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**TESTIMONY BY BRONX BOROUGH PRESIDENT ADOLFO CARRIÓN, JR.
REGARDING BILL TO CREATE A RECYCLING PROGRAM FOR PLASTIC
CARRYOUT BAGS (INT 640)**

Committee on Sanitation and Solid Waste Management

November 29, 2007

Good morning, I am Adolfo Carrion, Jr., President of the Borough of The Bronx. Chairperson Michael McMahon and members of the City Council's Committee on Sanitation and Solid Waste Management, I am here to speak in support of Int. 640, a bill that would create a recycling program for plastic carryout bags at supermarkets. I would like to recognize the leadership of Council Member Peter Vallone, Jr. City Council Speaker Christine Quinn and the other sponsors of this bill for taking an important initial step in environmental responsibility for plastic bags.

Since their introduction in 1977, the convenience and sturdiness of plastic bags have made them the popular choice over paper bags in checkout lines for the last 30 years. Today, plastic bags account for 90% of the nation's grocery bags, compared to 5% in 1982. However, New York City's cost of waste disposal has soared in the past decade, and the large quantity of plastic bags, when thrown

out, contributes tremendously to the waste stream. Consequently, plastic bags pose a serious environmental dilemma to our city, as a significant source of litter.

The average American uses between 300 and 700 plastic bags a year, which amounts to 84 billion plastic bags nationwide, and approximately one billion in New York City. Less than 1% is recycled each year, presenting serious environmental concerns about their biodegradability and the oil used in their production. Reusing a plastic bag typically meant for one use can make a huge difference -- in New York City alone, one less grocery bag per person per year would reduce waste by 109 tons and save \$11,000 in disposal costs. Not to mention, reuse would mean fewer plastic bags carelessly discarded throughout our sidewalks, streets, and parks.

As with individual reuse, widespread recycling of plastic bags has various social and environmental advantages. There is a growing market for recycled plastic that did not exist 15 years ago.

Recyclers today make 15-20 cents per pound of collected bags and it has become cheaper to use recycled plastic than to obtain new materials. Recycled bags can also be used to produce "new" plastic bags plus a variety of other plastic products, including furniture, plastic "lumpers", and planters for gardening.

Beyond this legislation, I think that we need to have in the short term and long term a larger vision in New York City of how to deal with the recycling of plastic bags. To promote the civic-mindedness that breeds more responsible recycling behavior, New York City should in the short term develop a full-scale marketing campaign aimed at reducing the use of plastic bags.

Subsequently, we need to ensure that all grocery stores, including bodegas and other small food markets, adopt a recycling plastic bag program, as these stores are a significant source of plastic bags.

Finally, in the long term, we need to move toward eliminating the use of plastic bags as we now use them. In San Francisco, a city ordinance passed in March 2007 forbids the use of traditional plastic bags by large grocery stores. Now, the stores in San Francisco can only use biodegradable plastic bags, typically made from corn byproducts. The ban also requires pharmacy chains to eliminate similar plastic bags within six months. San Francisco was the first city in the U.S. to pass a ban on plastic shopping bags. Clearly, this is the direction that New York City should be working towards to encourage greater environmentally responsible usage of plastic bags.

Drawing to a conclusion, I believe the proposed legislation would be an important initial step toward the aforementioned goals of environmental responsibility. Accordingly, I support Int. 640, which would establish a plastic bag-recycling program at a majority of the supermarket chains throughout the city, including D'Agostino's, Food Emporium, Whole Foods, Gristede's, Key Food, and C-Town. At-store recycling is convenient for consumers and requires minimal new investment due to its use of existing infrastructure. The proposed legislation is a practical step in the direction toward waste reduction and a more environmentally conscious society.

Thank you.

Testimony of Anthony Bamonte Jr. to the New York City Council Committee on Sanitation and Solid Waste Management on Thursday, November 29, 2007.

Good morning ladies and gentlemen, New York City council members, thank-you to the Chair for permitting me to speak today. My name is Anthony Bamonte, I am a resident of Forest Hills, and a lifetime citizen of the City of New York.

I am here to deliver testimony on Introduction 640, whose insertion into the administrative code of New York City will require a recycling program for businesses that make available non-biodegradable plastic bags. I'd like to thank Council Member Vallone and Speaker Quinn for their leadership on this issue.

Contrary to popular belief, plastics don't lie around unaltered for millions of years. Plastics do break down physically, but when they do, and as it states in the declaration of policy section of the proposed bill, they're still synthetic, toxic chemicals that not only won't be useful to, they will likely be very harmful to the living things trying to thrive among them a thousand years from now. My understanding of landfills is that nothing is supposed to biodegrade in them at all, being a fairly closed environment, but I doubt that even if they are designed to remain somehow sealed for more than a thousand years, that they are all necessarily going to be so. The inclusion of disposable plastic bags in the general municipal solid waste stream is an equation for our landfills to become poison reservoirs that threaten to one day release toxic chemicals into the environment.

Estimates for the number of plastic bags used annually in the US vary – the figure is somewhere in the high billions. This combined with the knowledge that over a long period of time the compounds with which they are manufactured will definitely pose a health hazard to living things in the future makes it the responsibility of large communities to take some kind of action on this problem.

I commend the council for not placing the financial burden of recycling programs for non-biodegradable bags on the taxpayers by including them in the recyclable waste which is handled by the Department of Sanitation. My concern is that businesses will merely pass these expenses on to their consumers, or their labor force. Furthermore, there is the problem of people's resistance to change and inconvenience, even for the best of reasons – I wonder, honestly, whether anyone will bring these bags back for recycling. It is not easy to convince people to go to even a little extra trouble to solve a problem that they don't necessarily recognize as one in the first place. I remember a palpable sense of resistance, on the household-chore level, when the City introduced recycling in the first place.

I applaud the Council's attention to this matter. I think this legislation should be passed and enacted. I would like to offer a recommendation for if the bill fails to pass, or is vetoed by the Mayor, and ask the Council to demonstrate the seriousness of this issue by moving to ban non-biodegradable plastic bags altogether.

Richard Lipsky Associates, Inc.

Legislative and Public Relations Consultants

Testimony on Intro 640

Dr. Richard Lipsky

Neighborhood Retail Alliance

New York City Council

Committee on Sanitation and Solid Waste

November, 29, 2007

Good afternoon. My name is Richard Lipsky and I'm here today to voice a number of objections to Intro 640, a bill that would require local stores larger than 5,000 square feet to recycle plastic bags. There are a number of issues in this proposed legislation that are particularly unfair to supermarkets, and we're hopeful that the Council will examine these with an eye towards amending the legislation in order to make it more equitable:

(1) **Waivers to Some Stores**: If plastic recycling is so important to the city why are any stores exempted? In regards to food stores, over 95% of the stores in this category are left out of the statute. In addition, almost every dry cleaner is exempted in spite of the fact that these stores generate considerable plastic in their garment bags;

(2) **Impact on Selling Space**: Many NYC food stores are already using precious selling space for compliance with the bottle law. The proposed statute will mandate more;

(3) **Sanitation**: There's no requirement in the law that customers return bags free of dirt and other contaminants. It is quite possible that some used bags will contain dog feces and other environmentally challenging substances that will present further problems for the stores with the Department of Health as well as Agriculture and Markets;

(4) **Customer Incentives to Comply**: With no incentives to comply it is likely that the proposed law, should it be enacted, will fall far short of the goals envisioned by the City Council. If and when this occurs, it won't be long before this "voluntary" program becomes either a tax or a deposit law;

(5) **Cost of Compliance**: The plastic bag recycling, aside from being a headache will also impose some significant costs on the stores. Additional personnel will be required to service the bins, insure cleanliness, and coordinate with the recycling collection. In addition, there is a considerable

record-keeping responsibility that will impose a further expense on the store. However, the most expensive aspect of compliance may come from the regulatory scheme that the law imposes. Once again, stores will have another rule that will be subject to the whims of city inspectors;

(6) Cost of Collection: The legislation states that *the bag manufacturer, shall make arrangements with the operator, upon the operator's request, for the collection, transport and recycling of plastic carryout bags consistent with the provisions of this chapter. Such arrangements may include contracts or other agreements with third parties.* All well and good, but who pays for this collection? In the bottle deposit law it is clearly stated that the cost of collection is to be borne by the manufacturer or the distributor-with a mandated 2 cent handling fee for the store owner. Shouldn't the law in this case specify the financial responsibilities of the manufacturer?

