



# sanitation

Jessica S. Tisch Commissioner

**Testimony of  
Gregory Anderson, Deputy Commissioner  
New York City Department of Sanitation**

**Hearing before the  
New York City Council Committee on Consumer and Worker Protection**

**Monday, December 12, 2022  
10:00 A.M.**

**Intro. 559 - A Local Law to amend the administrative code of the city of New York, in relation to restricting eating utensils and extra eating containers, and clarifying the definition of third-party courier service**

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Good morning, Chair Velázquez and members of the City Council Committee on Consumer and Worker Protection. I am Gregory Anderson, Deputy Commissioner for Policy and Strategic Initiatives at the New York City Department of Sanitation. Thank you for the opportunity to provide testimony on Intro 559.

New York City has long been a leader in the fight to reduce the use of single-use products, especially plastics. The City has repeatedly taken bold action to take on these products, many of which are difficult to recycle and are manufactured from fossil fuels. These efforts are an important part of our efforts to fight climate change, reduce carbon emissions, and divert waste from landfills.

Single-use products create unnecessary waste – and more importantly, they contribute to the scourge of litter that DSNY fights every day.

In 2019, New York City banned foam food service products and packing peanuts, the result of a detailed analysis of the recyclability of these products that determined that they cannot be recycled in an economical and sustainable manner. NYC also played a critical role in supporting State efforts to ban single-use plastic carryout bags and establish a fee on paper carryout bags

DSNY is currently conducting a detailed waste characterization study, which will assess changes to the composition of our waste as a result of these efforts. We have completed the first of three seasons of sorting and look forward to sharing the results of that study with the Council in early 2024.

I will turn now to Intro. 559. This bill would require food service establishments to only provide single-use items upon request for either takeout or delivery. These items include forks, spoons,

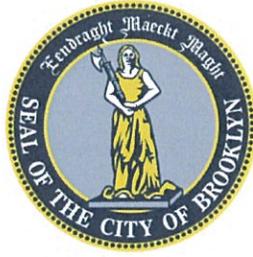
knives, chopsticks, plates bowls, cups and lids. The bill would also require food service establishments to only provide condiment packets and napkins upon request.

While these products make up a small share of the City's waste stream, this is an important symbolic and principled step toward giving consumers more agency in reducing their own personal waste impact.

I'm sure we have all ordered takeout or delivery and received unnecessary and unwanted plastic utensils – often wrapped in film plastic – and packets of condiments. This bill will give customers the choice of whether to receive these products with their takeout or delivery food order, eliminating waste and potentially reducing costs for businesses. DSNY supports this important legislation, and we look forward to working with the City Council to enact it.

Reducing the use of single-use products is an important part of achieving our waste diversion goals. This approach reduces our overall waste stream and encourages New Yorkers to use – and reuse – more sustainable and reusable alternatives.

Thank you for the opportunity to testify today, and we are now happy to answer any questions.



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**ANTONIO REYNOSO**

Brooklyn Borough President

**Testimony on Intro 559, “Skip the Stuff”  
Committee on Consumer and Worker Protection  
12/12/2022**

Thank you Chair Velázquez and members of the committee for taking the time today to hold this hearing on single-use plastics and our city’s food purveyors.

As trash continues to pile up on our streets, we should not lose sight of our ambitious goal of sending zero waste to landfills by 2030. Decreasing single-use plastic waste would further our progress toward this goal while saving taxpayer money, saving our small businesses money, and aiding our efforts to save the planet.

Businesses in the U.S. spend about \$20 billion every year buying utensils, napkins, condiment packets, and other items that are almost immediately thrown away. Last year, New York City spent \$452 million to send 3.4 million tons of household waste to landfills, of which approximately 18,000 tons was single-use plastics. A 2021 study by Beyond Plastics showed that the production and disposal of plastics is set to outpace coal in its contribution to climate change in the U.S. by 2030. Given this, take-out and food delivery bags filled with single-use items are not a simple convenience, rather they are a hindrance to reducing waste and taking aggressive action on climate change.

The solution here is simple. Intro 559 makes skipping the stuff the default, which makes sense particularly for customers eating take-out or delivery at home, where presumably they have reusable items that won’t end up directly in the trash. Importantly, having to choose to receive these items will make customers conscious of their decisions, which will help us chip away at a culture that consumes plastics without giving a second thought to need and impact.

