17 could control behavior, and I think the problem that  
18 we have in New York -- look, I live in L.A.; I lived  
19 in Virginia, and the problem that we have here is a  
20 culture of people throwing things, and you all know  
21 that, and I know that environmentalists, which I  
22 applaud you, you do marvelous, marvelous work, you  
23 really do, and I know you're with me on this, that in  
24 New York City people just throw things, I mean they  
25 just -- it bothers me -- it's one of my biggest pet

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2 peeves; how we don't take care of our own  
3 environment, and so I think part of the problem here  
4 -- the biggest problem is the behavior, so whether  
5 it's Styrofoam, whether it's toilet bowls, whether  
6 it's tires, people are throwing them, and we should  
7 embark in education, I would think, a bigger  
8 education plan here in the City in how we should take  
9 care of our own neighborhood and stop throwing things  
10 down. Wouldn't you agree?

11           BERYL THURMAN: Absolutely. However, in  
12 the process of trying to do those waterfront cleanups  
13 and you're looking at all of the various plastics  
14 that are along the waterfront, that they make it to  
15 the shore is one thing, because hopefully we can get  
16 some of it, but we don't get all of it; the rest of  
17 it is going into the water and our marine life, our  
18 fish are eating those things, and then they are  
19 basically starving themselves -- they have full  
20 bellies, but they're full bellies full of plastic,  
21 and then we eat those fish, so that's making its way  
22 into our system. So we have to change not only how  
23 we deal with the environment; we do have to change  
24 our ways, but we also need to eliminate certain

25

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2 things from our environment, which would be the  
3 polystyrene. Thank you.

4 COUNCIL MEMBER CABRERA: Thank you. I  
5 wanted to... I'm getting like a confusing message in  
6 here, or maybe I'm not hearing right. I thought I  
7 heard you say that it's not recyclable and then I  
8 hear that it is recyclable. I do wanna let you know  
9 that our staff from the City Council, legislative  
10 staff, went to see the facilities and that they're  
11 fully operational and they could do what they say  
12 that they're doing. I just wanted to give you that  
13 **[inaudible]**... [crosstalk]

14 BRENDAN SEXTON: Okay, I could answer --  
15 I started out by saying no one, and then I said  
16 styrene can be recycled, and in fact, clean  
17 industrial scrap polystyrene can be recycled. The  
18 stuff that came with the television can probably be  
19 recycled if you can get it together in an  
20 economically... it's clean; it's gorgeous, it is 100%  
21 polystyrene that's not... you will not find hardly any  
22 of that in a sanitation truck. The specs for  
23 polystyrene recyclers, when you find one who says he  
24 will accept it, always say non foodservice. The one  
25 town in L.A. of the 88 that accepts polystyrene foam

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2 -- which by the way, they send to Burrtec, which then  
3 landfills it -- but they say it has to be cleaned,  
4 washed and rinsed. This is not a program for New  
5 York, even for the things we recycle today, we do not  
6 ask people to clean, wash and rinse; we hope that  
7 they rinsed out the cat food from the cat food can,  
8 but that's about it. It's not, as a practic..  
9 theoretically, scientifically, chemically;  
10 physically, plastics can be recycled, they're  
11 hydrocarbons; as a practical matter, this particular  
12 form -- foam, first of all -- and second of all,  
13 foodservice foam, which is the ultimate contaminant,  
14 from a recyclyst's point of view, 'cause that's where  
15 they get vermin and everything else and neighbors'  
16 complaints and all the rest of it, this stuff, no one  
17 has figure out a way to do it practically,  
18 economically out in the real world.

19 COUNCIL MEMBER CABRERA: You know what I  
20 would love to see; I would love to see some of your  
21 leadership to come and see some of the facilities.  
22 Have any of you had an opportunity to visit..  
23 [crosstalk]

24 BRENDAN SEXTON: Yes, I have seen plastic  
25 recycling.

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2 COUNCIL MEMBER CABRERA: No, no, from the  
3 businesses that were represented here. Because what  
4 I hear is what's happening in L.A., the problem, and  
5 the business community, they were very, very clear,  
6 you know, people from Dart and the other people who  
7 were here, they were quick to acknowledge, there are  
8 problems with some other companies. But have you had  
9 an opportunity -- and no fault of your own if you  
10 haven't; if you haven't, I think it will be something  
11 good for all of us to go; I'd be willing to even join  
12 in.

13 ERIC GOLDSTEIN: The point is; even if it  
14 were a terrific facility; even if it had a long track  
15 record of service to major cities, which it doesn't,  
16 it's 700 miles away, it makes no sense to send almost  
17 anything 700 miles away for recycling. This material  
18 is made of fossil fuels, right; we wanna get away  
19 from fossil fuels, the climate is changing, we don't  
20 need this material; there are substitutes that are  
21 compostable, they are healthy, they can be used and  
22 reused. Other than the financial interest of the  
23 companies that have been here, where is the interest  
24 for New York City and its residents and its Council  
25 in taking material that is dangerous to manufacture

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2 -- and we haven't gotten into the health effects of  
3 manufacturing styrene for workers -- and then using  
4 it a single time for a couple of moments and then  
5 having it sit around in the environment for  
6 centuries, either in landfills or as litter, and when  
7 there are readily available substitutes, it just  
8 doesn't make public policy sense.

9 COUNCIL MEMBER CABRERA: So to -- you  
10 make the mention of why transport 700 miles away, but  
11 we transport garbage all over the United States, from  
12 New York City I believe as far as Virginia,  
13 Pennsylvania, so we... [crosstalk] ERIC GOLDSTEIN:  
14 Right, so even...

15 COUNCIL MEMBER CABRERA: so we go... we go  
16 far and... and it... [crosstalk]

17 ERIC GOLDSTEIN: Right, even Virginia and  
18 Pennsylvania are not 700 miles away, and we're trying  
19 to get away from that. No one thinks that that's the  
20 goal of the City's program -- the Commissioner and  
21 the Mayor and the City, under the last two Mayors,  
22 have had a very ambitious program to reduce the  
23 amount of waste; no one says that shipping waste to a  
24 landfill 100 or a couple of 100 miles away makes  
25 sense; let's not use that as the standard.

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2 COUNCIL MEMBER CABRERA: Uhm-hm. Well...

3 [crosstalk]

4 RON GONEN: Council Member, may I just  
5 add one thing to that? So as I mentioned in my  
6 testimony, we have a team of people that scours the  
7 world for investments in recycling technologies; we  
8 have investments as far away as the Middle East. o  
9 if you can recycle a plastic and you can do it  
10 profitably, we're interested in investing in you. As  
11 I mentioned, as we've scoured the world for recycling  
12 technology and solutions, we have not found a single  
13 company or single technology that can recycle  
14 expanded polystyrene. Now in the hearing today, I  
15 heard a company that says that they think they can do  
16 it, right; you heard in the testimony that they said  
17 that this is something that they plan to do; they're  
18 not doing it. We're investors in a number of  
19 recycling facilities around North America that would  
20 love to find a home for expanded polystyrene that  
21 slips into the recycling stream. I'll get their  
22 contact information after my testimony... [interpose]

23 COUNCIL MEMBER CABRERA: Okay.

24 RON GONEN: I will keep an email record  
25 of communicating with them to see if they will buy



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2 the expanded polystyrene from these facilities that  
3 we're investors in, and I'll share that  
4 correspondence with you and I'll let you know..  
5 [crosstalk]

6 COUNCIL MEMBER CABRERA: Okay.

7 RON GONEN: if they're willing to offer a  
8 contract and buy that material.

9 COUNCIL MEMBER CABRERA: Okay. I welcome  
10 that and also, the invitation is still open for you  
11 to go for a tour; it will be the ultimate decision  
12 for them to say yes; it's their company, but I'd be  
13 more than willing to do that; we offer that to some  
14 of the Council Members to do as well, and with that,  
15 I know we have a lot of people. Thank you,  
16 Mr. Chair, thank you for... [crosstalk]

17 BRENDAN SEXTON: Can I just add one  
18 thing? Is this on? In lieu of visiting them all,  
19 everybody who handles plastics, you may be interested  
20 in knowing that the Alliance of Foam Packing  
21 Recyclers has a list of specs on the website -- which  
22 you can look up -- which says, "We do not..." AFPR, the  
23 whole alliance, does not accept meat trays, cups, egg  
24 cartons, or other disposable foodservice items for  
25 recycling. And just to help the people understand,

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2 on that same website they give pictures of what is  
3 not accepted for recycling -- that looks like what's  
4 in your garbage probably this morning or yesterday.  
5 It's a myth.

6 COUNCIL MEMBER CABRERA: Well I will say  
7 that we heard testimony today that they could  
8 actually do it, because they actually are doing it,  
9 and so this is what I'm welcoming you to come, and  
10 what I'm surprised, to be honest with you, is the  
11 level of resistance that I get sometimes from  
12 friends, and the environmentalists, and I call them  
13 friends, 'cause that's what they are, of not wanting  
14 to come, and it's almost like, I don't want to see  
15 it, and it's like... [crosstalk]

16 CHAIRPERSON REYNOSO: So if we're not... So  
17 I just... 'cause we've gotta move on. So if we're not...  
18 I was invited to go and I didn't choose to go. I,  
19 for example, do not care for going to a Ford plant  
20 that's gonna show me a car that's guzzling gas and  
21 how great they do or how efficient; I wanna see cars  
22 go to electricity or, to be honest, maybe do away  
23 with cars in general, but that's my point, is why go  
24 to a factor to see something that can be done, you  
25 can build a car that runs on gas and you can do it

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2 very well and efficiently, great; that's not  
3 something that I'm looking to support, so I guess my...  
4 the reason I don't go to that plant is because I  
5 wanna move to a different era, a different space  
6 where we do solar or we do electric work or we do  
7 things to promote the environment long-term. So me,  
8 it's not that it can't be done; I don't think it  
9 should be done; that's the difference. Sorry. And I  
10 think Brad and then we've gotta move.

11 COUNCIL MEMBER LANDER: So thanks to all  
12 of you. So Ron, it's great to see you back here. So  
13 you guys are... you represent investors in a business  
14 model; right, that invests... [crosstalk]

15 RON GONEN: Correct.

16 COUNCIL MEMBER LANDER: in businesses  
17 related to and doing business with the municipal  
18 recycling facilities?

19 RON GONEN: Correct.

20 COUNCIL MEMBER LANDER: So I mean if it  
21 were actually economically feasible and practical to  
22 recycle EPS, that would make a lot of sense for those  
23 MRFs, for the investors, for the related business;  
24 yes?

25 RON GONEN: Correct.

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2 COUNCIL MEMBER LANDER: So I mean there's  
3 not -- like you guys look to every possible product  
4 that can be feasibly and economically recycled..

5 RON GONEN: Correct.

6 COUNCIL MEMBER LANDER: you want products  
7 that can be recycled?

8 RON GONEN: Correct.

9 COUNCIL MEMBER LANDER: Okay. So I do  
10 feel like.. I mean you would have no reason to resist..  
11 like it's not like you have nothing immoral about  
12 some products versus others; we'd all to reduce  
13 waste, but we'll take the waste that we have that can  
14 be recycled and do it.

15 RON GONEN: Correct.

16 COUNCIL MEMBER LANDER: Alright. And  
17 it's your view, as an investor and a business person  
18 that this cannot be economically feasibly done?

19 RON GONEN: Correct.

20 COUNCIL MEMBER LANDER: Okay. And then I  
21 just want to ask Brendan one question also, 'cause  
22 you said that in your consultation with some folks  
23 who seem to have knowledge that the processing cost  
24 to kinda wash and prepare foam was as much as twice  
25 as much as other plastics and..

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2 BRENDAN SEXTON: Correct.

3 COUNCIL MEMBER LANDER: and you heard... I  
4 mean I asked, to try to get some information on the  
5 processing costs and the folks on the prior panel  
6 said because it's proprietary they couldn't give that  
7 to us, so we don't have that information, but I just  
8 wanna make sure I heard it right, that folks you  
9 talked to... [crosstalk]

10 BRENDAN SEXTON: Yes. One of the things  
11 that makes polystyrene foam so attractive is that  
12 it's very lightweight; that's one of the reasons it's  
13 so cheap for the vendor, for the purchaser, because  
14 it's mostly air. That's exactly what the problem is  
15 for the recycler; it takes boxcar loads of this stuff  
16 to add up to a ton. And furthermore, in collecting  
17 that boxcar load, you're getting everybody's coffee  
18 and sandwich bits and catsup leavings and it's just a  
19 monster, and what the recyclers say, for instance in  
20 L.A., is that the OSHA problems of the foam are --  
21 'cause it breaks up and goes in the air -- are a  
22 problem for us, but what's really a problem is that  
23 this stuff is filthy and you are always getting  
24 contaminants in any load of recyclables, but this  
25 stuff is so lightweight that to accumulate a ton of

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2 it, a sellable bail of it, you have to put up with so  
3 much trash and it's mostly food waste, which is  
4 again, the worst, I mean vermin, etc., that it just..  
5 it bogs down the whole facility; you've engaged in a  
6 whole different enterprise once you allowed  
7 foodservice polystyrene into your facility. So it's  
8 not even a question of dollars or cents; it's a  
9 different kind of operation than the one they  
10 contracted to run and they have by and large -- and  
11 L.A. in particular, where very many townships  
12 announced they were gonna do polystyrene foam, almost  
13 none still do; out of the 88, I think 3 still do.  
14 It's just not worth it.