(7) Recycling Redundancy: The proposed plastic recycling regulation, much like the deposit law, creates a dual-and redundant-recycling system since the city's curbside program already asks New Yorkers to recycle many kinds of plastic. In other words, city residents are paying through their taxes to recycle plastic-at the rate of around \$300 a ton, yet the program's apparent failure means that additional costs and responsibilities are being placed on city retailers. In essence, another costly duplicative system for recycling would be in place if this bill becomes law. Will every inadequacy in the curbside collection program be translated into an additional burden on local retailers?

(8) Inadequate Compensation: According to current rates, plastic bags are getting around 20 cents a pound from recyclers. This amounts to approximately 85 bags/pound, or the equivalent of one cent for five plastic bags, Given the fact that this compensation is way below the cost of compliance, it will mean that the stores will have to add these costs-as much as is feasible-on to the price

of groceries. This in turn means additional costs that New York consumers will have to bear in a city that already has the highest cost of living in the entire country;

(9) Escalating Garbage Disposal Costs: Since 2003, the cost of commercial garbage disposal has doubled, and in some cases for food stores in particular, has even tripled. What Intro 640 does, is to add on to these escalating garbage rates by essentially adding an additional garbage removal responsibility and cost.

Intro 640, then, is a well-meaning but problematic legislative initiative designed to improve the environment by increasing the recycling of an item that is not easily degradable when deposited in a landfill. At the same time, it will add considerable costs to local store owners with no clear indication that the bill's stated environmental goals will be reached.

In the first place, without a deposit incentive the amount of bags that will be brought back to area stores is hard to predict, but the number will likely be extremely modest. In addition, there is currently no third party recycling party in place to do the bag pick-ups and recycling of the collected plastic. Given the questionable economics of the entire pick-up, collection, and recycling process, this could all amount to little more than an expensive but failed experiment, one done at the expense of stores already struggling in the most expensive environment to do business in the entire country.

Then there's the question of whether the bags are recyclable at all. According to the Department of Sanitation's web site we learn the following about plastic bag recycling: *"Plastic bags comprise about 2.87% of New York City's residential waste stream and thus it would be beneficial to be able to target these items for recycling. However, the processing capabilities are not in place to handle this material on the*

large scale needed here in New York City. The technology does not yet exist to be able to wash millions of bags free of their inevitable contamination, and no processing facility has the manpower required to individually sort each item according to the particular resin used in its manufacturer, so that the resins can be recaptured (note that mixed-resin bags would still have to be discarded)."

Now, if DSNY is correct, then we're asking city stores to expend a lot of time and effort in a futile effort to remove plastic bags from the waste stream. If the Department is wrong, however, isn't more equitable for the city to begin to include plastic bags in the curbside program before asking stores to go to the expense of doing it at the retail level?

In addition, what about the rest of the store's potentially recyclable items? When the Alliance helped to promote Intro 133, a bill that would have established a pilot program for commercial waste disposers, one of the major rationales was that the removal of food waste contaminants would enable the store to recycle over 95% of all of its remaining trash.

If the city council is really concerned about land fill avoidance this is the one measure that would guarantee a tremendous amount of commercial trash diversion. At the same time, the measure would **alleviate** disposal costs for stores that are already having trouble paying the escalating garbage removal rates. Apparently, the alleviation of cost is not high on the council's legislative agenda.

Finally, it is apparent to us that Intro 640 was crafted with considerable input from bag manufacturers and their suppliers. There is no evidence that retailers played any role in the process up until this point. The evidence? All of the responsibilities and costs in Intro 640 are borne by city retailers; none by manufacturers.

Why it is that retailers who employ hundreds of thousands of New Yorkers and contribute millions of dollars to the city's treasury are asked to shoulder this recycling burden; while manufacturers from outside of the city-and many of whom is outside of the country-bear no commensurate burden?

Plastic bags, while they may be an environmental burden are a convenience to New York shoppers, and are provided to shoppers because they're preferred to the other bag alternatives. The only ones really reaping a financial reward from their dissemination are the plastic bag manufacturers and their suppliers. Yet this segment of the industry is held harmless in Intro 640.

Clearly, changes in this legislation need to be made. Insuring that a collection methodology is feasible, and is in place, should be priority number one; and this should be done before any implementation date is set for the proposed legislation. It goes without saying that the feasibility of recycling different resin types of plastic bags needs to be determined as well, before the bill's effective start date.

In addition, manufacturers need to be made responsible for the cost of collection and recycling-retailers are already facing the book keeping and storage costs and should not be made responsible for the entire process. Finally, no store that utilizes plastic bags should be made exempt from the law. Supermarkets are already redeeming the majority of bottles and cans under the state's deposit law; making them responsible for everyone else's plastic bags is simply unfair.

We look forward to working with this committee and the full council in order to craft legislation that is both environmentally sound, as well as fiscally responsible to neighborhood retailers who play such an important role in the economy of New York City. As it stands now, Intro 640 falls short of these desirable goals.

Advocates of the
Food Industry
Since 1900



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Comments

**by the Food Industry Alliance of New York State, Inc.
on Int. No. 640 by Council members Vallone, Jr., The Speaker et.al.
in relation to requiring a recycling program for plastic carryout bags**

The Food Industry Alliance of New York State, Inc. is a not for profit trade association representing the interests of New York's 21,000 food stores. In New York City our members include AIM Stores, Bravo Supermarkets, C-Town, D'Agostino Supermarkets, Fairway Markets, Food City Markets, Foodtown, Gristede's, Key Food Stores, King Kullen, Met Food, Pathmark, Pioneer Supermarkets, Shoprite Supermarkets and Stop & Shop as well as their wholesale suppliers including Bozzuto's, C & S Wholesale Grocers, Krasdale Foods, Supervalu, Wakefern, and White Rose.

Int. No. 640 requires any store over 5000 square feet that provides customers with plastic bags in which to carry their purchases to implement a plastic bag collection and recycling program. With the enormous and growing level of attention being paid to this issue, and environmental issues generally, we are pleased that the Council is promoting reuse and recycling and that it is involving all types of retail establishments. Supermarkets have a long history of recycling a wide variety of products including cardboard, plastic film overwrap, and fat and bone, and of course, they are responsible for redeeming containers under the Bottle Law. As you know, we are the only industry making a good faith effort to comply with the Bottle Law, at considerable expense to us. Now, as provided in Int. 640, our member stores are prepared to provide bins for the collection of bags, to arrange for their recycling and to provide reusable bags for sale. Indeed, several members are already doing so.

There are, however, four specific issues within the bill as written that we would like to address.

1. To maximize participation and success, the program should not be limited to carryout bags but should also try to capture all recyclable film plastic including newspaper bags, dry cleaning bags, shrink wrap etc. In addition, while there might be mom and pop businesses for whom participation would be unnecessarily burdensome with little benefit, there are countless outlets of retail chain stores that, while under 5000 square feet, are nevertheless part of very large businesses that can and should be included.
2. A specific message of a specific size on bags poses many problems for retailers, especially those who do business in multiple jurisdictions. Retailers who already have programs in place already print a message on their bags that is unique to their company. They should be allowed to continue to do so. As other stores plan and begin to implement their programs they should be free to determine how and in what way to promote it.
3. It will not be feasible for operators to comply with the requirement to maintain records by weight of the carryout bags that are collected for recycling in their stores. They do not have scales to weigh them on and any weight would be highly inaccurate. Moreover,

the plastic collected will likely include other polyethylene (shrink wrap from the store itself, newspaper bags etc.) and it would be impossible, and unnecessary, to separate the various types. In addition, at this time in many cases we don't know how or by whom the plastic will be collected but it seems certain that collectors will aggregate plastic from many outlets. We are willing to work with the Department to collect and collate the data at the processor level.