Whenever we suggest policy that could financially impact small businesses, we must be mindful to ensure that implementation includes extensive outreach, education, and the opportunity to cure violations before financial penalties are issued. I would like to see more specifics in this legislation about that, and am hopeful that on the whole, this bill will save NYC businesses much more money than it will cost them – about \$3,000 per year per business in savings, according to some estimates.

We have already reduced our reliance on plastic bags, and we must bring that same desire to changing our behavior regarding other single-use plastics. Let’s skip the stuff and put our environment first. Thank you again for holding this hearing and allowing me to speak today.



## **In regards to Intro 559**

Good afternoon. My name is Kathleen Reilly, and I am the NYC Government Affairs Manager for the New York State Restaurant Association. We are a trade association representing food and beverage establishments in New York City and State. We are the largest hospitality trade association in the State, and we have advocated on behalf of our members for over 80 years.

We are here today to express general support and point out one area for clarification in the language of Intro 559. This legislation is aimed at reducing plastic waste by changing the default choices for consumers ordering takeout and delivery, so that they will not receive disposable utensils, condiments, or napkins with their order except upon request. In general, NYSRA supports this effort to reduce waste and we appreciate that this legislation would allow restaurant operators to continue using the same materials they already have, just in a more intentional way.

One important point of clarification we'd like to see is about the ability of restaurant employees to verbally prompt or ask customers whether or not they want utensils with their order. In an online format with check boxes, customers are visually prompted to either request utensils or not. However in verbal or face-to-face ordering scenarios, customers may forget about asking for utensils, and we want to make sure employees are allowed to ask questions like "would you like any utensils with your order?" or "as a reminder, utensils are given only upon request. Would you like some today?"

I'd also like to note that some quick-service members are especially concerned about drive-through orders, where they fear customers will be even less likely to remember to ask for utensils, and then may be stranded on the road without the ability to eat their food. Their top preference for efficiency in drive-through lines would be to continue adding utensils by default, but they are satisfied with the compromise of verbally prompting customers with a reminder to request utensils.

Finally, we continue to advocate for New York City to focus on education-based enforcement rather than punitive fines. Instituting a grace period of at least one year from the time this law takes effect would be a start, and it would also be reasonable for inspectors or complaint respondents to consider whether an individual violation is the result of non-compliant operator policy, or the mistake of a single employee.

Thank you for taking the time to consider our feedback today, and we look forward to being a partner on this issue moving forward.

Respectfully Submitted,

Kathleen Reilly

NYC Government Affairs Manager

New York State Restaurant Association

401 New Karner Road

Albany, New York 12205

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**Testimony of Alia Soomro, Deputy Director for New York City Policy  
New York League of Conservation Voters  
City Council Committee on Consumer and Worker Protection  
Hearing on Intro 0559-2022 (“Skip the Stuff”)  
December 12, 2022**

Good afternoon, my name is Alia Soomro and I am the Deputy Director for New York City Policy at the New York League of Conservation Voters (NYLCV). NYLCV is a statewide environmental advocacy organization representing over 30,000 members in New York City. Thank you Chair Velázquez and members of the Committee on Consumer and Worker Protection for the opportunity to testify today.

One of NYLCV’s top policy goals is moving New York towards zero waste and the easiest way to accomplish that is by creating less waste in the first place. We have become a disposable society, over reliant on single use containers for our beverages, our takeout, and even our utensils. NYLCV supports the passage of Intro 0559 in order to reduce the excessive amount of single-use plastics that end up in the City’s waste stream. This bill would prohibit food service establishments, couriers who deliver food, and food delivery platforms from providing eating utensils, extra eating containers, condiment packets and napkins to customers for take-out and delivery orders unless the customer requests them. Very often, these plastic items are completely unnecessary, leaving consumers with trash they didn’t ask for.

Single use plastics have plagued the environment since they were first developed. The Mayor’s Office [reported](#) approximately 36 million pounds of single-use plastic foodware is collected from New York City’s residential waste stream and the City [singlehandedly spends \\$42 million a year just to manage the waste from single-use cutlery](#). All of this processing and management just sends these items to landfills or incinerators. None of these items are recyclable, so they degrade into harmful microplastics that threaten the health of our wildlife and can eventually end up in our water and food supply. Moreover, production and waste facilities are often located in low income communities of color where the residents are already overburdened by poor air quality and other major environmental injustices.