15 COUNCIL MEMBER LANDER: Thank you to  
16 this...

17 [background comments]

18 CHAIRPERSON REYNOSO: Thank you to the  
19 panel. And just... Ford actually does some good  
20 things; I didn't mean... [laughter] I meant like a car  
21 plant; I didn't mean Ford specifically; they do great  
22 work, [background comments] electric vehicles and  
23 all. And they provide tours too. So shout-out to  
24 Ford. [laugh, background comments]

25

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2 Next panel -- Patty Moore from  
3 Sustainable Materials Management; Sergio Firpo from  
4 Azure Technologies; Natha Dempsey from Foodservice  
5 Packaging Institute; Richard Mayer [sic] from MCS  
6 Industries; and Moisha Grossman from Dart Container  
7 Sales. Yeah, please; **[inaudible]**. [background  
8 comments] Okay, so we're gonna go back to a two-  
9 minute clock and I'm gonna be just a little more  
10 stringent; when that beep goes on, I'm gonna say  
11 please end your statement or finish your statement,  
12 and I hope you guys don't take it disrespectfully,  
13 I'm just trying to move it along, so. [background  
14 comments] It's two minutes worth of exhibits.  
15 [background comments] So go ahead; you guys can  
16 start. [background comments] And make sure the mic  
17 is on when you start. [background comments] Okay,  
18 whoever's going to start. [background comments]  
19 There you go.

20 PATTY MOORE: Is this on? Yes. Hi. My  
21 name's Patty Moore; I'm the President of Sustainable  
22 Materials Management of California and the founder of  
23 Moore Recycling. I've been in the recycling industry  
24 for almost 35 years. I began one of the very first  
25 plastic recycling programs in this country, municipal

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2 programs in this country. I have my Master's degree  
3 in science and I did my Master of Science degree that  
4 included a Foam Polystyrene Recycling Plan for Long  
5 Island, which, as you might guess, was a disaster,  
6 and let me explain why.

7           When I got started in the early 1980s,  
8 the only plastic recycling facility, the only wash  
9 facility, was for PET; there were very few outlets.  
10 PET, the soda/water bottles -- well there weren't any  
11 water bottles then; it was just soda. But now what  
12 we see is, we have plastic recycling facilities that  
13 wash for non-bottles, for film, for wraps, and for  
14 foam. And so what I wanna talk about is; why has  
15 there been this dramatic expansion? One of my  
16 mentors and colleagues, Dr. Dave Cornell, has always  
17 told me that you need four things for successful  
18 plastic recycling to happen, really for any  
19 recycling. You have to have a large recycle-ready  
20 supply, you have to have the technology to convert  
21 it, you have a profitable end market, and you have to  
22 have money to fund the whole system. And I've seen  
23 these fundamentals play out over and over again and  
24 demonstrated.



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2 So what makes a successful reclaimer?

3 Really the long-term successful reclaimers are those  
4 that are vertically integrated; that means they go  
5 from a dirty product to an end product; they may make  
6 other products as well, but they also continually  
7 upgrade their facilities with equipment and  
8 technology; they [bell] educate their employees and  
9 suppliers. So why did the foam polystyrene recycling  
10 fail when I was involved in it in the 90s? They were  
11 taking very low supply; they were doing drop-off  
12 programs of the lowest value material, the  
13 foodservice stuff that you've been hearing about, how  
14 horrible it is. In contrast today and why I'm in  
15 support of 1480, is that we have curbside polystyrene  
16 for not just the form, but all polystyrene. So we  
17 heard that, New York City, 8 million people, two  
18 MRFs, we're gonna have that sufficient supply. The  
19 autosort systems that didn't exist back in the 1980s...  
20 [crosstalk]

21 CHAIRPERSON REYNOSO: Please wrap up your  
22 statement.

23 PATTY MOORE: I'm almost done...

24 CHAIRPERSON REYNOSO: Thank you.

25

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2 PATTY MOORE: is gonna give you a large  
3 recycle-ready supply. PRI knows polystyrene, they  
4 are... [bell] they have invested in the proper  
5 equipment and so therefore we have the technology;  
6 that's the third thing, and you have the Dart  
7 investment, which is gonna give you the funding, so  
8 why is it different today than it was then and why do  
9 you hear these people who've been in the industry a  
10 long time saying it can't work, it hasn't work, it  
11 doesn't work? Because they didn't have those four  
12 fundamentals, but now those four fundamentals are in  
13 place, so please support recycling.. [crosstalk]

14 CHAIRPERSON REYNOSO: Thank you for your  
15 testimony. Thank you so much for your testimony.  
16 [background comment] And remember, wave your hands  
17 if you're in support of something.

18 RICHARD MASTER: Good afternoon, I'm  
19 Richard Master, CEO of MCS Industries; we're  
20 headquartered not too far from here in Easton,  
21 Pennsylvania. I'm here to express our strong support  
22 for Intro 1480, legislation that would add form to  
23 the citywide curbside recycling program.

24 MCS is the largest supplier of picture  
25 frames and decorative mirrors in the United States.

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2 Historically, picture frames have been made from wood  
3 and metal. The industry in the last two decades  
4 moved increasingly toward plastic resin as a primary  
5 source material.

6 MCS is vertically integrated, we're a  
7 manufacturer; we use this material. We produce most  
8 of our products from recycled plastic resins.

9 Recycled EPS is the primary material source. I have  
10 samples here.

11 The different between us and Shaw  
12 Industries, and the only difference, is that they  
13 have cleaning facilities in place to take this dirty  
14 material and clean it. We don't have those  
15 facilities in place in our facility, but we take  
16 packaging material, we take scrap materials, we have  
17 **[inaudible]** suppliers around the country, this  
18 material is being shipped into our plant, and we  
19 grind it up and we repelletize it and we put it into  
20 our machines and we make architectural moulding for  
21 Home Depot, picture frames and mirrors for Walmart,  
22 Target, and Home Depot -- thank you -- and you know  
23 we can make it look like wood products and we don't  
24 have to cut down all the trees in North America to do  
25 it. [bell] Okay.

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2 Polystyrene is 100% recyclable and is  
3 already recycled commercially in big cities across  
4 the nation, small cities across the nation and  
5 communities around the globe. I used to import  
6 material from Tokyo, the Tokyo Fish Market -- fish  
7 trays on foam polystyrene trays, and you do it here  
8 in your Fulton Fish Market the same way, and I went  
9 to Japan, I saw the community-wide recycling  
10 programs; there is discipline in Tokyo to assemble  
11 and recycle... [crosstalk]

12 CHAIRPERSON REYNOSO: Please finish your  
13 statement, please.

14 RICHARD MASTER: all these materials,  
15 even post-consumer at the household level. In fact,  
16 we use over 9 million pounds of recycled resin a  
17 year; we require 7 million pounds of recycled EPS.  
18 Anyone who suggests that polystyrene foam cannot be  
19 recycled is just ignoring reality. I wouldn't have a  
20 company; I wouldn't be sitting here with 900 people  
21 in North America who we employ and they wouldn't have  
22 jobs if we couldn't do it. As I mentioned, we're a  
23 company... [crosstalk]

24 CHAIRPERSON REYNOSO: Thank you; I'm  
25 gonna have to ask you to... you uh to... [crosstalk]

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2 RICHARD MASTER: Yeah, go ahead. Am I...  
3 Am I... I'm way over. Okay... [crosstalk]

4 CHAIRPERSON REYNOSO: Yeah... Oh you... yeah,  
5 it's... quite some time now.

6 RICHARD MASTER: Okay. Alright.

7 CHAIRPERSON REYNOSO: But thank you so  
8 much for your testimony; really appreciate it. Thank  
9 you.

10 RICHARD MASTER: Very good. Thank you.

11 SERGIO FIRPO: Is this on? [background  
12 comments] Alright, sorry. Actually, this is my  
13 first testimony; I might not sound as polished as the  
14 people before me, but.

15 My name is Sergio Firpo; I am the  
16 President of Azure Technologies; we are a design and  
17 engineering company that builds plastic recycling  
18 plants. We have been doing this for nearly 30 years  
19 now. And I am here to support Intro 1480 and more  
20 than anything, trying to do in two minutes a quick  
21 overview of the technologies that we have in place  
22 and give you a perspective of what is this technology  
23 like today vs. what it might have been just even 5 or  
24 10 years ago.

25

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2           So interest of the time, I will just  
3 quickly point out some of the things that we have put  
4 in the system. My company designed the system that  
5 is in Indianapolis and in designing the system we  
6 knew the challenges because we have been working in  
7 recycling for such a long time and we had worked in  
8 three other projects with polystyrene, so we are not  
9 new at recycling polystyrene; we have tried different  
10 things and I'm here to tell you that this system is a  
11 success because of the technological advancement that  
12 we can take advantage of recently.

13           So very quickly, very quickly I wanna  
14 show you -- you have my testimony, around 10 pages,  
15 so it's gonna be very difficult to go through all of  
16 that. But you know in one of the pages you can see  
17 there is a complete overview of the washing system  
18 that we have here to wash dirty polystyrene foam.  
19 And I'm just going to point just a few things. For  
20 example, [bell] we have a new plastic granulator that  
21 addresses the low-bulk density of the polystyrene and  
22 it's a new design by a German company that started  
23 about 5 years ago with these that has screws that  
24 actually push the low-bulk density into the cutting  
25 chambers. From before, the low material might get

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2 hung up; now it's possible to be pushed and there are  
3 sensors in there that know how much to push and when  
4 to back up.

5           Very quickly, the optical sorters.  
6 Optical sorters now [bell] have technologies that go  
7 from infrared, vision **[inaudible]**; metal detectors.  
8 We have enhanced washing technologies that now,  
9 thanks to high-powered friction washing, we can take  
10 out most of the contaminants.

11           Float/Sink Tank. On page, I think 8,  
12 there is an example of the actual agglomerator that  
13 we have that deals with another problem of the bulk  
14 density of the material and makes it into something..  
15 [interpose]

16           CHAIRPERSON REYNOSO: I'm sorry; I'm  
17 gonna have to ask you to wrap up.. [crosstalk]

18           SERGIO FIRPO: If I can just say one more  
19 thing.. [crosstalk]

20           CHAIRPERSON REYNOSO: Absolutely.

21           SERGIO FIRPO: I heard in the testimony  
22 before, somebody says that dirty plastic from just  
23 dirty plates cannot be recycled, and I wanna say that  
24 my company has built a PET recycle company in Toluca,  
25 Mexico, for Coca-Cola; the feedstock in there is

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2 plastic that comes from the landfill that are  
3 pepenadores and families that live picking out  
4 plastic out of the landfill, and that is the dirtiest  
5 plastic. We provided a technology for that plant to  
6 recycle those PET bottles back into bottles and it  
7 has been in operation since 2004. So the notion that  
8 dirty plastic recycling cannot be recycled and you  
9 can only recycle clean post-consumer is really not  
10 true. Thank you.

11 CHAIRPERSON REYNOSO: Thank you.

12 NATHA DEMPSEY: Good afternoon Chairman  
13 Reynoso and Council Members. My name is Natha  
14 Dempsey and I am the Vice President of the  
15 Foodservice Packaging Institute (FPI). My  
16 association represents the foodservice packaging  
17 industry, including many manufacturers of foam. I am  
18 here today to ask for your support of Intro 1480.

19 We strongly encourage all efforts to  
20 recycle foam based on our research and experience  
21 with foam recycling over the past few years.

22 Through our work, we know there are many  
23 myths about foam recycling. The three arguments we  
24 hear most are: "there are no end markets" -- we've  
25 heard them today -- "it's too dirty to recycle," and



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2 "no one is recycling foam." Here's what we know to  
3 be true.

4           On the claim that there are no end  
5 markets, we know that the end markets may not be as  
6 robust for foam as they are for PET and  
7 polypropylene, but they do exist and there is  
8 tremendous opportunity there. In 2014, we  
9 commissioned a study to understand what kind of  
10 demand there would be for polystyrene, both rigid and  
11 foam.

12           We identified over 100 processors and end  
13 users looking for recycled polystyrene in the U.S.  
14 and Canada. Research also indicated that demand for  
15 polystyrene would be increased by roughly 6 and 8%  
16 annually for the next few years.

17           As the second argument that foam is too  
18 dirty to recycle, this is simply untrue. As part of  
19 FPI's broader effort to recycle all paper and plastic  
20 foodservice containers and cups, we commissioned two  
21 studies in 2013 and 2014. The studies looked at food  
22 residue on to-go containers in comparison with other  
23 food containers already in the recycling stream -- so  
24 collected at residential curbside programs, like  
25 margarine tubs, peanut butter containers, spaghetti

2 jars -- we did this in Boston and Delaware. In both  
3 cases, the food residue found on foodservice  
4 packaging was comparable to commonly recycled food  
5 packaging items.

6 On the third myth that no one is  
7 recycling foam, we know that there are over 200  
8 cities that include foam foodservice packaging in  
9 their curbside recycling program, [bell] and they  
10 include a number of cities mentioned earlier, but San  
11 Antonio, Denver, Sacramento, Tampa, and Salt Lake  
12 City are some other examples. There are actually  
13 more cities that currently accept foam than have  
14 banned it.

15 There are too few cities recycling foam,  
16 but we're doing something about it. FPI has a Foam  
17 Recycling Coalition, founded in 2014, made up of foam  
18 foodservice packaging manufacturers and their  
19 suppliers that offer grants to help start or expand  
20 foam recycling programs. These efforts aren't  
21 different from many others in the industry; the  
22 aluminum industry did something similar in the 1970s,  
23 the plastic bottlers did something similar in the  
24 1990s, and most recently, the carton manufacturers

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2 have done something similar to make investments to  
3 get their products recycled.

4           The industry has offered to make  
5 investments to get foam recycled in New York City,  
6 all we need now is the approval to add this material  
7 to the recycling program. So for this reason, we  
8 respectfully ask that you support Intro 1480.

9           CHAIRPERSON REYNOSO: Thank you for your  
10 testimony; appreciate it. Thank you to this panel  
11 for coming in to testify. No questions. Thank you.  
12 Thank you so much. [background comments]

13           Patrick Diamond from Surfrider NYC -- I  
14 hope I said that right -- [background comment]  
15 alright; Jeremy Cherson from Riverkeeper; Colin  
16 Beavan, yeah, No Impact Project; Melissa Milby [sic]  
17 [laughter] -- no -- I'm trying to stay away from a  
18 lot of these last names. [background comments] Kelly  
19 Lester. Alright. Alright, everyone's here [sic].  
20 [background comments] [pause] Go ahead. Any... there  
21 you go.