4. The penalties are extremely harsh. This is an initiative in which we would like to be your partners. We believe first violations should receive a warning and the opportunity to come into compliance, or perhaps a grace period from the effective date before fines would be imposed. And we believe the fines should be significantly reduced.

There will be challenges. The chief of these will be to encourage public participation. Stores can provide the means to recycle but we will all – government, environmental and community groups, and business – need to join in partnership to provide the motivation through education. The other major challenge will be to establish the networks required to pick up, transport and recycle the material.

In summary, we are advocating for simplification, flexibility and collaboration. We want this initiative to be successful.

Respectfully submitted,
Food Industry Alliance of New York State, Inc.
Patricia Brodhagen
Vice President, Public Affairs

**TESTIMONY OF LAWRENCE A. MANDELKER on behalf of
THE NEW YORK METROPOLITAN RETAIL ASSOCIATION (NYMRA) before the
COMMITTEE ON SANITATION AND SOLID WASTE
Chair: Michael McMahon
Thursday, November 29, 2007, 1:00 p.m.
250 Broadway, Floor 14, New York, NY**

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

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

We appreciate the Council's concern and applaud its efforts to address this issue. Unfortunately our members have seen numerous states and municipalities attempt to address the problem with similar legislation. What we have found, and wish to explain, is that there is no one-size-fits-all solution, as the operations of national or multi-state retailers are different than those of local retailers.

For example, the requirement of Section 16-453 (a) (i) for 3-inch high letters stating "*Please return this bag to a participating store for recycling*" is a problem. Reducing the size of the lettering from three inches to one-half inch would lessen its interference with any graphic design or logo that is printed on the bag, but would not address the most basic problem the requirement would cause national retailers.

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

Section 16-453(a) (ii) already requires provision of a bin in a visible place "*clearly marked as available for the purpose of collecting plastic carryout bags for recycling.*" Coupled with a citywide program to educate consumers about recycling, they would be more effective than a printed phrase on a bag in achieving the City's recycling goals.

Many retailers and/or their suppliers already have or use a bag recycling program to recover grocery, dry cleaning and retail bags. Shoppers return bags to recycling bins located at the retail sites. They are collected, baled and transported to the recycling centers where they are processed and re-pelletized into resin pellets that are used to make new plastic bags.

A number of our members have programs in place to recycle the plastic shrink wrap in which merchandise is shipped to their stores. Typically, the used shrink wrap is sent to the store's support center, where together with the shrink wrap received from the

other stores serviced by the support center, it is collected and recycled. The sale of collected shrink wrap is a profit center for some of our members. If our members are to be required to collect used plastic carryout bags in New York City, they should be able to use the system they already have in place to collect and recycle plastic shrink wrap to also collect and recycle carryout plastic bags. **We urge the Council to consider an exemption for the record-keeping provisions of Section 15-453 (c) for retailers who are already using a recycling program for other recyclable materials. Alternatively, we suggest that record-keeping requirements be undertaken by the bag manufacturers or the companies that already do the collecting and recycling.**

We believe that the plastic bag industry, which is already working to address the challenges of recyclable versus compostable versus degradable materials, will reinvent itself in the next five years. In the meantime, we believe that **business as a whole** can do its share more appropriately by:

- Participating in development and promotion of consumer education programs on reduction of bag use and anti-litter awareness.
- Participating in elementary school programs to promote reusable bags and anti-litter messages.
- Providing in-kind contributions of food and beverages for events to promote awareness of reusable bags, anti-litter messaging and recycling programs.
- Encouraging other retail tradestyles to voluntarily comply with provision of in-store recycling bins, offering of reusable bags and recycling of plastic bags.
- Providing technical assistance to other retail types on how to set up recycling programs.
- Participating in media events (such as press conferences promoting the sale of reusable bags as well as promoting the recycling option) to spread the message.

We urge the Council to consider these **non-legislative or voluntary steps** to further its goal of litter and environmental pollution reduction.

Finally, the most effective way to recycle plastic carryout bags is at curbside. The educational programs outlined above could be used to educate consumers to separate clean used plastic carryout bags from their other trash. This would enable the sanitation department to easily collect and ship the used bags at a profit to a recycler.

Submitted by Lawrence A. Mandelker
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**New York City Plastic Carryout Bag Recycle Law
Committee on Sanitation – New York City Council
Testimony of New York Restoration Project
November 29, 2007**



On behalf of New York Restoration Project's Founder, Better Midler, I am here today to share her support, as well as that of New York Restoration Project, for the New York City Plastic Carryout Bag Recycle Law – a proposed amendment to the City's administrative code requiring a recycling program for plastic carryout bags.

As many of you may know, New York Restoration Project – often referred to as NYRP – is a non-profit organization dedicated to reclaiming and restoring neglected and under-resourced parks, community gardens and open spaces in economically disadvantaged neighborhoods throughout New York City's five boroughs.

Since its founding in 1995, NYRP staff and thousands of volunteers have planted over 100,000 trees and shrubs to support the restoration of New York City's parks and public spaces; removed more than 925 tons of garbage and debris from project sites; saved 114 community gardens from commercial development; transformed an illegal dumping ground into the five-acre Swindler Cove Park and Peter Jay Sharp Boathouse; and most recently, launched MillionTreesNYC in partnership with Mayor Bloomberg and the New York City Department of Parks and Recreation.

As part of our park and community garden restoration activities, NYRP staff and volunteers regularly participate in bag snagging throughout the city – that is removing plastic bags from the branches of our city's urban forest with the use of bag staging devices. The fact is that NYRP's staff and volunteer resources could be better spent if we didn't have to regularly pull these unsightly bags from the trees that line our streets and provide shade in our parks and community gardens.

First introduced in 1957 in the form of plastic sandwich bags, department stores began using plastic bags in the late 1970s and supermarket chains followed in the early 1980s. Single-use plastic bags are made of non-renewable petroleum and often natural gas and are an environmental hazard. Plastic bags do not biodegrade. Rather, they photodegrade – a process by which the sunlight simply breaks down the plastic bag into smaller and smaller pieces where they can remain in a landfill for up to 1,000 years – contaminating our planet's soil and water.

New York Restoration Project

New York City Plastic Carryout Bag Recycle Law Testimony

Some staggering statistics about plastic bags:

- The average American family accumulates 60 plastic bags in only four trips to the grocery store.
- According to the U.S. Environmental Protection Agency, over 380 billion plastic bags, sacks and wraps are consumed in the United States annually.
- And according to a The Wall Street Journal article, Americans go through 100 billion plastic shopping bags each year – costing retailers an estimated \$4 billion dollars.

The proposed amendment to the City's administrative code requiring an in-store recycling program for plastic carryout bags is an important first step, and the members of the City Council sponsoring the local law are to be commended for addressing this immediate challenge to our local environment and the entire planet.

However, today is a first step. For the recycling program to be effective, we must work together to change the actions of consumers. We must get every New Yorker to begin using recycled or canvas shopping bags. And it's also about saying "no" when a deli owner offers to use a plastic bag for your sandwich or when the checker at the grocery store wants to double bag a box of cereal. If all New Yorkers said "no" to plastic bags there wouldn't be a need to mandate a recycling program. It's time for New Yorkers to clean up our trees, parks and streets by cleaning up our act and being responsible and eco-friendly consumers. Yes, it takes a little more effort to carry your recycled tote to the grocery store, but if each of us took the initiative, the results would be dramatic.

I also challenge the sponsors of this law – that if passed – you will closely monitor its results. If we do not see a dramatic drop in the number of plastic bags being used – and abused – in New York City, then we must follow the lead of our dear friends in San Francisco and pass an outright ban on this environmental misfit.

On behalf of Bette Midler, thank you for providing New York Restoration Project the opportunity today to testify and share our support for the proposed plastic bag recycling program.