This bill will encourage New Yorkers to reduce their reliance on single-use utensils and condiment packages. It will also decrease carbon emissions by decreasing the use of petroleum produced plastics, bringing the City closer to reaching its emissions reduction goals. Additionally, it will reduce the amount of single-use plastics polluting waterways and threatening the health of our local wildlife. Finally, this is a step in the right direction toward achieving our goal of sending zero waste to landfills, a goal which we have made little to no progress toward over the last few years.

This bill is a no brainer. NYLCV urges you to co-sponsor Intro 0559 and vote yes on this bill, which will be included in our 2022 New York City Council Scorecard. If this bill passes, it will help clean up New York City by skipping the stuff.

Thank you for the opportunity to speak.

**Testimony of New York Lawyers for the Public Interest Regarding Intro 0559  
Before the Committee on Consumer and Worker Protection**

**December 12<sup>th</sup>, 2022**

Good morning, my name is Sonya Chung, and I am a staff attorney in the Environmental Justice Program at New York Lawyers for the Public Interest (NYLPI). NYLPI partners with communities across New York City to advance lived equality and civil rights. Thank you to the Council, the Committee on Consumer and Worker Protection, and Chair Velasquez for the opportunity to testify in support of Intro 0559, the “Skip the Stuff” bill which requires restaurants and delivery platforms to provide single use utensils, condiments, and napkins only upon request.

NYLPI’s Environmental Justice program has advocated and litigated against the inequitable distribution of environmental burdens in our City for decades, especially in our solid waste management system. New York City’s solid waste infrastructure, such as waste transfer stations and truck depots, is historically concentrated in a few low-income communities of color. These environmental justice communities unwillingly bear the brunt of the resulting poor air quality, unsafe traffic, noise, odors, and vermin, with measurable repercussions for public health. The more solid waste that is produced, the more the communities who live adjacent to waste infrastructure suffer.

For this reason, NYLPI enthusiastically supports Skip the Stuff as it will help reduce the massive amount of harmful plastic waste that NYC currently trucks to landfills and incinerators. Reducing waste, especially unnecessary and unwanted waste, at its source is a critical part of easing the burden on environmental justice communities. There is an especially urgent need for waste reduction in our city’s massive commercial sector, and this bill is well-timed to help private waste haulers and businesses meet the City’s waste reduction goals as New York’s landmark Commercial Waste Zones Law (Local Law 199 of 2019) is fully implemented next year.

Skip the Stuff also advances climate justice and resilience. The pollution from plastic not only harms the Environmental Justice communities where plastic waste ends up, but also the communities where plastic is produced. The petrochemical facilities manufacturing the plastic pellets used for single-use plastic items are overwhelmingly sited in low-income communities and communities of color, where they pump toxic chemicals and greenhouse gases into the air. Plastic manufacturing harms these communities’ health all while driving continued demand for fossil fuels and exacerbating the climate crisis. Single-use plastics, for all their far-reaching and harmful impacts, should at minimum not be produced to be never used and immediately thrown away.



**New York Lawyers**

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We urge the council to vote to Skip the Stuff. This bill is simple and benefits all New Yorkers, sparing consumers from receiving items they never wanted and saving businesses money. Intro 0559, alongside the many other comprehensive waste reform bills from or before this Council, will help New York City reach its waste reduction goals, and most importantly, alleviate the pollution burden on the Environmental Justice communities where the waste ends up.

Thank you all for your time and consideration today.



**December 12, 2022**

**Testimony of Jeffrey Garcia  
President  
New York State Latino Restaurant Bar & Lounge Association (NYSLRBLA)**

*Before the*

**New York City Council Committee on Consumer and Worker Protection**

*Regarding*

**Int. 0559-2022**

Thank you, Chairwoman Velázquez and the rest of the committee members, for the opportunity to submit testimony.

My name is Jeffrey Garcia and I serve as the President of the New York State Latino Restaurant Bar & Lounge Association (NYSLRBLA), which represents the interests of hundreds of minority and immigrant-owned restaurants and nightlife establishments throughout New York City.

I would like to focus my testimony on Intro. 0559, which would “restrict eating utensils and extra eating containers, and clarify the definition of third-party courier service.”