22           PATRICK DIAMOND: Great; can you hear me?  
23 Hi. I'm Patrick Diamond; I'm with Surfrider New York  
24 City. We have 450 members here in the five boroughs,  
25 but we have a network of volunteers; supporters state

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2 and nationwide that reaches into the thousands. I  
3 guess I'll rely on my written testimony to sort of  
4 cover really the environmental issue of EPS. You  
5 know Surfrider NYC, we do a lot of beach cleanups in  
6 the Rockaways, we do water quality testing year-round  
7 in the Rockaways and Coney Island; we have a youth  
8 program in the Rockaways. I would encourage any of  
9 the City Council Members to come join us for a beach  
10 cleanup in the Rockaways on a busy summer day and  
11 you'll see the extent of the problem that this  
12 material causes.

13 But what I haven't heard a lot about  
14 today -- I've heard companies from Indiana, Michigan,  
15 Mexico; Pennsylvania, but I guess I wanna talk about  
16 the New York City taxpayer and citizen. We have a  
17 \$1.64 billion trash problem in this city and I wanna  
18 bring some focus to the three Rs of sustainability,  
19 which is reduce, reuse and then recycle -- recycle is  
20 the last of the Rs. When you look at New York City's  
21 diversion rate, it's 16-17% of material that can be  
22 recycled actually gets recycled. If you look at the  
23 court papers from the New York State Supreme Court  
24 decision that stopped the 2010 ban, you know they  
25 used the data point of the Dart Corporation state-of-

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2 the-art technology that can remove 75% to 95% of this  
3 material. If you do the math with New York City's  
4 diversion rate, that's still on 13-14% of material  
5 actually being recycled. So the chairperson, you had  
6 mentioned to the Dart Corporation they're putting the  
7 horse before the cart -- talking about recycling this  
8 stuff [bell] is really putting the horse before the  
9 cart; we should really be focusing on educating New  
10 York City people on how to properly recycle -- they  
11 already struggle with the complicated recycling  
12 scheme; bringing a new product into it is only gonna  
13 make things more difficult, so I would really  
14 encourage us to allocate resources to educating  
15 people on the existing recycling scheme and also  
16 educating them on how to reduce waste in the first  
17 place. Thanks.

18 CHAIRPERSON REYNOSO: Thank you. And if  
19 you were here for the Executive Budget hearing that  
20 we had in the beginning of the day, we actually  
21 talked about increasing funding to marketing so that  
22 we could teach folks how to do what they're supposed  
23 to do already. Thank you for your testimony.

24 PATRICK DIAMOND: Sure.

25

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2 COLIN BEAVAN: Hello, my name is Colin  
3 Beavan; I'm the founder of the No Impact Project and  
4 also the author of several books on environmental  
5 issues, but most importantly, a citizen of New York  
6 City and I am here as a concerned citizen.

7 First of all, thank you all for your  
8 service. I want to say how proud I am to live in a  
9 sanctuary city, as city in which I can feel as though  
10 my most disempowered fellow citizens are protected in  
11 the fact of the fact that the federal government is  
12 failing to do so. And I want to say that with the  
13 gutting of the United States Environmental Protection  
14 Agency and also the potential withdrawal from the  
15 International Climate Accord, just as it falls to the  
16 cities to protect us from immigration issues, it also  
17 falls to the cities to protect us from environmental  
18 and climate catastrophes; it's the most disempowered  
19 who face victimization from environmental  
20 catastrophes. In my home borough of Brooklyn, the  
21 people who I watched suffer the most were the elderly  
22 people in the NYCHA housing who were stuck during  
23 Hurricane Sandy because the electricity was out;  
24 whilst all the people in private homes had  
25 electricity, the NYCHA housing did not and people

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2 were having to walk up many, many flights of stairs  
3 to bring elderly people their prescriptions; so it is  
4 with other environmental degradations; that it's the  
5 least protected that will suffer.

6 Polystyrene cannot be effectively  
7 recycled; I don't understand why we're talking about  
8 whether it can be recycled; whether there is a market  
9 for it, when we know that other materials can be  
10 recycled and there is a market for the other ones;  
11 why do we need to experiment? We also know that  
12 polystyrene is poison.

13 I want to say that a common corporate  
14 ploy is to pit environment against jobs; that is to  
15 say, if we go a certain way there will be economic  
16 circumstances. Almost every environmental measure  
17 actually [bell] has positive impacts on the economy,  
18 just in the same sense that if we move to renewable  
19 energy we'll create more jobs than the regressive  
20 measure to try to prop up coal. This is a regressive  
21 bill; it's going backwards at a time when the people  
22 need your protection. I urge you to reject this  
23 bill.

24 CHAIRPERSON REYNOSO: Thank you for your  
25 testimony.

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2 MELISSA IACHAN: Alright. Good  
3 afternoon, my name is Melissa Iachan and I am a  
4 Senior Staff Attorney in the Environmental Justice  
5 Program at New York Lawyers for the Public Interest.  
6 I would like to thank Chair Reynoso and the other  
7 Council Members here for giving me the opportunity to  
8 speak. New York Lawyers for the Public Interest has  
9 been working for many years along with community  
10 partners to address the disparate burdens of waste on  
11 a few communities here in the City. We are deeply  
12 concerned that Intro 1480 will have negative  
13 consequences in those communities, for our City's  
14 laudable Zero Waste goals, and on our natural  
15 resources and environment. NYLPI strongly opposes  
16 Intro 1480, and instead supports legislation that  
17 would ban polystyrene foam food and beverage  
18 containers.

19 As you've already heard from many of my  
20 esteemed colleagues and partners, Intro 1480 is both  
21 misinformed and misleading. Polystyrene foam should  
22 absolutely not be defined as recyclable under city  
23 law when it cannot practically be recycled. To label  
24 this material as recyclable would have serious  
25 environmental and public health repercussions, to say



2 nothing of further eroding the faith in the City's  
3 recycling system.

4           This bill will also likely increase the  
5 amount of polystyrene that we see in our communities  
6 and in our waste stream. Currently, polystyrene now  
7 represents less than 2% of our waste stream. By  
8 deeming it recyclable both food service providers and  
9 consumer may think it's not only benign to use, but  
10 somehow beneficial, and this potentially toxic  
11 material will again proliferate in our city.

12           As you have heard, this is dangerous to  
13 the environment, public health and to communities  
14 overburdened by waste. In addition, consuming hot  
15 beverages or food from polystyrene has been shown to  
16 be risky to humans for the possibility of ingesting  
17 the styrene -- a known carcinogen. And of course,  
18 like so many other environmental threats, the  
19 communities who would bear the brunt of this will  
20 likely be our city's low-income communities. The  
21 types of quick service food vendors and food carts  
22 who used to rely on this cheap material, and will  
23 likely be the first to once again begin serving food  
24 and beverages out of it, are often located in our  
25 lower income communities of color, where families

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2 [bell] and children will once again be exposed to the  
3 risks associated with serving hot food and drink in  
4 polystyrene.

5 Finally, increasing this portion of our  
6 waste stream also means sending even more garbage to  
7 the three most overburdened communities who already  
8 take more than 75% of New York City's waste. This  
9 means more trucks in, and more trucks out, releasing  
10 more fumes into the air in neighborhoods where  
11 children suffer from asthma almost two times more  
12 than their Manhattan counterparts.

13 So as you see, the problems with  
14 designating polystyrene as recyclable are not few  
15 and, are not small. You are hearing from so many of  
16 us because we stand together in saying that this,  
17 plainly speaking, is a terrible idea. A much more  
18 pragmatic solution would be to ban polystyrene  
19 entirely; in fact, that legislative effort has begun,  
20 and we believe that we can unite in moving that  
21 forward and move our City towards a cleaner,  
22 healthier, more equitable and sustainable tomorrow.  
23 Thank you.

24 CHAIRPERSON REYNOSO: Thank you, Melissa.

25

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2 JEREMY CHERSON: Thank you, chair Reynoso  
3 and the rest of the Committee. I'd like to say, if  
4 Eric is a tree hugger; I'm a fish hugger. [laughter]  
5 I would like to take the opportunity to testify  
6 against this ill-advised legislation on behalf of  
7 Riverkeeper's thousands of members and supporters.  
8 My name is Jeremy Cherson; I have a Master's in  
9 Environmental Policy from Bard College.

10 Through advocacy, prevention, community  
11 education, and stewardship, Riverkeeper is working  
12 towards realizing the vision of a trash-free Hudson  
13 River. Our annual day of service, the Riverkeeper  
14 Sweep, engages thousands of New Yorkers from Brooklyn  
15 to the Adirondacks at over 100 sites to clean up our  
16 shorelines and waterways. Each year, polystyrene  
17 constitutes a major source of the marine debris our  
18 Riverkeeper Sweep volunteers clean up. At our May 6,  
19 2017 Sweep, polystyrene pollution was the most common  
20 item found at 22% of our 101 sites. At our 2016  
21 shoreline cleanup, polystyrene was the most common  
22 debris found at 26% of our 109 sites. Our direct  
23 experience with polystyrene on our shorelines  
24 necessitates our advocacy to eliminate polystyrene  
25 pollution in the Hudson River Estuary.

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2 The industry-backed bill, Intro 1480,  
3 seeking to require New Yorkers to recycle a product  
4 where recycling is not feasible is misguided and  
5 would steer New York City in the wrong direction of  
6 its Zero Waste goals. You heard from Commissioner  
7 Garcia, so I won't go through that. But over 100  
8 other local governments in the United States agree  
9 with Commissioner Garcia, and have passed ordinances  
10 restricting or prohibiting the use of polystyrene,  
11 including Ulster County here in New York State.

12 Riverkeeper encourages the City Council  
13 to follow in the footsteps of local governments  
14 across the country and take action to eliminate  
15 polystyrene from the waste stream. Cost-effective,  
16 affordable and environmentally responsible  
17 alternatives exist. Taking action to phase out  
18 polystyrene will protect wildlife, reduce [bell]  
19 marine pollution and improve the quality of life for  
20 New Yorkers.

21 I appreciate the opportunity to testify  
22 and I hope the Council and Committee will forcefully  
23 reject Intro 1480.

24 CHAIRPERSON REYNOSO: Thank you for your  
25 testimony.

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2 KELLY LESTER: Good afternoon and thank  
3 you. My name is Kelly Lester; I'm a student at NYU  
4 School of Law and I'm a resident of New York City.  
5 This semester I participated in NYU's Environmental  
6 Law Clinic where I researched EPS bans across the  
7 country and I researched the validity and viability  
8 of curbside recycling programs in some of the largest  
9 cities in the nation. I'm here today to share with  
10 you what I found which has led me to oppose this  
11 recycling bill. My research showed that not one of  
12 the 30 largest cities in the country has an effective  
13 curbside recycling program for EPS food containers.

14 I examined the curbside recycling  
15 policies of each of these cities and only San  
16 Antonio, Texas even purports to accept EPS food  
17 containers in their curbside program. However, when  
18 I contacted Recommunity Recycling, which processes  
19 San Antonio's recycling, I was informed that while  
20 they accept the food containers, they're not able to  
21 actually recycle the collected EPS because nobody is  
22 willing to buy it.

23 I also checked out Denver, Colorado's  
24 recycling policy and contrary to a previous speaker's  
25 assertion, Denver, Colorado does not accept

2 polystyrene foam for recycling, and if you're  
3 interested, you can check out their government  
4 website.

5           In other words, the only large city that  
6 even attempts to recycle EPS food containers is not  
7 able to do so since there is no market for dirty foam  
8 they collected. Also, some cities that have banned  
9 polystyrene have demonstrated positive economic  
10 results as a result of switching over to recyclable  
11 and compostable containers, because they're able to  
12 actually sell the compost that results.

13           I also contacted several of the  
14 facilities listed on Dart Container's website as  
15 actually accepting EPS food containers for recycling  
16 and a lot of these facilities no longer accept them;  
17 they said that they previously attempted to accept  
18 these materials, but there's an insufficient market  
19 and so they're not able to.

20           I contacted Plastics Recycling Inc., the  
21 company that Dart Container has cited repeatedly as  
22 being able to accept New York City's EPS waste for  
23 recycle, and I was informed by a representative that  
24 they do not yet accept [bell] EPS food containers for  
25 recycling and that they're working on developing a

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1 2 3  
2 process to recycle them, but they do not as of yet  
3 have any proven system up and running.

4                   And so my research made it abundantly  
5 clear that recycling of polystyrene food foam and  
6 beverage containers has not been proven to be  
7 feasible in any large city and is thus unlikely to be  
8 feasible in New York City and a ban is preferred  
9 alternative to many of these large cities because it  
10 has been proven to actually eliminate polystyrene  
11 foam food waste. Thank you.

12                   CHAIRPERSON REYNOSO: Thank you for your  
13 testimony. Thank you to this panel, and I think  
14 we're moving on to the next panel, so thank you guys  
15 very much.

16                   COUNCIL MEMBER LANDER: Just wanna say  
17 it's nice to see some of the band back together...

18                   CHAIRPERSON REYNOSO: I know.

19                   [laughter]

20                   COUNCIL MEMBER LANDER: These are a lot  
21 of the folks that did the plastic bags, so... and are  
22 gonna do it again too.