TESTIMONY BY
THE MANHATTAN SOLID WASTE ADVISORY BOARD (SWAB)
ON INTRO 640
HEARING BEFORE THE NYC COUNCIL COMMITTEE ON
SANITATION AND SOLID WASTE MANAGEMENT
NOVEMBER 29, 2007

GOOD AFTERNOON CHAIRMAN MCMAHON, COMMITTEE MEMBERS AND STAFF. I AM ANDREA SCHAFFER, CHAIR OF THE MANHATTAN SOLID WASTE ADVISORY BOARD (SWAB). I AM HERE TODAY TO TESTIFY ON BEHALF OF THE MANHATTAN SWAB. THE BOARD IS A VOLUNTEER BODY, JOINTLY APPOINTED BY THE BOROUGH PRESIDENT AND THE CITY COUNCIL THAT ADVISES THE BOROUGH PRESIDENT AND OTHER CITY OFFICIALS ON THE CITY'S RECYCLING AND SOLID WASTE MANAGEMENT PROGRAMS. THE BOARD CONTAINS MANY KNOWLEDGEABLE AND COMMITTED MEMBERS, DEDICATED TO EXPANDING WASTE PREVENTION ACTIVITIES, ENCOURAGING REUSE OF MATERIALS, IMPROVING THE CITY'S RECYCLING PROGRAM, AND DISPOSING OF SOLID WASTE IN AN ENVIRONMENTALLY SOUND AND FINANCIALLY RESPONSIBLE MANNER.

THE SWAB SUPPORTS INTRO 640 AND URGES YOU TO PASS IT WITH SOME MINOR MODIFICATIONS TO ENHANCE ITS EFFECTIVENESS. THE MANHATTAN SWAB APPLAUDS YOU FOR TAKING THIS FIRST, POSITIVE STEP TO BEGIN THE REMOVAL FROM THE WASTE STREAM OF CLOSE TO A BILLION SHOPPING BAGS GENERATED IN NYC EVERY YEAR. IN ADDITION TO ADDING ENTIRELY UNNECESSARY WASTE TO LANDFILLS AND W-T-E FACILITIES, THESE BAGS CREATE SIGNIFICANT OPERATING DIFFICULTIES FOR RECYCLING AND COMPOSTING SYSTEMS, AND THE REMOVAL FROM THE WASTE STREAM WILL ENHANCE THE SUCCESS OF ANY SUCH SYSTEM. AND BY HAVING STORES OFFER CLOTH BAGS FOR SHOPPING USE AS AN ALTERNATIVE TO PLASTIC SHOPPING BAGS, ANOTHER ADDED BENEFIT OF

THIS BILL WILL BE DECREASING THE UNNECESSARY USE OF OIL TO CREATE THE BAGS THAT POLLUTE OUR AIR AND CREATE GREENHOUSE GASES. HOWEVER, IN ORDER FOR THIS BILL TO HAVE AS LARGE AN IMPACT ON THE COLLECTION AND RECYCLING OF THESE PLASTIC BAGS AS POSSIBLE, THE SWAB IS RECOMMENDING SOME MODIFICATIONS TO THE BILL WE HOPE WILL ENHANCED ITS EFFECTIVENESS AND ENTICE MORE CONSUMERS TO BRING BACK THEIR PLASTIC SHOPPING BAGS TO THE STORES.

FIRST, ACCORDING TO SECTION 453 (c) OF THE BILL, THE OPERATORS HAVE AN 18 MONTH PERIOD TO GATHER INFORMATION AND REPORT BACK TO DSNY. AND DSNY HAS 2 YEARS, STARTING JULY 1, 2012 TO REPORT BACK TO THE COUNCIL AND THE MAYOR. WE RECOMMEND CUTTING BACK ON THE TIME PERIOD FOR THE OPERATORS TO RESPOND TO DSNY TO ONE-YEAR, AND, REVISING THE START DATE FOR DSNY REPORTING RESPONSIBILITY TO JULY 1, 2010. THIS WILL ENABLE THE COUNCIL AND THE ADMINISTRATION, AND OTHER INTERESTED PARTIES, SUCH AS THE SWAB, TO REVIEW THE DATA AND EVALUATE THE SUCCESS OF THE PROGRAM AT AN EARLIER STAGE. CHANGES COULD BE MADE AT THIS POINT IF THERE ARE FLAWS PREVENTING THE PROGRAM FROM CAPTURING AS MANY BAGS AS POSSIBLE.

THE SWAB INTENDS TO FORM A ROUNDTABLE CONSISTING OF STAKEHOLDERS AND INTERESTED PARTIES TO GAIN INSIGHT ON CREATIVE SOLUTIONS TO MAXIMIZE RECYCLING OF PLASTIC BAGS AND INCENTIVIZE CONSUMERS TO RETURN PLASTIC SHOPPING BAGS TO STORES. WE BELIEVE SUCH A ROUNDTABLE WILL BROADEN THE DISCUSSION OF THIS TOPIC AND BRING FORTH IDEAS, WHICH CAN BUILD UPON A VOLUNTARY RETURN POLICY. AN EARLIER ASSESSMENT OF THE EFFICACY OF THE VOLUNTARY RETURN PROGRAM COULD PROVIDE VALUABLE INPUT TO SUCH A ROUNDTABLE.

THE MANHATTAN SWAB URGES YOU TO PASS INTRO 640 WITH THE
MODIFICATIONS RECOMMENDED AND LOOKS FORWARD TO WORKING
WITH THE COUNCIL TO ADDRESS THIS IMPORTANT ISSUE.



November 29th, 2007

Testimony before the New York City Council,
Committee on Sanitation

Intro. 640

New York City Plastic Carryout Bag Recycling Law

Patrick Purcell Jr.
Director of Special Projects
United Food and Commercial Workers Union Local 1500
Queens Village, NY 11429

Good afternoon Chairman McMahon and Members of this Committee. I thank you for the opportunity to testify before you today on Intro. 640.

My name is Patrick Purcell and I am Director of Special projects for United Food and Commercial Workers Union Local 1500 based in Queens Village. Our Union represents over 11,000 grocery workers here in New York City and over 22,000 in the Metro New York area. Our members work in Pathmark, Stop and Shop, King Kullen, D'agastinos, Gristdes, Shop Rites, Key Foods and Fairway.

On behalf of these members, I am here to testify in favor of the goals and overall intent of Intro. 640, but with the strong recommendation that certain provisions be modified without reducing the results sought by this legislation.

I do so because it is very important to know that every piece of legislation that is passed regulating supermarket practices increases the cost of business and takes yet another dollar out of the pool of dollars from which our members must negotiate their labor agreements.

Our members are becoming increasingly aware and alarmed at the rate that this city is losing its traditional supermarkets and realize that in addition to non-legislative factors such as rents, the combination of State and City regulations are making it very difficult for supermarkets to operate within the five boroughs

As it stand now, there are approximately 11,600 business registered with State Department of Agriculture and Markets as food business and approximately only 550 are considered traditional supermarkets as we would define them.

Allow me to point out provisions that our Union would ask the Committee and Council leadership to reconsider:

1. The fine of \$2,000 per day for violating the Recycling Program Requirements is absurdly excessive for this legislation. The employers of our members have said publicly and in some cases have already voluntarily begun to address this and numerous other environmental issues. A fine of this severity implies that businesses do not want to cooperate or intend to just simply pay the fine as a cost of doing business. That is wrong.

I would remind that Council that it is these employers that are basically the only one that have obeyed the Bottle Bill Recycling law for years, at great cost, and have never accepted the State's fines as a part of doing business. In fact, when was the last time any of you returned bottles to a drugstore?

I would also point out that in comparison, this Council passed legislation in the past 2 years dealing with real safety issues such as Video camera Surveillance and Ignoring Stop Work Orders. Both pieces of legislation dealt with true public safety matters. In each case, violations of those laws would impose fines less than or equal to this bill's \$2,000 penalty, who's intent and goals are important but will hardly lead to imminent danger or death if not enacted or obeyed.

2. The 5,000 sq ft limit on this bill is too small. While it may be political advantageous to exclude these operators, you are exempting over 80% of the grocery businesses in the City. Once gain, you asking traditional grocery stores to carry the burden while exempting a large portion of businesses using the bags. For example, in the Bronx, 92% of the food businesses registered with Ag. and Markets are 5,000 sq ft or less.