We understand and support the intent of the bill, however, we have concerns regarding the general over-regulation of our city’s eating and drinking establishments and it is important to understand this adds another layer of regulation for the restaurants, particularly those that are immigrant owned. This bill must include a robust outreach and education campaign in multiple languages as well as a cure period for the first offense even after the warning period.

The restaurant and nightlife industry in New York City has just begun to enter a recovery phase after the devastating economic impacts due to COVID-19. In order to continue supporting the industry, we must focus on educational campaigns rather than punitive fines.

We thank the bill’s sponsor, Council Member Velázquez and the City Council for consideration of our comments.

Thank you.



The Bronx, Brooklyn, Manhattan, and Queens Solid Waste Advisory Boards all support Intro. 0559. We thank the bill's sponsor, Chair Marjorie Velázquez, and the Committee on Consumer and Worker Protection for their leadership on this commonsense bill -- which measurably moves the city toward Zero Waste to landfills and incinerators. Please get this bill passed in 2022.

This bill will save restaurants money and reduce the scourge of plastic pollution in our communities. Plastics are made of fossil fuels. Their transport and disposal contribute to climate change and pollution. Petroleum and plastic manufacturing infrastructure is overwhelmingly located in communities of color and poor neighborhoods, which unjustly degrades the health of these New Yorkers. Single use plastic winds up in waterways. Single use plastic waste also winds up in landfills and incinerators, which also are overwhelming located in communities of color and poor neighborhoods. New York City's Solid Waste Advisory Boards resoundingly support the Skip The Stuff legislation, and we look forward to seeing this legislation enacted. Thank you.

Mary Arnold, QSWAB Legislative Committee Chair

<https://queensswab.nyc/contact/>



**Beyond Plastics supports INT 0559 “Skip the Stuff” bill.** This bill will not only reduce needless waste, it will save restaurants money and give consumers more choice. This bill would give New York City a permanent fix that will ensure all take-out and delivery orders provide what a customer needs.

**Why a “Skip the Stuff” law makes sense.**

Restaurants in the United States provide diners with more than 36 billion single-use utensils a year. Laid end to end, they could wrap around the globe 139 times.<sup>1</sup> While some customers do need utensils, the vast majority of them become unnecessary waste, as meals are going to homes and offices stocked with reusable utensils, condiments, and extra dishes. “Skip the Stuff” would cut down on our use of resources like trees and fossil fuels for items that aren’t used.

Single-use plastic utensils and containers are not recycled; in the U.S., the recycling rate for plastics hovers at just 5%<sup>2</sup>. Unlike recycling for paper, glass, and metal, plastics recycling is simply not working. Instead of being recycled, plastic dining accessories are sent to landfills, incinerators, or they become unsightly litter in streets and parks. The COVID pandemic has made the plastic waste problem worse. In 2020, online food orders increased by 127 percent compared to 2019.<sup>3</sup> Single-use plastics from personal protective equipment (PPE), packaging, and single-use foodware have increased by 250-300 percent since the pandemic began, resulting in a thirty percent increase in waste<sup>4</sup>.

The U.S. generates the most plastic waste per capita in the world<sup>5</sup>. Plastics are made from fossil fuels, and generate greenhouse gas emissions at every stage, from production to disposal, which contributes to the climate crisis. New York City restaurants will save money, reduce emissions, and prevent mountains of trash with this straightforward policy to reduce plastic waste at the source. Customers will also be happy not to receive unwanted items that become junk!

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<sup>1</sup> Sietsema, Tom, “All my takeout has delivered a mountain of trash. So I asked experts how to minimize it.” Washington Post, Sept. 14, 2020

<sup>2</sup>[https://static1.squarespace.com/static/5eda91260bbb7e7a4bf528d8/t/62726edceb7cc742d53eb073/1651666652743/The+Real+Truth+about+the+U.S.+Plastic+Recycling+Rate+2021+Facts+and+Figures+\\_5-4-22.pdf](https://static1.squarespace.com/static/5eda91260bbb7e7a4bf528d8/t/62726edceb7cc742d53eb073/1651666652743/The+Real+Truth+about+the+U.S.+Plastic+Recycling+Rate+2021+Facts+and+Figures+_5-4-22.pdf)

<sup>3</sup> Sietsema, Tom, “All my takeout has delivered a mountain of trash. So I asked experts how to minimize it.” Washington Post, Sept. 14, 2020