23                   [laughter]

24                   [pause]

25

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1 2 1

2 CHAIRPERSON REYNOSO: Robin Cantor..

3 [background comments] yeah, so was... so was William  
4 Goodfellow. [background comment] David Brooke, I  
5 believe David Brooke, from Pact IV or Pactiv... Pactiv,  
6 I'm sorry. Gary Frederick, [background comment]  
7 David Wilson. [background comment] That's three.  
8 [background comment] Mike Levy from American  
9 Chemistry Council and Plastics Food Service Packing  
10 Group, and Walter Reiter from EPS Industry Alliance.  
11 [background comment] Alright. Oh, there are some  
12 folks in the next room that are coming through.  
13 Okay. [background comments] There's a Robin Cantor,  
14 yes. [background comments] [pause] [background  
15 comments] Did you get called up? [background  
16 comment] Yeah, go ahead. Yeah, drop it off there  
17 and then come straight -- you've got a seat waiting  
18 for you there. [background comment] No problem.  
19 Okay and we're trying to do our best to keep it under  
20 two minutes; if you go slightly over, I'm gonna ask  
21 you to just conclude your statements. Thank you very  
22 much and whenever you're ready.

23 [background comments]

24 DAVE BROOKE: Here. Better? Ah yes.

25 Good afternoon and thank you for the opportunity to



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2 testify today in support, in our case, of Bill 1840,  
3 which would, as we've all discussed today, add  
4 polystyrene foam to the curbside recycling.

5 My name is Dave Brooke and I'm the  
6 Director of Regulatory Affairs at Pactiv. Pactiv is  
7 one of the world's largest, and I'm proud to say,  
8 best foodservice packaging companies. We manufacture  
9 all types of food packaging, not just foam  
10 polystyrene, but all the different plastics, paper,  
11 aluminum, and so forth.

12 We have over 50 manufacturing facilities  
13 located throughout the world; however, our largest  
14 one is in upstate New York. Located in Canandaigua,  
15 which is between Syracuse and Rochester, we employ  
16 almost 800 skilled full-time and part-time employees,  
17 making us the second largest employer in Ontario  
18 County.

19 In our part of the state, that's a lot of  
20 jobs and very critically needed jobs. We've seen  
21 over the past several decades that as the economy  
22 improves and becomes more resilient in areas like New  
23 York City, our communities in upstate New York have  
24 been faced with an out-migration of jobs, and along  
25 with that go the friends and the families, so it's a

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2 tough environment in certain parts of the state, and  
3 that's where we operate.

4 In 2013, Pactiv came here to testify  
5 about how the proposed foam ban would potentially  
6 take jobs from New York, sending them overseas; also  
7 testified on how it could have a major impact on our  
8 employees, the communities we operate in, our  
9 suppliers, and just not bode well for Pactiv in  
10 upstate New York.

11 It seems that since then our voice has  
12 been heard and for that we'd like to say thank you.  
13 Thank you to the Council Members, the staff and all  
14 those who took the time to learn the real facts and  
15 that [bell] being that foam polystyrene is cost-  
16 effective, it is safe, and is capable of, and in  
17 fact, recycled.

18 In closing, I'd like to reiterate that  
19 moving from a ban to a curbside recycling program  
20 isn't just good for businesses like ours, it's good  
21 for your consumers, your constituents and their  
22 businesses within the City.

23 Thank you very much for your time today.  
24 We support Bill 1840 [sic].

25 CHAIRPERSON REYNOSO: Thank you, sir.

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2 DAVE BROOKE: Thank you.

3 MIKE LEVY: Good afternoon, Chairman...  
4 this on? Yes. Chairman and members of the  
5 Committee, my name is Mike Levy; I'm the Director for  
6 the Plastics Foodservice Packaging Group and we  
7 represent all makers of all different plastics  
8 foodservice, including polystyrene foam.

9 While I'm based in Washington, D.C., I  
10 grew up just north of the Hudson here, so I'm also  
11 supportive of the bill and also wanna let you know  
12 that you would be adding to Madison County, New York  
13 and Yonkers, who currently does recycle polystyrene  
14 foam, so it is being done in certain parts here.

15 In the less than two minutes that I have  
16 here, I'd like to address some of the misperceptions  
17 that you've really heard today in a couple of areas;  
18 one is on litter and one is on health and safety.

19 Particularly on litter, like anyone, we do not want  
20 littered products in the ocean and the rivers and we  
21 go to great lengths to try to support programs that  
22 do that. But we also have done studies and the  
23 amount of polystyrene foam foodservice in litter,  
24 according to national studies that look at about,  
25 something like 240 cities, is 1.5% -- you've heard

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2 numbers of 38 and 100 or whatever it is -- it is a  
3 small part, this is polystyrene foam. The other  
4 thing too, with all due respect to Commissioner  
5 Garcia, we've looked at the Baykeeper study and the  
6 amount of polystyrene microplastics that they've  
7 gotten so far -- according to the independent work --  
8 is microscopic, not 38%. But we can argue numbers  
9 all the way around; I will tell you that we agree  
10 that litter shouldn't be there and we've got programs  
11 to kinda reduce that.

12 But the other thing is; San Francisco was  
13 mentioned as one of the cities that bans polystyrene  
14 foam; what wasn't mentioned was, in 2006, when they  
15 banned it, they were the only city to really take a  
16 look to see if it made a difference a couple years  
17 later; they did a San Francisco street audit in 2008,  
18 and what they proved was exactly what we've said  
19 before, is that, when you substitute one product for  
20 another, [bell] if you don't clean up the  
21 environment, you'll actually just increase litter,  
22 and that's exactly what happened; the substituted  
23 products, item by item, for paper cups and plates and  
24 bowls actually increased in San Francisco; just  
25 wasn't polystyrene, it was something else. So again,

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2 letter is behavior, but no one really wants to get at  
3 it.

4           And finally, on the issue of styrene and  
5 polystyrene, a lot of people confuse the two --  
6 styrene is a liquid and polystyrene, of course, is a  
7 solid material. The people that say that styrene is  
8 a suspected carcinogen, health and safety agencies,  
9 like the NTP, basically have said when it comes to  
10 polystyrene there is no health and safety problem,  
11 and the answer is, for 50 years the Food and Drug  
12 Administration regulates not just polystyrene, but  
13 all foodservice. No one has ever gotten sick or ill  
14 from a foam cup or a clamshell or anything like that,  
15 but you'll hear people saying that styrene's  
16 toxicity; styrene is not the issue here. [bell]

17           CHAIRPERSON REYNOSO: Okay. Thank you.

18 Thank you.

19           MIKE LEVY: Thank you. We're in support  
20 of the bill.

21           CHAIRPERSON REYNOSO: Clearly. Thank  
22 you, sir.

23           : Gentlemen, thank you for allowing me  
24 to speak with you this afternoon, it's an honor. I  
25 wanna give you some statistics about what I do with

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2 my company I work for, but first, I'd like to say a  
3 little bit about myself. My name's David Wilson;  
4 I've been an employee of RAPAC for 24 years; pretty  
5 much my career has centered around polystyrene and  
6 expandable polystyrene. Years and years ago I was  
7 given the opportunity to help develop the business  
8 and just given free reins by the ownership of finding  
9 cost-saving measures -- we wanna be on the cutting  
10 edge of technology -- and I went directly into the  
11 recycle markets and started helping develop them.  
12 The densifier process for expandable polystyrene,  
13 I've been instrumental in developing that over the  
14 years. That's one of the keys of being able to  
15 transport EPS at an affordable price, is condensing  
16 it from less than one-pound density to about 30  
17 pounds per cubic foot density -- it's equipment; it's  
18 technology. I've also been able to see PRI's  
19 process, which I'm very interested in, because I  
20 would like to use some of the material from that  
21 process; it's cutting edge. RAPAC has been a  
22 recycler for 30 years; we have recycled over 50  
23 million pounds of EPS and PS. In 2017 we're slated  
24 to use 32 million pounds of resin; out of that, 90%  
25 of what we will buy or recycle will be recycled

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2 content. Out of that 90%, 14% will be post-consumer  
3 (4.5 million pounds). So to say that you can't  
4 recycle post-consumer EPS and PS is a lie; I'm doing  
5 it. I welcome you to look at our website and come to  
6 Oakland, Tennessee to see our process; I'll show it  
7 to you firsthand. We are a major player and wanna  
8 see it grow. [bell] I vote yes and ask that you  
9 vote yes to approve the measure.

10 CHAIRPERSON REYNOSO: Thank you for  
11 your testimony.

12 WALTER REITER: Thank you, Chairman;  
13 Council Members. My name is Walter Reiter; I'm the  
14 Deputy Director of the EPS Industry Alliance. I was  
15 very pleased to get two mentions today, first from  
16 Commissioner Garcia, and I had an opportunity to give  
17 her my card so that she can follow up with me and I  
18 can actually probably correct information that one of  
19 her staffers gave her about our organization. And  
20 then I also got a mention from the former  
21 Commissioner; he had mentioned the Alliance of Foam  
22 Package Recyclers, which has been merged to the EPS  
23 Industry Alliance. We are the North American Trade  
24 Association representing rigid foam insulation and  
25 the protective packaging. We are extremely

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2 supportive and excited about this legislation,  
3 because this will help us continue to grow and  
4 promote our efforts to establish recycling of the  
5 protective packaging.

6 Now the one thing that you really need to  
7 focus on is diversion, and the gentleman from  
8 WaveRiders came up here and was talking about  
9 diversion; this will drive diversion and this will  
10 help us in our efforts to keep this out of the  
11 landfills. There was also some mention about Canada  
12 and what's going on up there, and Commissioner Garcia  
13 indicated a failed project from 2004 or so. Now  
14 Canada is a little bit and the provinces are a little  
15 bit ahead of New York in their zero waste goals and  
16 they have some pretty strong legislation that's kind  
17 of motivating and driving those efforts to keep the  
18 material out of the landfill, but if you take a look  
19 at our website, and I'm sorry; I tried to focus on  
20 New York in anticipation, but we have the same  
21 resource that would show you what's going on in  
22 Canada -- Vancouver, Quebec; Kingston's been  
23 mentioned. A lot of it, you know there's some good  
24 push from the government encouraging it to stay out

25



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2 of the landfills and that is helping a phenomenal  
3 amount, and this legislation will also help.

4           And the other thing I wanted to correct  
5 from Commissioner Garcia, and this is off of our  
6 website, we do have close by Shelter Enterprises in  
7 Cohoes; Thermal Foams in Cicero, Polar Industries,  
8 Prospect, Connecticut; [bell] Sonoco, Putnam,  
9 Connecticut, and there's about four or five others,  
10 and these are places that are accepting EPS and  
11 making it into new EPS; because of provisions say in  
12 Lead v4 and things like that, there is a push to have  
13 recycled content material, and this material is  
14 coming back into these plants, post-consumer, thrown  
15 into the grinder, made into products, made into  
16 lightweight fill, EPS geofam projects and things  
17 like that. So this would be a huge push for us and  
18 it would be an awesome opportunity to really move  
19 towards that zero waste and keep it out of the  
20 landfills and we strongly support 1480.

21           GARY FREDERICK: I'll make it quick,  
22 [laugh] okay.

23           Good afternoon. My name is Gary  
24 Frederick, I'm President of Princeton Moulding Group.  
25 I'm here today to testify in support of Intro 1480,

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2 the addition of EPS to the citywide curbside  
3 recycling program.

4 First, I want to thank the members of the  
5 City Council Sanitation Committee for holding his  
6 very important meeting.

7 My company is located in Central New  
8 Jersey, just a mere 40 miles south of New York City.  
9 We are a manufacturer of high-quality EPS mouldings  
10 for the furniture, picture frame and architectural  
11 markets. Our mouldings contain approximately 98%  
12 recycled EPS. We began manufacturing these products  
13 in 2006, and despite some of what I have heard here  
14 today, EPS is highly recyclable. The issue for me  
15 isn't; can we recycle EPS, because we do that every  
16 day. The issue is; can we get enough of it to grow  
17 our industry, manufacturing?

18 Ten years ago when, we started  
19 manufacturing moulding, we actually had to import  
20 recycled EPS from Korea. As MCS said earlier, they  
21 had to import it from Japan. Over time, the recycled  
22 EPS markets have improved, but we still need more  
23 here in the United States.

24 I am here today to express my strong  
25 support for Intro 1480. Recycling EPS will help grow

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2 jobs and is an investment in our economy. We commend  
3 the sponsors for this thoughtful and progressive  
4 legislation and urge the City Council to pass it into  
5 law.

6 Thank you for the opportunity to speak  
7 and I can take any questions.

8 [background comments]

9 COUNCIL MEMBER LANDER: Alright, thank  
10 you guys very much. [background comments] We'll  
11 call the next panel. Rhonda Keyser and Debby Lee  
12 Cohen from Cafeteria Culture; Thomas Gorman Reilly  
13 from CIVITAS; Judith Weis from Trash-Free Waters  
14 Partnership; Akila Simon, Guardians of Flushing Bay;  
15 and Edith [sic] Kantrowitz, New York City Friends of  
16 Clearwater and United For Action. I feel like I  
17 called about 17 -- one, two, three -- I think I  
18 called six, because... but five cards, but one had two  
19 people. [background comments] So maybe not everyone  
20 is here -- I see Rhonda, so Rhonda, come on up. I  
21 called Rhonda Keyser, Debby Lee Cohen, Thomas Reilly,  
22 Judith Weis, Akila Simon, and Edith Kantrowitz.  
23 [background comments] If they're in the other rooms...  
24 [background comments] Okay. Alright, we've got a  
25 good panel here. Fair enough.

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2 CHAIRPERSON REYNOSO: Christopher Chen,  
3 Greg Todd -- we were hanging the other day. There  
4 you go; he was there, Brooklyn SWAB. [background  
5 comments] That's fine, that's fine, that's fine.  
6 That's fine. Sorry. We're going through it faster,  
7 so patience; folks are... So please, in any order that  
8 you see fit.