In addition, you are not capturing the entire Drug stores industry. Chains like CVS, Walgreen's and Duane Reade have stores under this size limit. However, it is not necessarily the size of the store that would matter when it comes to sales and volume of bags being used. A 4,000 sq ft stores in midtown will do considerably more business than a 10,000 sq ft drug store in parts of Staten Island.

3. As to the issue of cost, the provisions of the bill that deal with the precise wording on the bag, record keeping, the weighing of bags and other matters like these again are unnecessarily burdensome and costly. I have yet to see anything from the Council, and please correct me if I am wrong, that shows that the council researched the total cost and impact of this bill on the employers and subsequently, our members. Is there no way to achieve our goals and still try to reduce its financial impact? I do not recall reading in the bill any financial breaks being given to businesses for implementing a Recyclable Program? In a City that seems willing to provide subsidies and tax breaks for just about any development seeing to expand new business, should we not consider ways of helping existing businesses eager to work with consumers on vital issues such as the environment?

In conclusion, let me speak straightforward. Of course we support the bills concept. However, the regulations cost and unfair application of this legislation will hurt our members. They know what's happening to their companies and their livelihoods and they are getting angry. I searched the data bases of City Council legislation over the last couple of years and could not find one piece of legislation that encourages the opening of supermarkets in communities. Yet today we are here discussing a bill that will raise the already high cost of doing business.

Please remember, you are not just regulating an industry you are playing with the dollars and cents that make up the wages, healthcare and pensions of our members. All they want is an even economic playing field and are willing to get involved in the process to make sure they get it.

In the near future, we will be presenting to you for your consideration legislation that will deal with the grocery industry, workers rights and preserving middle class jobs. Some of those matters are already before the Council, yet have not even been able to even get a hearing. I hope that when we present our issues to you and recommend answers to problems, they are addressed with fast-track approach this bill seems to have been blessed with.



Local 338 RWDSU/UFCW

FOR THE RECORD

JOHN R. DURSO
President

JOHN DEMARTINO
Secretary/Treasurer

MURRAY J. MORRISSEY
Executive Vice President

DEBRA SERVIDO
Recorder

Testimony of Neal Tepel on behalf of Local 338 RWDSU/UFCW at the
New York City Council Sanitation & Solid Waste Management Committee Hearing
Regarding Intro 640 Requiring a Recycling Program for Plastic Carryout Bags
November 29, 2007

Good afternoon Chairman McMahon and members of the New York City Council's Sanitation & Solid Waste Management Committee. My name is Neal Tepel and I am here testifying on behalf of John Durso, president of Local 338 of the RWDSU. Local 338 represents nearly 20,000 workers in the wholesale and retail food industry as well as pharmacists, nursing home and child care workers, laboratory technicians and dairy workers. The union is an affiliate of the 1.4 million member United Food and Commercial Workers Union.

Let me start by thanking you for conducting this important hearing concerning the environment. It is time for New Yorkers to do their part to reduce environment pollution by recycling plastic carryout bags. On behalf of the members of Local 338 RWDSU, I am here to support Intro 640 requiring a recycling program for carry out plastic bags.

Since their introduction in the 1970's plastic bags have continued to grow in popularity becoming increasingly important in our culture. They are easy to use and take up less storage space than those made of paper. A standard plastic grocery sack costs about a penny to produce, according to the plastics industry compared with 4 to 5 cents for a paper bag.

Plastic bags made of polyethylene, which dominate the market, are non-biodegradable and are made from crude oil and natural gas, both nonrenewable resources. They can be recycled, but are mostly discarded. The E.P.A. estimated that only 5.2 percent of the plastic bags and sacks in the municipal waste stream in 2005 were recycled. Plastic bags have virtually taken over the grocery market since they were placed at check-out stands in 1977. Ninety percent of all grocery bags are now plastic, according to the Progressive Bag Alliance, an industry group of plastic bag manufacturers. Estimates of the number of plastic bags used around the world each year vary wildly — from 100 billion to as many as one trillion. Plastic production uses 8% of the world's oil production, 4% as feedstock and 4% during manufacture.

The success of the plastic bag has meant a dramatic increase in the amount of sacks found floating in the oceans where they choke, strangle, and starve wildlife. Plastic bags are regularly a part of coastal cleanups. They also wrap around living corals suffocating and killing them.

The Council's efforts to remove plastic bags from the solid waste stream and push more New Yorkers towards recycling and reusing plastic bags is to be commended. But I would be remiss if I did not talk about some of the socially responsible employers whose workers we represent that have already instituted a plastic bag recycling program similar to Intro 640. Local 338's largest employer is the Great Atlantic & Pacific Tea Company, which is comprised of Waldbaum's, Food Emporium, Food Basics, & A&P. This progressive company has had a bag recycling program in many of their groceries for several years and has recently expanded the policy to all stores.





Best manufacturing practices. Environmental leadership. Sound public policy.

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

November 29, 2007

Good Afternoon. My name is Donna Dempsey and I am the Managing Director of the Progressive Bag Alliance. I want to thank the City Council and Speaker Quinn for their leadership on this important issue.

The Progressive Bag Alliance is here today to express its support for the New York City Plastic Carryout Bag Recycling Law, which will encourage the use of reusable bags, reduce the amount of bags used, and require at-store recycling programs for plastic bags.

The Progressive Bag Alliance or PBA, is a nonprofit association started by the nation's plastic bag manufacturers to create positive change in communities by encouraging the environmentally responsible use of plastic bags.

Producer responsibility is central to our mission. We have always used recycled materials and we have constantly researched ways to make stronger, more energy efficient products. That research continues today.

As American citizens with families, children and grandchildren, we are also committed to improving sustainable business practices and protecting the environment. To that end, our group is committed to developing practical solutions for reducing the number of plastic bags that end up in landfills and on sidewalks.

Working in partnership with policy makers, businesses and community members, PBA is dedicated to establishing measurable programs that will address environmental concerns and show progress. The Progressive Bag Alliance "Bring It Back" campaign is a nationwide education campaign designed to enlist retailers in recycling programs. We provide a toolkit with instructional materials, signage, advice and pair retailers with private recyclers to create end to end systems.

PBA's core philosophy hinges upon recycling. Plastic grocery bags are 100% recyclable, but there is an awareness gap among consumers that use plastic grocery bags. Although more than 90% of consumers prefer plastic to paper at the checkout, studies indicate that most people are still unaware that they can recycle these bags. The challenge in creating a successful plastic bag recycling campaign is twofold: first to improve access to recycling systems and second to increase awareness about these recycling programs to drive participation.

Successful recycling programs undertaken by large retailers around the nation illustrate a willingness on the part of consumers to participate in at-store recycling programs for plastic bags. These programs also exploit an active and growing market for recycled plastic that didn't exist 15 years ago. Since it's more cost-effective to use recycled product than new raw material, bag manufacturers and private recyclers are seeking recycled plastic in greater numbers. This creates opportunity for retailers who can sell recycled plastic and create a second revenue stream that will defray their bag expense.

As we'll hear from other members on our panel, plastic bags can be recycled into dozens of useful new products, such as building and construction products, low-maintenance fencing and decking, and of course, new bags. There is high demand for this material, and in most areas, demand exceeds the available supply. Additionally, 100 percent of the excess material in the manufacturing of plastic bags is reused.

While curbside plastic recycling and municipal drop off are effective programs, the PBA advocates at-store recycling in many communities. Generally, we have found that grocery stores and retailers are the experts in this field and many have developed innovative programs. At-store recycling uses existing infrastructure to provide, with minimal new investment, an easy and intuitive system for customers.

While plastic grocery bags are 100% recyclable and the most environmentally responsible alternative at the checkout, it's still important to reduce wasteful use of plastic bags so PBA is committed to training retailers about the proper use and packing of plastic bags to reduce unnecessary use of bags. Consumers can also help by asking store clerks to stop double-bagging and put more items in each bag.

The PBA believes that encouraging positive behavior through recycling is a sustainable environmental and economic solution that benefits everyone. Intro 640 is a good example of how government, the community and industry can work together to come up with workable solutions, which benefits the community and the environment. New York has an opportunity to become a leader in plastic recycling with this proposal.