<sup>4</sup> <https://abc7chicago.com/illinois-covid-19-pandemic-single-use-plastic-coronavirus/7872846/>

<sup>5</sup> <https://www.nationalgeographic.com/environment/article/us-plastic-pollution>

### **Comments for the Council's consideration.**

Beyond Plastics supports INT 0559. However, if there is ever an opportunity to make changes, we recommend the following changes which will make this good bill even better. Lessons learned from the NYS bag waste reduction law and the NYC straws upon request law show the need for robust enforcement, education and outreach to ensure that the "Skip the Stuff" law is working effectively and that restaurants aren't caught off guard or inadvertently fined.

Under Section 3 part "d" (page 4, lines 1-2) which deals with enforcement, we recommend the following language:

- The enforcement agency shall incorporate compliance checks into routine restaurant inspections.

A useful tool for enforcement is to engage the public in reporting. A simple provision for citizen complaints could be added to Section 3 (page 4) as follows:

- Citizen complaints to the department shall constitute valid notification pursuant to the requirements of Sections 1 and 2. The department is hereby authorized to conduct compliance inspections in response to citizen complaints. The department shall provide an online option for citizen complaints.

Under Section 3, part "e," (page 4, lines 3-4) which deals with outreach and education, we recommend the department conduct efforts to educate businesses about the law in multiple ways, including:

- Printed material
- Email notifications
- Website information
- Conversations initiated by field staff during inspections.

Written education materials should also include translations of the law's provisions for non-English speaking proprietors.

**Skip the Stuff is a popular policy among restaurants and the public.** We urge you to act now and pass legislation that requires restaurants and online ordering platforms to "ask first" before giving customers unwanted disposable foodware accessories. It's time to #SkiptheStuff!

## Cafeteria Culture (CafCu) Testimony - Int 0559, the Skip The Stuff bill

New York City Council, Committee of Consumer & Worker Protection Hearing, December 12, 2022

Thank you Chairwoman Velázquez and Members on the Committee of Consumer & Worker Protection for this opportunity to testify.

I am Debby Lee Cohen, Executive Director and Founder of Cafeteria Culture, the environmental education organization founded as Styrofoam Out of Schools. I am also Co-Director/ Producer of Cafeteria Culture's award winning movie, MICROPLASTIC MADNESS, starring PS 15 Brooklyn 5th grade students.

**I am testifying in support of Int 0559, the Skip The Stuff bill. We urgently need to reduce unnecessary or non-essential plastic packaging and foodware to address our massive global plastic pollution problem.** The world produces over 400 million metric tons of plastic each year. More than 40% is single-use plastic—plastic used for less than 20 minutes then thrown away—like the wasteful and polluting “to-go” plastics that would be reduced by enacting the Skip The Stuff bill.

Most plastic ends up in landfills, are burned or littered, blown or washed into rivers and oceans. As described in our movie, Microplastic Madness, plastics survive for generations but quickly become brittle, fragmenting into microplastics and then into even tinier pieces called nanoplastics. These long-lived micro/nanoplastics (MNPs) are not just an aquatic pollution problem. They have become airborne and travel across the globe. Large and small pieces alike have caused a near-permanent contamination of soil, air, and water.

Micro and nanoplastics (MNPs) now contaminate every inch of the globe—even the most remote and pristine areas. They are found in keystone species, including water-dwelling zooplankton and land-based insects and earthworms. Without these keystone species our aquatic and terrestrial food webs will collapse. Every food tested for MNPs has been positive—tap and bottled water, beer, energy drinks, soda, salt, honey, fruit, vegetables, and grains.

**Plastic is a public health emergency.** We eat and breathe a credit card's worth of plastic each week. Scientists have found MNPs in humans in our poop (which means they're in our digestive tracts), deep in our lung tissue, in the human placenta (on both the maternal and the fetal side), and in our blood.

**Plastic also threatens our health as a toxic food contact material** that transfers chemicals into our food and beverages. Plastic packaging and foodware has become so commonplace that we don't question its safety, yet recent studies reveal how thousands of toxic chemicals from plastic packaging and foodware readily migrate into food and beverages. Plastic contains more than 10,000 chemicals and over 2400 are considered “substances of concern.”