9 [pause]

10 THOMAS GORMAN REILLY: ...something. Okay,  
11 thank you. I'm the Vice President of CIVITAS  
12 Citizens, Inc. and it's a not-for-profit organization  
13 established in 1981; it's dedicated to improvement of  
14 neighborhood life in East Harlem and the Upper East  
15 Side of Manhattan, and our main areas of interest are  
16 land use, public transportation, streetscape, and the  
17 environment. During the past 15 years, an important  
18 focus of our environmental program has been solid  
19 waste management and recycling. To that end, we have  
20 encouraged recycling and composting in various public  
21 schools in our communities; we have sought to  
22 introduce recycling to the New York City Housing  
23 Authority sites in East Harlem; and we have promoted  
24 better recycling and composting practices in  
25 apartment buildings.

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2 CIVITAS opposes the designation of dirty  
3 EPS as a recyclable for these reasons:

4 First, the recycling of EPS is not  
5 economically feasible, and I think we went over this  
6 in prior testimony, so I'm not going to dwell on  
7 that.

8 Second, it is not possible to efficiently  
9 recycle EPS either. And as we've heard, no major  
10 city in the United States has undertaken to do this  
11 and we are asked in New York City to roll the dice  
12 with this private company that will have a great deal  
13 to profit from it, there's no question about that,  
14 and it's investment in a captive company that's going  
15 to process it according to a program that should give  
16 profits is a dream that perhaps we share, but until  
17 something better comes along, we need to have, as  
18 taxpayers, a better understanding of it.

19 Third, the continued use of EPS, whether  
20 recycled or not, presents significant health [bell]  
21 and environmental problems; for this reason, we urge  
22 you strongly to reject, to vote no on Proposed Intro  
23 No. 1480. Thank you.

24 CHAIRPERSON REYNOSO: Thank you for your  
25 testimony.

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2 JUDITH WEIS: Thank you for having the  
3 hearing and inviting me. Judith Weis; I'm a  
4 Professor Emerita at Rutgers University. I've spent  
5 my career studying marine pollution, among other  
6 things; I've published over 100 papers and two books  
7 about marine pollution.

8 I want to talk to you about  
9 microplastics. These are tiny particles of plastic  
10 that are super abundant in the waters and on the  
11 beaches, and these plastic tiny pieces are eaten by  
12 small animals, like plankton, like larval fish; like  
13 filter-feeding mollusks such as oysters and clams.  
14 These particles have been shown to damage the  
15 digestive system of larval fish, injure the  
16 intestines, because they may, you know, they're hard  
17 [sic] -- and also to cause liver damage. The  
18 particles act as sponges for contaminants in the  
19 environment, so it's not only that these particles  
20 themselves can cause damage, but there are toxic  
21 chemicals that are in the water, certainly around our  
22 harbors, and they attach on to the plastics and serve  
23 to be a way of getting these contaminants through the  
24 food chain. When we eat mussels or claims or  
25 oysters, we are eating microplastics. Where do

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2 microplastics come from? There was some in facial  
3 scrubs that's been outlawed federally over a year  
4 ago, some come out of clothing in laundry, but  
5 another major source is bigger pieces of plastic that  
6 break up, and what kind plastic breaks up the fastest  
7 and the most is foam, is polystyrene foam. So  
8 polystyrene foam turns into microplastic [bell] much  
9 faster than other kinds of plastics and contributes  
10 more to this issue of microplastics in the food  
11 chain. Thank you.

12 CHAIRPERSON REYNOSO: Thank you. Thank  
13 you for your testimony.

14 RHONDA KEYSER: Hello. I'm Rhonda Keyser  
15 and I'm with Cafeteria Culture; I'm here speaking on  
16 behalf of Debby Lee Cohen, who's the Executive  
17 Director and Founder of Cafeteria Culture. We are a  
18 nonprofit environmental education organization; we  
19 were originally called Styrofoam Out of Schools.  
20 Check. That's done. We work creatively to achieve  
21 Zero Waste schools and climate-smart communities and  
22 we engage our students as our partners in change,  
23 merging citizen science and civic action with media  
24 and arts education. We primarily work with students  
25 in low-income neighborhoods who are on the front

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2 lines of the ill effects of climate change and who  
3 suffer the scourge of street litter that becomes  
4 deadly marine pollution.

5           Just as a quick note, I want to remind  
6 everyone that in our partnership with the Department  
7 of Education SchoolFood Directors, we catalyzed the  
8 complete elimination of 860,000 polystyrene trays in  
9 New York City public schools every single day. We  
10 collectively did it by teaming up with the five other  
11 largest urban SchoolFood Districts in the country and  
12 eliminated half a billion polystyrene foam trays  
13 annually.

14           Now today we talked a lot about the  
15 difficulties and the institutional feasibility of  
16 polystyrene in our waste system; what we do these  
17 days with our students is; they are taking the lead  
18 to reduce local plastic street litter through citizen  
19 science surveys, collecting data, and through  
20 community outreach to share with their neighbors and  
21 friends -- each one teach one -- and Council Member  
22 Cabrera, since people littering is a big issue of  
23 yours, maybe you can come to one of our classes; one  
24 of our 3rd to 8th graders could probably teach you a  
25 little bit about the data they've collected about



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2 where street litter comes from. And [bell] I'm sure  
3 that since you are such a proponent of this that  
4 maybe you're gonna allocate some funds for litter  
5 education in your discretionary funding.

6 [laughter]

7 COUNCIL MEMBER CABRERA: Can I address  
8 that, Mr. Chairman?

9 CHAIRPERSON REYNOSO: Absolutely.  
10 Absolutely.

11 COUNCIL MEMBER CABRERA: I would love for  
12 you guys to apply next year for funding; I don't  
13 think you applied this year, but I would love to do  
14 that; I would love to go for the visit. I do wanna  
15 let you know I was the author of the school  
16 environmental bill; I joined with Brad Lander for the  
17 plastic bags, you know, I've been there. I've been  
18 there... [crosstalk]

19 RHONDA KEYSER: Thank you.

20 COUNCIL MEMBER CABRERA: Thank you.

21 CHRISTOPHER CHEN: Good afternoon and  
22 thank you. My name is Christopher Chen and I am the  
23 Executive Director at COARE, the Center for Oceanic  
24 Awareness, Research and Education. I'm originally  
25 from New York but I currently live in the San

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2 Francisco Bay Area, so I would like to take just a  
3 moment to go back to our previous panel and mention  
4 that we are actually very proud of our polystyrene  
5 ban there, our EPS ban is incredibly effective and we  
6 are extremely proud of it and it is extremely  
7 effective.

8           So I could speak to you as an ocean  
9 conservationist; as a public policy expert, but I'm  
10 gonna talk to you as somebody from New York, somebody  
11 who was born and raised in New York. We're a  
12 discerning bunch; we know that if it falls off the  
13 back of a truck it probably doesn't come with a  
14 warranty; we know that the Rolex's in Times Square  
15 don't keep good time, and we are probably not going  
16 to buy a bridge any time soon. So that's why it  
17 would be shame and it would be an embarrassment if  
18 this Committee and the Council that it represents  
19 were to fall for some of the rhetoric that you're  
20 hearing today. Expanded polystyrene is not  
21 functionally or realistically recyclable; if it were,  
22 don't you think that more cities would be doing it?

23           EPS is an amazing product, it is  
24 lightweight, it is a great insulator, but then again,  
25 so was asbestos. When we find things that don't work

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2 anymore or we need to move past them, then we just  
3 simply need to find new solutions and expanded  
4 polystyrene most certainly is not the time.. we don't  
5 have time for that any more. Thank you.

6 CHAIRPERSON REYNOSO: Thank you.

7 GREG TODD: Is this on? Yes, it's on,  
8 yeah. Hi, I'm Greg Todd and I am representing the  
9 Brooklyn Solid Waste Advisory Board and I've  
10 submitted some written testimony that we firmly  
11 oppose this intro, but our testimony replicates a lot  
12 of what we heard, and I think there's something that  
13 I've discovered that's actually very important to  
14 bring out, following up on Chairman Reynoso's  
15 observation; asking one of the speakers about the  
16 half-life of plastic; I don't know if you asked that  
17 in jest, but I think the implication was that  
18 flustered the speaker to the point that there  
19 probably isn't a half-life for plastics. And I would  
20 like to quote from a report written by the Ellen  
21 MacArthur Foundation about a year ago pointing out  
22 that by 2050 they project there will be more plastic  
23 in the ocean than fish. In fact, she projects out of  
24 311 million tons of plastic generated this year, 5%  
25 will be recycled, even if it can be recycled; 40%

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2 will be in landfills or incinerated; one-third of all  
3 plastic will end up in the ocean. Now you may say --  
4 we can put wood in the oceans -- wood breaks down;  
5 glass becomes sand; metal can eventually be reverted  
6 back to more metal; the plastic, there is nothing in  
7 the natural environment that degrades plastic; it  
8 simply persists indefinitely.

9           A single use that you use for 30 seconds  
10 to take home your burger in a clamshell will persist  
11 in the environment for an indefinite period of time  
12 and probably end up in the oceans, or at least a  
13 third of that material will end up in the oceans. So  
14 why would you use something... why would you create  
15 something that's gonna be used once for 30 seconds  
16 that will last forever? That's the question I still  
17 find perplexing and I submit that as my final. Thank  
18 you.

19           CHAIRPERSON REYNOSO: Thank you and it's  
20 great to have the Brooklyn SWAB here to represent  
21 Brooklyn [bell]. Thank you to this panel. We're  
22 making good progress; I'm very proud of everyone,  
23 both sides. Dr. George Cruzan... [background comment]  
24 sorry, Fred DeFazio... [background comment] I'm really  
25 bad with names, obviously, guys... Darren Suarez, Clark

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2 Pena -- there he is -- Diane Sanders, Miss Sanders --  
3 okay, she's back there too. [background comments]  
4 Yeah, it's a full panel. We've got more than five  
5 people? [background comment] Okay, you're a team?  
6 We could... you could... [background comments] But if you  
7 guys can and you just take this chair right here --  
8 let's get a comfortable chair; you could just...  
9 [background comments] Not... yeah, you've gotta get  
10 elected. Do you know how hard Council Member Cabrera  
11 worked to be in one of these chairs? [background  
12 comment] [laughter] And how hard he continues to  
13 work. There you go. [background comment] Exactly.  
14 Okay, you wanna start on this side? [background  
15 comment] Yeah, right here. [background comments]

16 FRED DEFAZIO: Okay, we'll start with me.  
17 Okay. Good afternoon Chairman and members of the  
18 Council and thank you for letting us testify today on  
19 behalf of Genpak in support of Intro 1480, which  
20 would add EPS to the citywide curbside recycling  
21 program.

22 Kevin and myself are owners of Creative  
23 Sales and Marketing, which is a manufacture's rep  
24 group and we represent Genpak in the New York Metro  
25 Area.

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2 Genpak is a leading manufacturer in the  
3 plastic foodservice packaging industry, making a wide  
4 variety of food containers, plates, bowls, and  
5 platters that are used in food service applications.  
6 Our company has been a fixture in Middletown, New  
7 York for over 40 years -- and area, like much of  
8 upstate, starved for jobs and investment.

9 Over the past 30 years, manufacturers  
10 like Genpak have become increasingly rare in upstate  
11 New York. Overall, 1.2 million fewer people were  
12 employed in manufacturing in New York State in 2014  
13 than in 1970. While upstate communities realized a  
14 smaller percentage decrease in manufacturing  
15 employment than the New York Metro Area, they were  
16 more dependent on manufacturing. As a result, the  
17 loss of manufacturing jobs throughout the upstate did  
18 more economic harm to them than the losses in the New  
19 York City area.

20 KEVIN HAGGERTY: That is why we stood so  
21 strongly against the proposed ban on EPS. The ban  
22 would likely have resulted in significant layoffs and  
23 endangered the viability of our plant long term if  
24 other markets were not added to replace the New York  
25 City losses. In addition, a ban would negatively

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2 impact and raise costs for the small businesses who  
3 rely on our products.

4 We applaud and strong support efforts by  
5 members of the City Council to advance legislation to  
6 add EPS to the City's existing curbside recycling  
7 program. Polystyrene is 100% recyclable and is  
8 already recycled commercially in cities big and small  
9 across the nation and the globe. For instance, more  
10 than 65 communities in California alone [bell] have  
11 curbside collection to recycle polystyrene foam.

12 Polystyrene is safe, recyclable and cost-  
13 effective. We commend the sponsors for your  
14 thoughtful and progressive legislation and urge the  
15 City Council to pass it into law.

16 Thank you for the opportunity to speak  
17 today.

18 CHAIRPERSON REYNOSO: Thank you.

19 CLARK PENA: Good afternoon. Chairman  
20 Reynoso; Council Members, thank you for your time...  
21 [interpose]

22 CHAIRPERSON REYNOSO: Be careful, Clark,  
23 be very careful of what you're gonna say next.

24 [laughter]

25

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2 CLARK PENA: Absolutely. You can bleep  
3 it out.

4 CHAIRPERSON REYNOSO: I hear you. I hear  
5 you.

6 [laughter]

7 CLARK PENA: My name is Clark Pena and I  
8 am an independent contractor; I have a program that I  
9 host called The Advocate's Corner with, yours truly,  
10 Clark Pena -- get that plug in -- [laughter] and  
11 today I'm here on behalf of the New York City  
12 Hispanic Chamber of Commerce; I am a member of the  
13 Chamber for 13 years; we have our upcoming Nick Lugo  
14 Festival very soon; I run their security and all that  
15 other good stuff, so you know, come see me for the  
16 wristbands.

17 Our mission at the Chamber is to  
18 represent and advocate for Hispanic businesses in New  
19 York City in a cohesive and collective way. We work  
20 on assuring the success of Hispanic businesses and  
21 the communities they serve. Our dedicated team  
22 consists of thinkers, planners, and most importantly,  
23 doers; that is the passion about economic growth and  
24 development of our Hispanic community. So

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2 respectfully, on behalf of our President, Nick Lugo,  
3 the Chamber supports 1480, the Intro.