To reiterate, the PBA mission is to recognize and accept our producer responsibility to facilitate practical solutions that address community concerns regarding plastic bags. We work actively with government, NGO's, industry, the retail community, and community groups to put measurable systems in place that work for everyone. It is our hope to work collaboratively and support the New York City government to develop a program that can serve as a best practice example to other major metropolitan regions grappling with this same issue.

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

DS Dempsey

Donna S. Dempsey
Managing Director
Progressive Bag Alliance



November 29, 2007

Testimony of Thomas Outerbridge, Manager
Sims Municipal Recycling Division
Intro 640 – Recycling of Plastic Bags

Chairman McMahon and Members of the Committee:

Thank you for the opportunity to testify today. I am here to voice our support for this legislation, and to provide an explanation as to why more film plastic should not be included in the curbside recycling program at this time.

I cannot comment on the details for implementation of Intro 640. However, as a means of providing an outlet for residents that want to recycle their bags and begin to divert more of this material from the waste stream, Intro 640 is a good first step. The film plastic that is generated in this way should be relatively clean and command a good value as a recycled commodity. I do not want to minimize the logistical challenges that will be associated with collecting and transporting this material, but I can tell you that the demand for film plastic is currently very strong, and the quality of what is collected through this type of take-back program will exceed what we could expect to produce by separating film plastic from the commingled recyclables we receive via the curbside program.

As most of you probably know, our company currently processes and markets the metal, glass and plastic (MGP) collected by the Department of Sanitation. We currently receive a large amount of film plastic in the MGP. This is either bags that have been used for set out of recyclables, or film plastic that residents have included inadvertently or because they believe it to be a designated recyclable.

I understand it would be convenient for City residents to simply include film plastic with their MGP. However, the problem is that the film becomes entangled with other materials, such as coat hangers. This creates huge challenges for recovery of the materials we are meant to recycle, such as coat hangers, let alone recovery of the film plastic itself. I can honestly say that effective separation of the film plastic we currently get from the balance of the MGP is the most challenging processing problem we face today. The addition of more film to the MGP stream will only aggravate problems associated with processing the City's curbside MGP.

As a Company, we spend a significant amount of time, money and other resources to constantly improve our operations, and improve our efficiency in recovering the maximum quantity and quality of products from the materials we receive. If at some point in the future we can more efficiently recover marketable film plastic from MGP, we would be pleased to discuss with the City the possibility of including this material in the MGP. In the meantime, Intro 640 at least begins to provide New Yorkers with opportunities for film recycling.



Wakefern Food Corporation/ShopRite

Wakefern Food Corporation is the nation's largest retailer-owned cooperative, with more than 230 stores under the ShopRite and PriceRite banners and about \$9 billion in annual retail sales. The cooperative's 44 members own and operate 207 ShopRite supermarkets in New Jersey, Connecticut, Delaware, and Pennsylvania including 37 in New York with 2 supermarkets in Staten Island and 1 in Brooklyn.

Wakefern provides marketing, distribution, procurement, warehousing, and various administrative services to its member companies. Wakefern also owns and operates more than 30 PriceRite stores in Connecticut, Massachusetts, Pennsylvania, and Rhode Island including 2 in New York. Wakefern, ShopRite and subsidiaries together employ more than 45,000 associates.

ShopRite: Protecting the Environment

Wakefern's commitment to environmental stewardship includes Wakefern's Elizabeth, New Jersey, recycling plant, which operates 16 hours a day, six days a week. The facility recycles a variety of materials from white pharmacy pill bottles to plastic grocery bags to corrugated cardboard and paper. In the 2006/2007 fiscal year, ShopRite recycled more than 96,000 tons of corrugated; over 1,700 tons of plastic (this includes stretch film and plastic bags), 949 tons of newspapers, 1,488 tons of waxed corrugated, 279 tons of office fiber (paper) and 115 tons of metals (strapping).

ShopRite's bag re-use program rewards shoppers who re-use grocery bags with a 2-cent discount per bag; in 2006, customers saved more than \$148,000 off their grocery bills while helping ShopRite use 7.4 million fewer bags. ShopRite continues to raise customer awareness of this program by posting window signs, register cards, and printing information about the program on our shopping bags and in our circulars. ShopRite also encourages customers to use fewer plastic bags by offering reusable bags for sale at a nominal cost.

WANT
OUR
2¢
?



Save the
planet and
reuse your
grocery bags

Recycling is a beautiful thing



**PUBLIC HEARING OF THE
COMMITTEE ON SOLID WASTE
REGARDING INTRO NO. 640**

THE NEW YORK CITY PLASTIC CARRYOUT BAG RECYCLING LAW

New York, NY

November 29, 2007

Good afternoon, Chairman McMahon and members of the Committee. My name is Bonny Betancourt and I am the Manager of State Affairs and Grassroots for the American Chemistry Council's (ACC) Northeast Region Office. The American Chemistry Council is a national trade association that represents leading companies engaged in the business of chemistry and plastics. Specifically, I am here today on behalf of our Plastics Division. We would like to commend the Speaker and the Council members for their interest and leadership in protecting the environment. As such, our association is here to **express our support for Intro No. 640**, which would implement the first-ever plastic bag recycling program for the city.

The Benefits of Plastic Bags...

Contrary to some allegations, plastic bags are actually carbon conservative and extremely energy efficient, plus people can—and already do—reuse them. Consider the following:

- Plastic bags provide an important choice for consumers because they are already being reused at home in many different ways, and most shoppers prefer them over bulky paper bags that are awkward to carry
- Plastic bags actually have a smaller environmental footprint than do paper bags—they actually use 40% less energy and only 4% of the water used to manufacture paper bags
- In grocery stores, light weight plastic bags take up less storage space
- Plastic carryout bags are made from polyethylene, 80% of which is made from natural gas domestically produced in the United States—*not* oil.



November 29, 2007
Page 2

...And The Opportunities

A plastic bag recycling program in New York City would do a world of good because there is huge potential for the program to make a positive impact on the city's environment, but in order to make a significant difference, there needs to be a public/private partnership in making consumers aware of additional recycling opportunities..

The Council can pass a law enacting a plastic bag recycling program, but if people are not motivated to bring their bags back to the stores, the recycling bins will stand empty. We respectfully urge the City to take advantage of a tremendous opportunity to step in as the public partner in this effort by mounting a public awareness campaign aimed at not only informing New Yorkers of the ability to recycle their bags, but also at promoting civic pride in doing something good for the environment.

In conclusion, we again want to commend Speaker Quinn, Chairman McMahon and the Council for their consideration of the issues involved in creating a plastic bag recycling program. We strongly support recycling, and look forward to continue working with the Council and the City on creating a program that will achieve the goals of "Reduce, Reuse, and Recycle" when it comes to plastic bags.

Thank you for your time and consideration. I would be happy to answer any questions.

Sincerely,

Bonny Betancourt
Manager, State Affairs & Grassroots
American Chemistry Council
Northeast Region Office

Bonny_Betancourt@americanchemistry.com



Info Sheet

Contact: Jennifer Killinger (703) 741-5833
Email: jennifer_killinger@americanchemistry.com

ADDENDUM: THE BENEFITS OF PLASTIC BAGS

Plastic grocery bags are an extremely resource-efficient disposable bag choice.

- Plastic grocery bags require 40 percent less energy to manufacture than paper bags.¹
- For every seven trucks needed to deliver paper bags, only one truck is needed for the same number of plastic bags, helping to save energy and reduce emissions.
- It takes 91% less energy to recycle a pound of plastic than it takes to recycle a pound of paper.¹

Less material means less waste and fewer emissions.