4 We think leaders of this great city,  
5 including the environmental advocates, should ask  
6 themselves: Is there a company willing to pick up  
7 foam from your doorstep at no cost to the consumer of  
8 our city, and would it save millions annually for our  
9 city; why not recycle? Recycling is progressive;  
10 foam is recyclable; I personally stand in favor of  
11 1480, my program stands in favor of 1480, the New  
12 York City Hispanic Chamber of Commerce stands for  
13 1480; [bell] let's move forward. Thank you.

14 CHAIRPERSON REYNOSO: Thank you, Clark.

15 CHAIRPERSON REYNOSO: Good evening and  
16 thank you. I'm here in support of 1480. I'm Diane  
17 Sanders and I'm representing Black Jewel Catering.  
18 And I'm just echoing some of what my colleagues have  
19 spoken on. As a small business owner, I've provided  
20 food and service for the faith community for over 15  
21 years; I'm here to urge the progressive leaders in  
22 this City Council to pass Intro 1480 immediately.

23 Foam containers are the lifeblood of  
24 ethnic restaurants and are used by catering halls  
25 every Sunday throughout the churches around the

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2 country; foam products are among the most versatile  
3 and economically disposable items available. Small  
4 businesses are hurting and entrepreneurs are crying  
5 out for help to ease the financial burdens we face  
6 buying products and goods in operating our businesses  
7 every day. If the City moves to a foam recycling  
8 program, we could save thousands of disposable costs.  
9 I think leaders of this great city, including  
10 environmental advocates, should step up to do the  
11 right thing and pass Intro 1480 now, because it's  
12 sensible legislation and it benefits all our  
13 communities. Thank you.

14 CHAIRPERSON REYNOSO: Thank you.

15 DARREN SUAREZ: Good afternoon. Let me  
16 start by thanking the members of the Committee for  
17 holding such an important hearing. I'm Darren Suarez  
18 of The Business Council of the State of New York to  
19 express our support for Intro 1480, progressive  
20 legislation that would establish curbside collection  
21 for polystyrene foam recycling.

22 The Business Council is the leading  
23 business organization in the State of New York,  
24 representing the interests of businesses statewide.  
25 Over 75% of our members are small businesses, and

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2 many of which are located right here in New York  
3 City.

4           For decades, the restaurant industry in  
5 New York City has been a driving entrepreneurial  
6 force, generating tremendous revenue for the city and  
7 state and creating jobs that build futures for  
8 families and for all communities. In 2014,  
9 restaurants contributed more than \$35 billion to the  
10 state and employed about 9% of the overall workforce.

11           More and more we're hearing from small  
12 business owners, especially restaurant owners that  
13 the sheer cost of doing business here -- from  
14 increasing labor costs, rising regulations and the  
15 costs of goods -- are making it harder and harder for  
16 small businesses to survive. Over the past year, the  
17 restaurant industry saw a 6% decline.

18           The Business Council believes that  
19 working together we can help small employers who mean  
20 so much to our economy and address environmental  
21 concerns. And that is why we support Intro 1480.

22           As you are aware, 1480 will amend the  
23 Administrative Code of New York City, similar steps  
24 have been taken by other municipalities -- Madison  
25 County in upstate New York in 2016 began a pilot foam

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3 recycling program. Under their program, Madison  
4 County Department of Solid Waste Management and Solid  
5 Waste has collected foam and then densified the foam.  
6 After a successful start to the program, the Madison  
7 County's Department of Solid Waste has continued the  
8 program and the Recycling Coordinator, Mary Bartlett,  
9 was recently quoted as saying, "It can be a  
10 moneymaker too. I have been quoted anywhere from 18  
11 to 38 cents a pound" compared to a penny a pound for  
12 textiles.

13 In conclusion, members of the business  
14 [bell] community are committed to the development of  
15 polystyrene recycling program, such as the one that  
16 1480 establishes.

17 CHAIRPERSON REYNOSO: Thank you for your  
18 testimony.

19 DR. GEORGE CRUZAN: Thank you. Good  
20 afternoon. I am Dr. George Cruzan; I've been a  
21 professional toxicologist for 41 years; I have been  
22 studying styrene and leading an extensive styrene  
23 research program for the last 28 years, so I do know  
24 a few things about styrene and polystyrene.

25 A couple of people have said that  
polystyrene is toxic; that's not true. Polystyrene

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2 never gets absorbed; if you ingest polystyrene, it  
3 just passes right on through; it has no impact.

4 Styrene, on the other hand; the monomer it's made  
5 from, if that's ingested or inhaled, it gets  
6 absorbed, mostly gets metabolized and passed out.

7           Styrene is everywhere; it's in the air,  
8 it's in your food -- lots of foods make styrene. If  
9 you wanna get rid of styrene exposure, you ban  
10 coffee, you ban cinnamon, you ban beer, you ban nuts,  
11 and you've gone a long way; the biggest exposure is  
12 just atmospheric styrene. If you were to ban  
13 polystyrene foam altogether, completely eliminate  
14 polystyrene foam, you would only reduce styrene  
15 exposure by less than 5%. So styrene is not a health  
16 effect; it has a 5,000 fold margin of safety over  
17 EPA's limit that they suggest that is safe for  
18 people, and it's about 10,000 fold over the limit  
19 that's set by FDA for exposure to styrene. Thank  
20 you.

21           CHAIRPERSON REYNOSO: Thank you for that  
22 information. [interpose]

23           FRED DEFAZIO: Can I just say a couple  
24 more **[inaudible]** real quick...? [crosstalk]

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3 CHAIRPERSON REYNOSO: We'll give you his  
4 15 seconds that he left over.

5 FRED DEFAZIO: Okay, that's fine. I just  
6 wanna say, listen; I've been in the packaging  
7 industry for almost 40 years and I've seen this come  
8 and go with foam and everything else, but there was  
9 some misstatements made today from some of these  
10 people that were testifying.

11 You know we're talking about  
12 compostables, you know they're saying that it's only  
13 a few pennies more than what foam would cost; that's  
14 not true, 'cause a lot of the compostables that are  
15 being made today are being made overseas, just  
16 because of capacity here and we just don't have the  
17 amount of capacity.

18 And the other thing is; where are all the  
19 compost sites? I don't think every New Yorker has a  
20 compost in their apartment or in their back yard, and  
21 that's part of the other problem that you have; you  
22 don't have anybody collecting the compostables  
23 either. So just an idea; just some facts I wanted  
24 you to know.

25 CHAIRPERSON REYNOSO: We got... we're  
collecting organics now in the..

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2 FRED DEFAZIO: I'm just saying.

3 CHAIRPERSON REYNOSO: Just saying... not  
4 commercial; I'm talking about -- remember, this  
5 recycling is also, as you said, commercial; this is  
6 gonna be residential recycling, right; not commercial  
7 recycling, so you're still gonna have to pay the  
8 private carter to take your trash out, right, so just  
9 to be mindful of that; that this is for residential  
10 pickup, this is the white trucks, not the other  
11 trucks. But I really appreciate you guys taking the  
12 time to be here and for being one of the later panels  
13 and hanging in there. Thank you. Thank you.

14 So the entire crowd that's left is in the  
15 room. So this is Jordan Christiansen, from City..  
16 yep, Christensen; Isabelle Silverman, yeah, from EDF;  
17 Genesis Abreu from WE ACT; Saleen Shah from Citizens  
18 Committee for NYC; and Margaret Conte [sp?] from The  
19 Planet. Jordan. [background comments] Yeah, they  
20 got everyone. [background comments] Alright, I guess  
21 we're all taking here from your right [sic], so go  
22 ahead.

23 ISAAC JORDAN: Good afternoon, my name is  
24 Isaac Jordan... my name is Isaac Jordan and I'm  
25 President of Sustainable Crown Heights, a citizen

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2 community organization that focuses on finding  
3 environmentally sustainable solutions to issues in  
4 our community, such as litter, pest control,  
5 neighborhood beautification, and energy consumption.  
6 We tackle neighborhood challenges from building a  
7 network of community gardens, to holding developers  
8 and companies responsible for the products they're  
9 using in our community. On behalf of my  
10 organization, I'm here to voice full support for  
11 Intro 1480. This bill is forward-looking and should  
12 be adopted immediately. By establishing a program to  
13 recycle 100% of that we use, leaders like yourselves  
14 will help keep our streets clean and pass on the  
15 savings to many Black, Latino and Asian American  
16 restaurants that rely on foam every day. You're  
17 going to hear expert testimony on the fact that foam  
18 has been recycled for more than two decades, and I  
19 can tell you that there's a great map on the website  
20 HomeforFoam.com that lists all the locations across  
21 the globe for drop-off and curbside pickup of foam.  
22 The technology is only improving and the markets for  
23 foam are expanding. Sustainable Crown Heights also  
24 believes that the bill will help the Mayor develop  
25 the city initiative and progressive goals of



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2 eliminating waste under the OneNYC program.

3 Recycling foam would cut down the solid waste that is  
4 shipped to landfills and carted off or waste that  
5 ends up in our city's lots, foam replacements such as  
6 paper cups -- five times the amount of solid waste  
7 and are more expensive. I know firsthand [bell] that  
8 foam can be made [sic] usable consumer products for  
9 some of the students from our focus events. Now is  
10 time [sic] for environmentalists to go forward and  
11 float claims that are false and not helpful to our  
12 goals of taking care of our environment.

13 CHAIRPERSON REYNOSO: Thank you for your  
14 testimony.

15 GENESIS ABREU: Good afternoon, members  
16 of the Committee, Chair Reynoso and the esteemed  
17 Council Members. My name is Genesis Abreu and I am  
18 the Bilingual Community Organizer for WE ACT for  
19 Environmental Justice. WE ACT is a community-based  
20 organization that serves West Harlem, Central Harlem,  
21 East Harlem, Washington Heights, and Inwood, and I am  
22 here today to testify against Intro 1480, which would  
23 require recycling of polystyrene foam in the City's  
24 recycling program.

25

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3 WE ACT supports NRDC and other groups  
4 across the city that call for a ban to the use of  
5 polystyrene foam in beverage and food containers. As  
6 has been stated throughout the day, this white foam  
7 is a brittle material that breaks into tiny pieces  
8 when discarded; as a result, foam coffee cups and  
9 food clamshells litter our streets and parks and  
10 enter our waterways and that is exactly what we're  
11 seeing in northern Manhattan.

12 We already see a lower diversion rate of  
13 recyclable materials in other areas across the  
14 borough, and according to the annual report for the  
15 New York City Curbside and Containerized Municipal  
16 Refuse and Recycling statistics for the Fiscal Year  
17 2016, the percentage of recyclables diverted from  
18 landfills each day in Districts 9, 10, 11, and 12 are  
19 just 17%, 14%, 11%, and 16% respectively. In  
20 comparison, the Upper West Side and Upper East Side  
21 see roughly 26% of recyclables diverted from  
22 landfills each day. One can only imagine where these  
23 recyclables are being redirected to in the  
24 communities where we serve, and I have been a  
25 lifelong community member of. These are our streets,  
our parks and our waterways and that is why we

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3 strongly believe that an additional recycling program  
4 will not be sufficient to address this issue and that  
5 a ban on the use of this material is the best  
6 alternative.

7 Please do not support Intro 1480 and call  
8 on a ban of using this material instead. Thank you  
9 so much.

10 CHAIRPERSON REYNOSO: Thank you.

11 SALEEN SHAH: Hello. Thank you honorable  
12 Chair; Council Members. My name is Saleen Shah; I am  
13 the Director of Communications and Public Affairs at  
14 Citizens Committee for New York City -- many of you  
15 have heard of us. I'm so happy to testify today,  
16 since so many people who are not New Yorkers have  
17 come in to testify, so thank you so much for having  
18 me.

19 Part of our mission is to fund volunteer  
20 group initiatives comprised completely of ordinary  
21 New Yorkers with grants, especially in the most  
22 underserved parts of the City. Today, 60% of the 400  
23 or so projects we fund each year have directly to do  
24 with these special New Yorkers working in clusters of  
25 volunteer groups protecting our urban environment  
through community and school improvement projects,

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2 and beautifying many of the City's most polluted  
3 communities; eventually making them safer as well.

4           Among the current sponsors of Intro 1480,  
5 Citizens Committee has devoted its neighborhood grant  
6 resources into cash grants for neighborhood and  
7 school improvement projects; environmental projects  
8 to 460 grassroots groups and volunteer groups working  
9 in their districts over the past three years alone.  
10 More specifically, the primary focus of 276 of these  
11 grassroots initiatives is environmental pollution,  
12 environmental justice and neighborhood  
13 beautification.

14           We recommend that the City Council take  
15 the sensible step of getting rid of polystyrene foam  
16 food and beverage containers, like communities around  
17 the nation, from San Francisco to Washington, D.C.  
18 have already done. At Citizens Committee, we like  
19 recycling, but there is no real market for dirty  
20 polystyrene cups and clamshells in New York. No big  
21 city around the nation has successfully implemented a  
22 recycling program for dirty foam.

23           I just wanna add two more questions of  
24 the Committee and the Council. You know are  
25 disposable products here to stay? Are you gonna tell

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3 your kids that when they ask you: Hey dad, mom; are  
4 they here to stay for my lifetime, for the next  
5 lifetime; for my grandkids? [bell] That's one  
6 question to ask. And also, I've heard this work  
7 "progressive" being hijacked, and let's pay attention  
8 to language. What is progressive? What would Donald  
9 Trump vote for? Just do the opposite.

10 [laughter]

11 CHAIRPERSON REYNOSO: I wanna say, full  
12 disclosure; before I was in the Council, before I  
13 worked in the Council, I actually cleaned up a garden  
14 in my neighborhood and it was through the help of  
15 Citizens Committee for NYC, so thank you for the  
16 great work that you guys do, and that garden was a  
17 disaster.

18 SALEEN SHAH: And in the early 90s, WE  
19 ACT got their first grant from us, so thank god for  
20 WE ACT. [background comment]

21 CHAIRPERSON REYNOSO: Thank you guys.

22 COUNCIL MEMBER CABRERA: And I've given  
23 funds also to Citizens Committee.

24 SALEEN SHAH: Full disclosure, but you  
25 are a fan of the environment.

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2 CHAIRPERSON REYNOSO: They're looking to  
3 convince you, Fernando. [laugh]

4 ISABELLE SILVERMAN: Yeah. Was there  
5 polystyrene in that garden that you cleaned up?

6 CHAIRPERSON REYNOSO: Of course there was  
7 polystyrene. [laughter] There were other things  
8 that were much worse than that in that garden, but  
9 now it's a beautiful place where people get together  
10 and enjoy the community, so it's awesome.

11 ISABELLE SILVERMAN: So my name is  
12 Isabelle Silverman; thank you for the opportunity to  
13 testify, Chairperson and Council Members. I'm giving  
14 this testimony on behalf of Rory Christian, who is  
15 the Director of New York Clean Energy at  
16 Environmental Defense Fund (EDF). You are probably  
17 familiar with EDF already. We have over two million  
18 members and 35,000 here in the City.

19 EDF is quite well-known for its  
20 partnership with McDonald's in the 1990s, so  
21 McDonald's had those clamshells, those polystyrene  
22 clamshells that were not very popular for the reasons  
23 we just heard today, so EDF worked with McDonald's to  
24 replace them with paper and cardboard, and it was a  
25 very successful program. They had a reduction of

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3 waste, between 70-90% and they saved McDonald's \$6  
4 million a year by moving away from those clamshells,  
5 and the restaurant customers also appreciated the  
6 more environmentally friendly product. And they  
7 recycled one million tons of corrugated boxes and  
8 reduced restaurant waste by 30% with this partnership  
9 with Environmental Defense Fund.

10 In the interest of time, I just want --  
11 even if we take everything that industry today said  
12 at face value and as true, it still doesn't make the  
13 problem go away that we have this polystyrene in our  
14 waterways, in our environment; like Council Member  
15 Cabrera said -- people just throw things. They will  
16 still do that, so even if 16% of polystyrene waste  
17 will end up being recycled; it's just not solving the  
18 problem. The product is not a good product and  
19 that's why EDF is advocating for a ban.

20 And then also, what the Commissioner  
21 said; it actually, the polystyrene pollutes other  
22 recyclables, and I think that's very disturbing, so  
23 there is a polystyrene cup now within the paper and  
24 then she said, now we can't recycle the paper  
25 anymore. So it's not only [bell] contaminating our  
environment, but it's contaminating the recyclables

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2 we already have and that we actually need to get an  
3 increase in recyclable rates.

4 So also, if we move to other materials,  
5 like paper and compostable paper; it will reduce the  
6 price of these, like the schools did move to the  
7 compostable trays.

8 And just lastly, the half-life that was  
9 mentioned; I know somebody else brought it up; you  
10 actually used the term correctly; it goes for any  
11 specific property and the question is, you know, when  
12 is it decreased by half -- polystyrene stays for  
13 hundreds of years in the environment; is not  
14 considered biodegradable; this is why this is a  
15 material of the past [sic]. Thank you.

16 CHAIRPERSON REYNOSO: Thank you. Thank  
17 you for your testimony.

18 ISABELLE SILVERMAN: Sorry.

19 JORDAN CHRISTENSEN: Hi, I'm Jordan  
20 Christensen; I'm with Citizens Campaign for the  
21 Environment (CCE), and in the interest of time, I  
22 don't wanna repeat everything everyone said; I just  
23 wanna make the point that I feel like a lot of this  
24 debate about recyclable vs. nonrecyclable is sort of,  
25 you know, not seeing the forest for the trees. Of



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3 course, CCE does not think that the polystyrene  
4 containers that have been used for food and already  
5 dirty have a viable market for recycling, but even  
6 more than that; we're sort of having this déjà vu  
7 debate; the same thing that we had with the plastic  
8 microbeads in the personal care products; the same  
9 one we had with plastic bags, where we know that  
10 these are sort of unnecessary plastic pollutants;  
11 they end up in our water, they break into  
12 microplastics, they attract toxins like pesticides  
13 and PCBs, they work their way up the food chain onto  
14 our dinner plates, and in a lot of ways,  
15 polystyrene's actually the worse of all of these  
16 defenders. We know that one of the ingredients is  
17 styrene; we know it's a likely human carcinogen;  
18 there are a lot of problems with the manufacturing  
19 side, all the way to the washing up in coastal  
20 communities. So just like we have with all of these  
21 other sort of unnecessary plastic pollutants, we have  
22 better alternatives, they're cost-effective, they're  
23 more eco-friendly, and in this case, they're actually  
24 biodegradable, compostable, recyclable, etc. So we  
25 would urge you to not pass 1480 and instead to move  
forward with the ban. Thank you.

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3 CHAIRPERSON REYNOSO: Thank you. Thank  
4 you for your testimony to this panel as well.

5 [background comment] Go ahead. Go ahead.

6 SALEEN SHAH: We live in a city of  
7 neighborhoods, so New York City is very different,  
8 like you pointed out, Chair, than any other city in  
9 the country and in the world, with 400 neighborhoods,  
10 and these neighborhoods have New Yorkers who are  
11 cleaning them up. And we can't forget; 400  
12 neighborhoods, a cleaner city, OneNYC 2030; what are  
13 the goals of OneNYC 2050 and are we getting there?

14 CHAIRPERSON REYNOSO: Thank you. Thank  
15 you. Thank you for your testimony. [background  
16 comments] Alright, good job. Rev. Ismael Feliciano,  
17 representing Johnny Rivera; Manuel Caban [sp?],  
18 Smashers; Akisha Freeman, Manager of the Sugar Hill  
19 restaurant; [background comment] Diane Sanders -- I  
20 thought we... [background comment] We already had this  
21 one. [background comments] Gonna get you some  
22 company. [laughter, background comments] C. Shuan  
23 Shuan [sp?]. No. Maura Smith from Vy's restaurant;  
24 Milan... oh, this one... Milan Dennerstein, Dennerstein.  
25 [background comment] Alright, got a couple of them  
right. I can't even... Reverend Gaban [sp?] or

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2 [background comment] There you go. There you go.  
3 Thank you, sir. [background comments] Sorry; I'm  
4 butchering a lot of them here. Isaac Jordan.  
5 [background comment] Oh he was in, he was just  
6 there. Sorry. Isaac, thank you. No, you're good,  
7 Isaac. [laughter] [background comment] Ronald  
8 Armstrong. [background comments] And Irma, Uma  
9 Fahrian [sp?] or something like that. Alright. So  
10 these are... [background comment] Yes, is there anyone  
11 else who is in favor of this project that hasn't  
12 testified or hasn't heard their name or signed up and  
13 hasn't testified? Alright. So thank you. So this  
14 is... you're the final three [background comment] of  
15 the pro. [background comments] Oh no, there's one  
16 more panel; the opposition; these are the last panel  
17 of support. It was an even debate, panels on either  
18 side. Alright, so go ahead. [background comments]  
19 Alright, ladies first. [background comments]

20 AKISHA FREEMAN: Good evening. Hello.  
21 Good evening to the Council and Antonio Reynoso. My  
22 name is Akisha Freeman; I am the manager at Sugar  
23 Hill Restaurant and Supper Club in Brooklyn, New  
24 York. We have been a family-owned business and  
25 operated over 35 years now; approaching 40, closely.

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3 We are proud to be a place where in our community you  
4 can come and meet; families have come; churches have  
5 come; organizations, and some of our elected official  
6 from all across the city, and some of them that were  
7 here present today and now. I'm also, the president  
8 of the Restaurant Action Alliance, a coalition for  
9 minority entrepreneurs, restaurant owners, managers;  
10 workers who are looking to strive to help the market  
11 grow, to help us also thrive in that area and we also  
12 look to offer resources to help others become  
13 successful. The restaurant industry is a path to  
14 success for many men and women who it has especially  
15 been rewarding to Black and Latino entrepreneurs.  
16 Despite the overall decline of restaurants, as stated  
17 earlier, by 6% this past year, the number of  
18 minority-owned businesses rose 40% over the last  
19 seven years, according to the U.S. Census Bureau.  
20 That's good news for Black and Latino entrepreneurs.  
21 However, the bad news is that about half of those  
22 restaurants will close their doors silently without  
23 the fanfare of a grand opening.

24 As you know the restaurant and food  
25 industry contributes greatly to the economy of New  
York City, but it is not an easy industry. It has

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3 not been easy for my family, nor the hundreds of  
4 thousands of small business owners I'm aware of and  
5 also that we are together in unity who struggle with  
6 an industry that is incredibly competitive and has  
7 its ups and downs. When it comes to making the  
8 bottom line, every bit of savings helps.

9           And this is why I'm here today to voice  
10 my strong support for Intro 1480, which would  
11 establish a program to recycle polystyrene foam, a  
12 product that we rely on heavily in our restaurant and  
13 in our general business model. In fact, about 40% of  
14 our business is takeout; we probably use every foam  
15 container product to accommodate the needs of our  
16 customers. I believe the legislation you are  
17 considering will pass on significant savings for  
18 small business owners -- we buy in bulk. The cost  
19 for goods and products are the second largest expense  
20 for the restaurant industry. We know that with a  
21 recycling program established, foam distributors will  
22 be able to pass on significant savings to grocers,  
23 restaurants and small businesses like ours.

24           In addition, the curbside recycling  
25 program would drastically reduce our disposal costs  
and save restaurants like mine, and owners, about

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2 \$60,000 per year in expenses. We need all the help  
3 we can get to survive. [bell]

4 I'm here today to urge anyone who cares  
5 about helping small business owners and all those  
6 involved in the industry who care about helping Black  
7 and Latino entrepreneurs to support to Intro 1480. I  
8 am calling on progressive leaders like you to walk  
9 the walk and pass the bill. Thank you so much.

10 CHAIRPERSON REYNOSO: Thank you for your  
11 testimony. Thank you.

12 MYLAN DENERSTEIN: Good afternoon. Thank  
13 you so much. My name is Mylan Denerstein and I'm a  
14 Partner at Gibson Dunn, which is a law firm, and I am  
15 counsel to the coalition that challenged the  
16 Commissioner's prior determination banning  
17 polystyrene -- successfully, I should say -- and that  
18 coalition consists of the restaurant alliance.

19 Unfortunately, it appears that  
20 Commissioner Garcia has made the same mistake again  
21 today. It makes sense to recycle. Recycling means  
22 less material will go to a landfill than under any  
23 ban, saving the City money. A ban would mean higher  
24 cost to consumers, like we just heard from, and  
25 restaurant owners; some would even have to go out of

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3 business, manufacturing jobs will be lost, and the  
4 alternatives will often not even be recyclable. This  
5 is a tremendous opportunity for New York City, my  
6 home, which will bear no risk. Dart and PRI are  
7 paying for this, because they expect to earn a return  
8 on their investment, and the price to Sims is  
9 guaranteed for five years, companies just don't do  
10 that lightly. The demand for recycled polystyrene is  
11 greater than all of the polystyrene Sims would ever  
12 recover. There are companies out there, like Nefco  
13 [sic], like MCS, that you heard today, that will buy  
14 this product from PRI; it is not a risk; it is a  
15 guarantee.

16 Burrtec wrote to the Commissioner about  
17 all of the recycling it does just recently, so the  
18 statements that it doesn't are just not accurate,  
19 unfortunately. The Commissioner has letters  
20 submitted from businesses who are willing to buy the  
21 clean product, once PRI cleans it, to make other  
22 items, like picture frames, and frankly, it makes no  
23 sense; just because it can't be an aluminum can  
24 doesn't mean it's not recycled? If the goal is less  
25 polystyrene, [bell] who cares if it is a picture  
frame; that means you are using less polystyrene in

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3 the environment. We don't want more of it; the best  
4 way to solve that problem is to recycle it, and Dart  
5 and its coalition have presented a win-win solution  
6 for the City of New York that will actually reduce  
7 carbon emissions and, just one final point: there was  
8 a big deal made about how PRI is in Indianapolis; the  
9 other products will likely contain propylethylene  
10 [sic]; that's shipped to Alabama right now, which is  
11 a thousand miles away, so what sense does that make?  
12 Recycle and recycle now.

13 CHAIRPERSON REYNOSO: Thank you for your  
14 testimony. So you're the closer; you're like  
15 Mariano, so you've gotta be strong.

16 DALTON CABDAGESTALK: Is that right?

17 CHAIRPERSON REYNOSO: Yes. Yes.

18 DALTON CABDAGESTALK: Well I hope that  
19 you're doing a good job and don't become part of the  
20 problem but become the solution..

21 CHAIRPERSON REYNOSO: Always.

22 DALTON CABDAGESTALK: young brother.

23 CHAIRPERSON REYNOSO: Always.

24 DALTON CABDAGESTALK: Alright. How are  
25 you today, Council? Good. My name is Dalton  
Cabdagestalk; since everyone has displayed so many



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3 documentations here, I think I'd better follow suit.