- 2,000 plastic bags weigh 30 lbs; 2,000 paper bags weigh 280 lbs. Plastic bags take up a lot less space in a landfill.¹
- Plastic bags generate 80 percent less waste than paper bags.¹
- Plastic grocery bags make up a tiny fraction (less than 0.5 percent) of the U.S. municipal solid waste stream.²
- The manufacture and use of paper bags generates 70% more air emissions than plastic.¹
- Plastic bags generate only 40% of the greenhouse gas (GHG) emissions of non-composted paper bags and only 21% of the GHG emissions of composted paper bags.³
- The production of plastic bags consumes less than 4 percent of the water needed to make paper bags.³

¹ U.S. Environmental Protection Agency. *Questions about Your Community Shopping Bags: Paper or Plastic.* See: www.epa.gov/region1/communities/shopbags.html. Downloaded from the Internet May 2007.

² U.S. Environmental Protection Agency. *Municipal Waste in the United States: 2005 Facts and Figures.* See: <http://www.epa.gov/garbage/pubs/mswchar05.pdf>.

³ Swiss Agency for Environment, Forests & Landscape (SAEFL). *Life Cycle Inventories for Packagings.* Environmental Series 250/1. 1998. Based on data from *Eco-Profiles of the European Plastics Industry, LDPE Film Extrusion: A Report by I. Boustead for PlasticsEurope.* March 2005. See <http://lca.plasticseurope.org/index.htm>.



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Plastic grocery bags are fully recyclable⁴ and the number of recycling programs is increasing daily.

- Plastic bags can be made into dozens of useful new products, such as building and construction products, low-maintenance fencing and decking, and of course, new bags.
- There is high demand for this material, and in most areas, demand exceeds the available supply because many consumers are not aware that collection programs are available at local stores.
- In recent years, many grocers and retailers have introduced plastic bag collection programs. Consumers should look for a collection bin, usually located at the front of the store. The number of municipal drop-off centers and curbside programs to recycle plastic bags is increasing also. Consumers can locate plastic bag recycling programs in their communities by visiting www.PlasticBagRecycling.org.
- In addition to grocery bags, other plastic retail bags, dry cleaning bags and newspaper bags can be included wherever plastic bags are collected for recycling.

In addition to recycling, a recent national survey shows that over 90% of Americans reuse their plastic bags.

- About 65% of Americans reuse their bags for trash disposal. Other common uses include lunch bags and pet pick-up.
- In this regard, the reuse of a plastic shopping bag prevents a second bag from being purchased to fulfill these necessary functions.

#

The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®, common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. The business of chemistry is a \$635 billion enterprise and a key element of the nation's economy. It is one of the nation's largest exporters, accounting for ten cents out of every dollar in U.S. exports. Chemistry companies are among the largest investors in research and development. Safety and security have always been primary concerns of ACC members, and they have intensified their efforts, working closely with government agencies to improve security and to defend against any threat to the nation's critical infrastructure.

⁴ Recycling may not be available in all areas. Check to see if recycling exists in your community. See: <http://www.plasticbagrecycling.org/01.0/>.

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

**HEARING BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON
SANITATION & SOLID WASTE MANAGEMENT
THURSDAY, NOVEMBER 29, 2007 – 1:00 P.M.
CITY HALL—COMMITTEE ROOM**

**RE: Intro. No. 640: In relation to requiring a recycling program for
plastic carryout bags**

Good afternoon Chairman McMahon and members of the Committee on Sanitation and Solid Waste Management. I am Robert Lange, Director of the Bureau of Waste Prevention, Reuse and Recycling for the Department of Sanitation. I am here this afternoon with Todd Kuznitz, Director of Enforcement, to comment on behalf of the Department of Sanitation on Intro. No. 640, presently under consideration by this Committee.

Intro. No. 640 would require many of the City's commercial retailers to establish an in-store recycling program for accepting post-consumer unwanted plastic carry-out bags from consumers. A retailer having over 5,000 square feet of retail space would be required to place a bin near the entrance to its store into which consumers could deposit unwanted plastic bags, regardless of the retail origin of the plastic bag or bags. Additionally, Intro 640 calls for every plastic bag provided by a retailer to be labeled with specific wording indicating the bag can be returned for recycling if the consumer chooses not to use the bag for some other purpose that would preclude recycling, as well as requiring the same effected retailers to maintain records evidencing the weight of plastic bags it accepts annually for recycling, and report this information to the Department.

Recycling is a major component of the City's solid waste management system and diverting material away from the solid waste stream is an important component of the City's overall waste management strategy. We know from the results of the two-year long waste characterization study the Department completed last year that less than 3% of the City's residential waste stream consists of plastic bags discarded by residents. This percentage does not distinguish between those plastic bags sold and used solely for garbage and recycling set out and smaller plastic carry-out bags. Any attempt to divert this portion of the waste away from disposal is a step in the right direction.

While the Department supports the underlying intent of Intro. 640 as a measure to increase recycling in the commercial sector and enhance recycling awareness among consumers in the City, Intro 640 as currently drafted includes a number of provisions that require further discussion.

Intro. No. 640 contains a provision requiring retailers subject to this legislation to report the weight of all plastic carry-out bags collected and recycled to the Department annually. While

the Department agrees that is important to know the approximate weight of all plastic carry-out bags collected and recycled pursuant to this legislation, the reporting requirements as currently drafted envisions a localized weighing system for returned bags that is impractical because of the vast number and varying configuration of retailers across the City.

As a final comment, it is the Department's opinion that the civil penalties proposed under Intro. No. 640 are high in relation to the possible impacts associated with noncompliance. Based upon discussions with representatives of the retailers possibly impacted by the proposed legislation, the imposition of a fine of \$500.00, for a first time offense, is high in relation to the current recycling fine structure for residents and the possible impacts associated with their noncompliance. Also, fines of such magnitude could unintentionally impact the fiscal stability of small business proprietors. Therefore, I would encourage the Committee to consider lowering the penalty amounts for first and subsequent offenders under this legislation.

The Department looks forward to working with the Council after this hearing to further discuss Intro. No. 640. We are hopeful that these discussions will take into account some of the concerns brought to the attention of the Council and the Department later today by interested parties and members of the general public who will testify as to the possible impacts of this legislation.

Thank you for the opportunity to testify this afternoon. We will be happy to respond to your questions, should you have any at this time.



NATURAL RESOURCES DEFENSE COUNCIL

PRESS RELEASE

NRDC HAILS CITY COUNCIL LEGISLATION TO REQUIRE
PLASTIC BAG RECYCLING AT SUPERMARKETS, RETAIL OUTLETS

For immediate release:
November 29, 2007

For more information:
Eric A. Goldstein
917-414-6769

The Natural Resources Defense Council (NRDC), a national environmental group that has been active for decades on New York City solid waste issues, today endorsed proposed City Council legislation that would encourage recycling of single-use plastic bags at large supermarkets and other retail outlets throughout the city.

The proposed legislation, introduced by Speaker Christine Quinn, Council members Peter Vallone, Michael McMahon and others, would require large retail outlets in New York City to establish in-store plastic bag recycling programs, to inform consumers of the availability of such programs and to offer for sale reusable bags that can be purchased instead of single use plastic bags.

“Here is a bill that makes environmental and economic sense for New York,” said NRDC Urban Program co-director, Eric A. Goldstein. “Plastic bags, which are made from non-renewable petroleum resources, are used for a matter of hours before they are discarded. But they create environmental burdens that last for hundreds of years,” Mr. Goldstein added. According to the U.S. Environmental Protection Agency, plastic bags can take up to 1,000 years to decompose in landfills.

“In addition, this legislation would save city taxpayer dollars. If successfully implemented, the new recycling program will decrease the amount of plastic bag waste that the Sanitation Department must pay to dispose of and will also reduce the city’s litter collection costs,” said Mr. Goldstein. Plastic bags are a frequently sited source of litter at city parks and beaches.

“The best solution to the one-time use of plastic bags is for consumers to make greater use of reusable grocery sacks,” according to Mr. Goldstein. “This legislation encourages that activity --which could reduce costs for both shoppers and city taxpayers - - while reducing the environmental burdens of plastic waste,” he stated.

According to the U.S. Environmental Protection Agency, plastic shopping bags were introduced in 1977 and today account for about four out of every five bags handed out in grocery stores. Only about 5% of these bags were recycled across the country in 2005, the agency reports.

“Every year, Americans use and dispose of 100 billion plastic shopping bags, according to the Wall Street Journal, and an estimated 12 million of barrels of oil are needed to manufacture that many bags,” Mr. Goldstein continued.

“The proposed legislation will discourage the one-time use and throw-away of plastic bags, reduce energy consumption and global warming gases, and lead at least some New Yorkers to think about the cost to taxpayers and the city’s environment from wasteful packaging practices.”

“NRDC commends Councilmember Vallone, Chairman McMahon and Speaker Quinn for their continuing efforts to reform city solid waste policies,” Mr. Goldstein concluded.

The Natural Resources Defense Council is a national, non-profit organization of scientists, lawyers, and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.2 million members and on-line activists, served from offices in New York, Washington D.C., Chicago, Los Angeles, San Francisco and Beijing.



160 EXETER DRIVE
WINCHESTER, VIRGINIA 22603-8605
TEL 540.542.6300
FAX 540.542.6883

Good afternoon. My name is Samara Norman, and I am representing The Trex Company. I appreciate the opportunity to speak before the council today.

Who is Trex and what do we do?

Trex Company, Inc. is the manufacturer of Trex® decking and railing, the leading brand of alternative decking lumber in North America. Trex Company turns millions of pounds of recycled and reclaimed plastic and waste wood each year into Trex composite lumber. Most of these raw materials come from recycled plastic grocery bags, reclaimed pallet wrap and waste wood. Trex Company purchases approximately 300 million pounds of used polyethylene and an equal amount of hardwood sawdust each year, materials that would normally end up in a landfill. The company estimates that we receive about 50% of the recycled grocery bags available on the market.

How does our bag program work?

1. Grocery bags originate at manufacturer
2. These bags are shipped to grocery/ retail locations
3. Bags are distributed to consumers at such locations at time of purchase
4. Collection bins in grocery vestibules collect consumers' used bags
5. These are backhauled to grocery distribution centers for baling and storage
6. Baled bags are purchased from DC for use in our manufacturing process

Companies interested in entering a recycling partnership with Trex can contact us directly. We customize programs to fit each of our vendors' needs. We understand that DCs specialize in shipping material in and out of their doors- not recycling. That is why we make recycling polyethylene with us as easy as possible. If necessary, and depending on volume we can provide programs to supply balers and/ or storage trailers to help further simplify this process. We currently have programs with many National and Regional grocery and retail chains. Not only do our partners find that recycling with Trex reduces their waste stream and those associated costs, but also our programs can become quite lucrative.

- Advantages Of At-Store Recycling Programs
 - Utilize Existing Resources
 - Relatively Inexpensive To Implement
 - Expense is Converted To Revenue For Grocer/Retailer
 - Self Sustaining
 - Yield is a High Value Recycled Product
 - Supports Collection Of Other Recyclable Film Plastics

Trex is the largest domestic recycler of grocery bags. We promote in-store and at-school recycling, education and collection programs. We believe that by better educating consumers on where and how to recycle their grocery bags, we can increase the

percentage of bags to be recycled and further reduce the number of bags that go to landfill.

Our Position:

The Trex product consists of approximately 50% recycled polyethylene and 50% reclaimed wood. As a growing manufacturing company, our appetite for additional sources of raw materials grows in kind. Our manufacturing processes are dependant on recyclable polyethylene. We support programs that encourage education about and recycling of polyethylene.

Thank you for the opportunity to present our position.

Sincerely,

Samara Norman
Senior Materials Sourcing Representative- Northeast Region
Trex Company, Inc.

Testimony Int. No. 640
Public Hearing before the New York City Council
Sanitation and Solid Waste Management Committee
November 29, 2007

Good afternoon Mr. Chairman and distinguished members of the committee. My name is Lorelei Mottese. I am the Government Relations Manager for Wakefern Food Corporation and, also a former Mayor who is a staunch advocate of recycling having implemented a curbside recycling program in New Jersey. I am here to comment on Int. No. 640 establishing the New York City Plastic Carryout Bag Recycling Law.

Wakefern Food Corporation is the nation's largest retailer-owned supermarket cooperative, with more than 230 stores under the ShopRite and PriceRite banners and about \$9 billion in annual retail sales. Wakefern provides marketing, distribution, procurement, warehousing, and various administrative services to its member companies. The cooperative's 44 members own and operate 207 ShopRite supermarkets in New Jersey, Connecticut, Delaware, and Pennsylvania including 37 in New York with 2 supermarkets in Staten Island and 1 in Brooklyn. Wakefern also owns and operates more than 30 PriceRite stores in Connecticut, Massachusetts, Pennsylvania, Rhode Island, and New York. Wakefern, ShopRite, and subsidiaries together employ more than 45,000 associates.

Wakefern/ShopRite's dedication to environmental stewardship is multifaceted and includes Wakefern's Elizabeth, New Jersey, recycling plant, which since the 1970's has operated 16 hours a day, six days a week. The facility recycles a variety of materials from white pharmacy pill bottles to plastic grocery bags to corrugated cardboard and paper. In the 2006/2007 fiscal year, ShopRite recycled more than 96,000 tons of corrugated; over 1,700

tons of plastic (this includes stretch film and plastic bags), 949 tons of newspapers, 1,488 tons of waxed corrugated, 279 tons of office fiber (paper) and 115 tons of metals (strapping).

In 1991, ShopRite launched a bag re-use program, which rewards shoppers who re-use carryout bags with a 2-cent discount per bag; in 2006, customers saved more than \$148,000 off their grocery bills while helping ShopRite use 7.4 million fewer bags. ShopRite continues to raise customer awareness of this program by posting window signs, register cards, printing information about the program on our shopping bags, and in our circulars.

ShopRite provides training for associates in how to best pack a bag to ensure optimal capacity is being reached, with the goal of fewer bags being used.

Additionally, ShopRite encourages customers to use fewer carryout bags by offering reusable bags for sale at a nominal cost.


Lastly, our stores provide plastic bag recycling bins for our customers to recycle plastic carryout bags, dry cleaning bags, and newspaper bags.

We applaud your effort to encourage plastic bag recycling, but wish to bring to your attention provisions in the bill that will make it difficult, if not impossible for us to comply with largely because we are a multi-state operator with our own recycling center.

The bill requires store operators with over five thousand square feet of retail space to maintain records by recording the weight of bags that are collected, transported and recycled. Wakefern

collects plastic bags and shrink wrap from stores in the various states we operate in and send them in bulk to our recycling center in New Jersey. From there the combined plastic products are sent to market. We do not have mechanisms to weigh bags at each store prior to shipment to the center. Further, since we allow customers to return all types of plastic bags, we would need to sift through the bins to remove newspaper bags, dry cleaning bags and other plastic carryout bags that are not generated from our store. The more labor intensive the process becomes, the harder it is to administer.

The bill also requires the verbiage "PLEASE RETURN THIS BAG TO A PARTICIPATING STORE FOR RECYCLING" in letters at least three inches high on bags. We currently print

the nationally recognized "recycle-reduce-reuse" symbol  on all of our bags. These bags are used in all seven states in which we operate. A better option is to have a consistent symbol on all recycled products that is easily recognizable by the consumer, and to supplement this symbol with the educational materials identified in the bill.

The violation provisions for not adhering to the recycling program are another great concern to our stores. A \$2,000 fine per day can be levied if we sell out our entire stock of reusable bags or letter bags incorrectly. That is extremely egregious. And as every retailer knows, inventory levels on any product are often affected by computer glitches or product availability from the manufacturer.

We believe that all retailers should do their part in supporting sound environmental initiatives and we believe if they offered the same type of programs such as those undertaken by

Wakefern/ShopRite there would be a significant reduction in plastic carryout bag use and a steady progression toward environmental protection and sustainability.

In conclusion, we would ask that you reconsider the record keeping, bag verbiage and violation provisions of the bill.

We stand committed to working with the City of New York to find better ways to effectively address the recycling of plastic carryout bags.

Thank you for the opportunity to testify. We appreciate the efforts set forth in Int. No. 640 to address plastic bag recycling and look forward to working with you to create sustainable solutions.