4 I have a Bachelor's in Social Science, a Master's in

5 Religious Education, and Doctor's in ministry and I

6 come from the pit of the City of New York; not 5th

7 Avenue.

8 I'm here today to represent Joppa

9 Christian Ministry, which is a national ministry --

10 South Carolina, North Carolina, New York City,

11 Brooklyn; north, south, east, and west, this is where

12 I go to. I just wanna say that I represent a faith-

13 based organization, our church is international, as I

14 said; we're dedicated to spreading the Christian

15 fellowship and community services to families in

16 whole communities, whole communities; wherever we can

17 reach them. I am here today to voice the support of

18 this 1480, because we believe this bill is a major

19 step in the right direction for small business owners

20 and community restaurants across our great city for

21 you to eat Chinese food, for you to eat Chinese food

22 -- you know you can't put that in a napkin and walk

23 out the Chinese restaurant, so we need to think about

24 these bills, and those other small restaurants that

25 use this. Foam is a staple of ethnic restaurants and

for small business entrepreneurs in every corner of

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3 America, these local restaurants which are the heart  
4 and soul in neighborhoods, or places we visit for  
5 fellowship after services on Sunday. As you know, in  
6 churches, we do a lot of cooking and what we do is,  
7 we give people food to go home, so when they come  
8 back on Sunday they feel a little better about  
9 leaving there and staying there all day that they did  
10 [sic]. So there is a longstanding tradition, as I  
11 said, in this black community, especially in the  
12 churches, and the singing and preaching and praying.

13 I'll admit that sometimes the thought and  
14 smell of the food makes it a little hard for me to  
15 [bell] do what I need to do, but on the other hand,  
16 if you will, I will still serve the meals. We buy  
17 foam in bulk; we have heard the testimonies from  
18 local restaurants and community leaders about how the  
19 costs would rise drastically; no longer an option, no  
20 longer the option in just how much it would save us  
21 if the City established a recycling program such as  
22 the bill calls for. Every penny we can save goes  
23 back into the church to help to fulfill our missions  
24 of faith and service. I urge each member of the  
25 Committee to do the right thing, introducing this  
bill, this 1480. You know one thing, and I'm going

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3 to leave this table; one thing I've understood  
4 strongly in the City of New York is that when someone  
5 introduces something or something that is right for  
6 the City of New York, it seems like we always find a  
7 way to mess it up and we need to understand that we  
8 are not in this alone; as City Council  
9 representatives, the Mayor, we have a whole  
10 conglomerate of people, look at the room, so please,  
11 gentlemen, please City Council, you've gotta evolve  
12 [sic]; take a look at the bill and know and  
13 understand how many restaurants in this, I believe,  
14 2.3-something million people in this City of New  
15 York... [interpose]

16 CHAIRPERSON REYNOSO: That's just Queens.

17 DALTON CABDAGESTALK: Excuse me.

18 CHAIRPERSON REYNOSO: Eight million --  
19 2.3 is like Queens.

20 DALTON CABDAGESTALK: Well I'm just

21 **[inaudible]**... [crosstalk]

22 CHAIRPERSON REYNOSO: **[inaudible]**

23 DALTON CABDAGESTALK: City of New York  
24 right now, but if we wanna go to Brooklyn; let's deal  
25 with Brooklyn; the majority of black individuals in  
the City of New York as a whole. We need to do what

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2 needs to be done and that is the right thing. These  
3 restaurants, how are they going to do what needs to  
4 be done in serving these people their food? How  
5 would they let them take out the orders when they get  
6 ready to leave the restaurant? Do you put it in a  
7 doggy bag, a plastic bag; do you put it on a napkin?  
8 Do you put it in a paper bag? So there are some  
9 other solutions, but maybe we have to bring that to  
10 the table. I thank you this evening; I've been here  
11 all day, being patient, and I hope this is not in  
12 vain. Thank you.

13 CHAIRPERSON REYNOSO: Good job. And now  
14 the last panel. [background comment] Or not least,  
15 yes. [laugh] Ling Tsou... yeah... Sandra Meola, Noemi  
16 de la Puente, Alessandro Ciari, and Jennie Romer. Is  
17 Jennie here? [background comments] Is there anyone  
18 else in opposition that has yet to speak or did not  
19 sign up to speak that would like to come up to the  
20 panel now? No. Thank you very much. So now you  
21 guys...

22 LING TSOU: We care, so we stayed..  
23 [crosstalk]

24 CHAIRPERSON REYNOSO: They were the top  
25 of the ninth, so now you're the bottom of the ninth.

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2 [laughter] So now you've gotta close it out...

3 [crosstalk]

4 LING TSOU: We're the closer. We're the  
5 closer.

6 CHAIRPERSON REYNOSO: There... there you  
7 go. Alright. So go ahead; you get to begin, and  
8 thank you for your patience and for being the last  
9 panel and staying through the end... [crosstalk]

10 LING TSOU: Thank you for your patience.

11 CHAIRPERSON REYNOSO: Uhm-hm.

12 LING TSOU: I mean, as you can see, this  
13 is important to the New York City folks and...

14 [crosstalk]

15 CHAIRPERSON REYNOSO: Yeah.

16 LING TSOU: and we care enough, so we  
17 stayed, right?

18 CHAIRPERSON REYNOSO: Absolutely.

19 LING TSOU: So Chairman Reynoso and City  
20 Council Member, my name is Ling Tsou; I'm a co-  
21 founder of United for Action, a grassroots group in  
22 New York City working to end our addiction to fossil  
23 fuel and nuclear power and advocating for renewable  
24 energy.

25

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3 We oppose Intro 1480, which would  
4 classify expanded polystyrene EPS, commonly referred  
5 to as Styrofoam, as recyclable. Designating EPS as  
6 recyclable would mean that New York City residents  
7 would be required to put EPS in their curbside  
8 recycling bins and the City would be required to  
9 collect and process it. The Department of Sanitation  
10 looked into recycling these foam containers and found  
11 that they could not be recycled in an environmentally  
12 effective or economically feasible manner.

13 EPS is brought to us from the oil well  
14 through a chemical process. It does not decompose.  
15 Animals do not recognize polystyrene foam as an  
16 artificial material and may even mistake it for food.  
17 Polystyrene foam blows in the wind and floats on  
18 water; it can have serious effects on the health of  
19 birds or marine animals that swallow significant  
20 quantities.

21 The impact on the environment of everyday  
22 materials is increasingly important if we are to  
23 reduce our carbon footprint and protect our natural  
24 heritage for future generations. 2016 was the  
25 hottest year on record, setting a new high for the  
third year in a row, with human activities driving

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3 climate change. Climate change is the most critical  
4 issue of our generation. With our national  
5 administration taking us backwards in the fight  
6 against climate change, it is now even more vital  
7 that New York City step up our defense of the  
8 environment.

9 The City Council already banned EPS foam  
10 containers in 2013 [bell] and we urge the City  
11 Council not to succumb to industry lobbying and to  
12 not pass Intro 1480 but to move forward with a ban on  
13 EPS foam containers. Thank you very much.

14 SANDRA MEOLA: Thank you for the  
15 opportunity to testify, as I stand between all of you  
16 and your dinner. My name is Sandra Meola and I'm  
17 testifying on behalf of NY/NJ Baykeeper. Baykeeper  
18 fights for clean, fishable, swimmable waterways  
19 surrounding all the lands of all five boroughs of New  
20 York City as well as Northern and Central New Jersey,  
21 and we strongly oppose Intro 1480.

22 Plastic is not biodegradable; it breaks  
23 up; it does not break down. We need to shift away  
24 from these single-use plastics we use for minutes but  
25 live on in our environments forever like fossils.

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3 In 2015, Baykeeper executed a research  
4 study to quantify and classify plastic particles  
5 within NY-NJ Harbor waters. Based on our sample  
6 collection, at least 165 million plastic particles  
7 are within NY-NJ Harbor waters and with the most  
8 abundant type of plastic being, you guessed it, the  
9 polystyrene foam, at about 38% -- significant. Not  
10 surprisingly, since once in our waterways,  
11 polystyrene breaks up quickly into tiny pieces and is  
12 mistaken by fish for food.

13 As my colleague Judy Weis mentioned,  
14 contaminants already present in the waterways act as  
15 kind of hitchhikers to the plastic, so not only when  
16 fish eat these plastics are they consuming the  
17 plastic, but they're also consuming these  
18 contaminants, moving up the food chain and possibly  
19 into our own food source.

20 The industry-backed bill is a step  
21 backwards for sustainable policy and waste  
22 management; 1480 is also an attempt by the plastic  
23 manufacturing industry to prevent a new polystyrene  
24 ban bill. Polystyrene cannot be cost-effectively  
25 recycled, although lobbyists will try to argue  
otherwise, as we saw today.



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3 Just to throw out a little news clip --  
4 according to *The New York Times*, Dart Container  
5 Corporation and the Chemistry Council spent close to  
6 \$1 million to defeat a citywide ban of polystyrene  
back in 2013.

7 Not one city in the United States [bell]  
8 has successfully implemented a recycling program for  
9 polystyrene. Passing this bill would be an enormous  
10 risk. We strongly urge Council Members to put New  
11 York City residents and our environment first over  
12 industry profits. Please vote no and instead  
13 introduce new legislation that would ban polystyrene  
14 foam packaging, in line with the over 100 communities  
15 that have already done so today. Thank you.

16 CHAIRPERSON REYNOSO: We've already  
17 introduced the ban. So none of that happened [sic],  
18 but.

19 ALESSANDRO CIARI: How's it goin'? Thank  
20 you so much for having me. I come from a Natural  
21 Resources Protective Association (NRPA) of Staten  
22 Island and my name is Alessandro, and specifically  
23 what my background is is identifying models for us to  
24 reuse our materials instead of constantly throwing it  
25 away; to change that culture that New York has of

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3 constantly throwing things away; we have to change  
4 that, and this legislation is not going to help that.  
5 And the Natural Resources Protective Association, we  
6 reject the ill-advised legislation, Intro 1480.

7 Really, when you're looking at Staten  
8 Island, we are a victim of this insidious source of  
9 pollution, from its creation, where nasty poisonous  
10 organochlorines are injected into our waterways,  
11 through its demise where it crumbles into little tiny  
12 pieces that our wildlife often mistake for food,  
13 leading to their downfall. The polystyrene pollutes  
14 our rivers, our wetlands, our forests, our streets,  
15 our landfills; degrading our collective quality of  
16 life. The NRPA, us, we do a lot of beach cleanups,  
17 and we remove thousands of pounds of debris from our  
18 parks and beaches every year and over one-tenth of  
19 that is Styrofoam. And you asked before about why  
20 don't you take out the tires; why don't you ban the  
21 tires; why don't you ban the toilet bowls? You know  
22 why? It's because there are so many more healthy and  
23 sustainable materials out there to replace Styrofoam  
24 with; we really don't need it, we've come far along  
25 as a society to really ban this and have much more  
sustainable materials, and really at the end of the

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2 day, expanded polystyrene can be replaced easily and  
3 accessibly.

4           And a final point; you also mentioned  
5 that a lot of people were saying that... nobody was  
6 really saying that foam containers can be recycled if  
7 they're contaminated; nobody specifically was saying  
8 that you can do that, even the people supporting this  
9 bill. One person referred to the picadores [sic],  
10 and really, what he was saying was that picadors go  
11 get the plastic bottles and recycle them. Yes,  
12 because they're plastic bottles; the picadores are  
13 not looking for contaminated Styrofoam; they're not  
14 gonna find any return in that. So that case made no  
15 sense. [bell] And another person right after him in  
16 another testimony said that this contaminated foam,  
17 they did these studies based on it -- she really  
18 loosely referred to Styrofoam packaging; she did not  
19 specifically say that the studies were done on  
20 Styrofoam packaging; she just said it was done  
21 through food packaging in general. And really, you  
22 have to be very specific when you're talking about  
23 these studies and she would have been if she was  
24 really being honest about that. Thank you very much.

25

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3 CHAIRPERSON REYNOSO: Thank you; that was  
4 the last testimony of the day. You guys all get gold  
5 stars. [background comments] I will say; if you  
6 come back, next time I'll keep you in the middle to  
7 the front end of the pack [background comment] for  
8 testimony; you guys get that privilege; we're gonna  
9 make sure we lock it in. [background comments]  
10 Thank you so much for your time and..

11 ALESSANDRO CIARI: Thank you.

12 CHAIRPERSON REYNOSO: before we leave,  
13 Council Member.

14 COUNCIL MEMBER CABRERA: They get bonus  
15 credit. [background comment] Mr. Chairman, I just  
16 wanted to thank you for -- really this -- I've been  
17 in the Council for seven years and this was one of  
18 the best, if not the best, hearings I ever had a  
19 part... to be a part of and to have just both sides  
20 really come out and both sides show their best -- you  
21 know, and I mentioned this before; look, at the end  
22 of the day we both want the same thing; I think we're  
23 both looking out for New York City; it's the how to  
24 that we defer, but just in such a [inaudible] way  
25 that it was done today... look, I was there, like I  
mentioned before, the school environmental bill,

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2 plastic bags; I've been there, the microbeads that  
3 had been mentioned here, you know, as a matter of  
4 fact, I'm the one who wrote the resolution for the  
5 state level and Dan Garodnick did it for the City.  
6 So I might be an enigma here for some of you, but we  
7 want the best thing, the best for New York, and if a  
8 message that would get sent out to New Yorkers,  
9 please, let's keep our streets clean, our **[inaudible]**  
10 clean; let's stop throwing things into the floor;  
11 let's develop a new culture for our environment to be  
12 clean. Thank you so much, Mr. Chair; you did a  
13 fabulous, fabulous job.

14 CHAIRPERSON REYNOSO: Thank you for  
15 staying all the way through as well, a lot of Council  
16 Members don't do that, even if it's their bill; I  
17 really appreciate that, and so long as I'm the  
18 Sanitation chair, I will continue to try to break the  
19 culture or change culture, and I do wanna make a plug  
20 in -- as soon as we make people pay for it, culture  
21 change, so there's gonna come a time when I'm gonna  
22 make people pay for stuff and they're gonna be very  
23 upset at me, but you're gonna be standing next to me  
24 saying that's how you change culture. But thank you  
25 for everyone that's here, thank you New York and

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2 thank you to the three overflow rooms and our  
3 Sergeant-at-Arms; I hope you're getting paid  
4 overtime, really appreciate it. Have a great day and  
5 this meeting's adjourned.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 16, 2017