**Cafeteria Culture (CafCu, founded as Styrofoam Out of Schools) works with youth to creatively achieve zero waste/ climate smart schools communities and a plastic free biosphere. We teach innovative climate education that fosters youth-led solutions by merging citizen science, civic action, media and the arts. By partnering with School Food Directors and students, we catalyzed the elimination of styrofoam trays from New York City schools and over 15 other cities.**

**With our Plastic Free Lunch Day campaign, we are poised to dramatically reduce the remaining single-use plastics from NYC school meals, revive refill and reuse models, and reduce contamination of school organics (compost).**

**Cafeteria Culture is a member of the ReusableNYC group and a Core Member of the US Break Free From Plastic movement.**



**Plastic is a massive climate and environmental justice problem.** Because plastics are made from fossil fuels, they lock in fossil fuel use and carbon emissions. At each stage of its long life (fossil fuel extraction and refining; production; transport and distribution; consumer sale and transport; and disposal in landfill, incineration, downcycling and post-consumer content manufacturing), plastic emits CO2 and other heat-trapping greenhouse gases.

Plastic production and certain disposal facilities pollute surrounding communities with chemicals that are known to cause cancer, birth defects, and other serious illnesses. **Plastic disproportionately burdens lower-income communities and communities of color—communities in which these heavily-polluting industrial facilities are typically located.**

Despite the many environmental and human health threats from plastic, the plastic industry has doubled production since 2000 and is on target to double again by 2040.

**We must think differently about plastic—it is a hazardous substance. While all products exact societal costs, we literally cannot live with plastics.**

**Int 0559, the Skip The Stuff bill, provides an immediate and repeatable way for New Yorkers to say no to plastic pollution and no to plastic’s public health threats.**

Thank you,  
Debby Lee Cohen

Debby Lee Cohen (she/her)

Cafeteria Culture, Executive Director/ Founder, [CafeteriaCulture.org](http://CafeteriaCulture.org)

Co-Director/Producer, [MicroplasticMadness.org](http://MicroplasticMadness.org) - a movie and impact campaign for a plastic free future  
[PLASTIC FREE LUNCH DAY USA- keep the action going!](#)

[Youtube: CafCu Media](#) [twitter @cafeteriacu](#) [Instagram: @CafCu](#)



# Let's Skip the Stuff! NYC Council Int 0559, Dec 12, 2022

5th graders from PS/MS 188 The Island School testify that reducing single-use plastic is crucial.

Thank you Chair Velázquez and members of the Committee on Consumer and Worker Protection. We are 5th graders from PS/MS 188 The Island School in the Lower East Side in Manhattan working with Cafeteria Culture to reduce single-use plastics everywhere, starting in New York City Public schools! Thank you for letting us testify about INTRO 559, the *Skip the Stuff* bill.

We are working with Cafeteria Culture to reduce single-use plastics everywhere, starting in New York City Public schools. We know that single-use plastic hurts

people who live near plastic factories and transportation routes and landfills and incinerators. And plastic litter is more than just a problem on our streets every day. It gets into our waterways and hurts fish and turtles and other animals.

We know that plastic food packaging costs money to make and to give out. AND we know that plastic also costs us our health to make and dispose of. When we learned that the plastic we all use every day is costing us all with our money and our health and we wanted to do something about it. Cafeteria Culture helped us collect our own data to tell our own story about the plastic we use in our school lunches. We learned that around TWO pieces of plastic per lunch is served in New York City Schools every day! But those 2 pieces of plastic multiplied by the 1 million lunches served means that we NEED a solution to REDUCE school lunch plastic. So we asked the School Food people (the Department of Education's Office of Food and Nutrition) to try serving lunch without any single-use plastic. And they said YES! New York City Schools now serve Plastic-Free Lunch one day a month! And guess what? On Plastic-Free Lunch Days, utensils are by request only! Sound familiar?



5th graders from PS/MS 188 The Island School say that reducing single-use plastic is crucial.

*INTRO 559, Skip the Stuff* testimony. PS/MS 188, Manhattan 5th graders

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Now that we know it's POSSIBLE to reduce school lunch plastic, we know it's POSSIBLE to reduce plastic everywhere just by taking only what we need!

Let's PLEASE pass INTRO 559, *Skip the Stuff*!

This will help restaurants save their money by giving out less plastic. And we can save our health by making and disposing of less plastic!

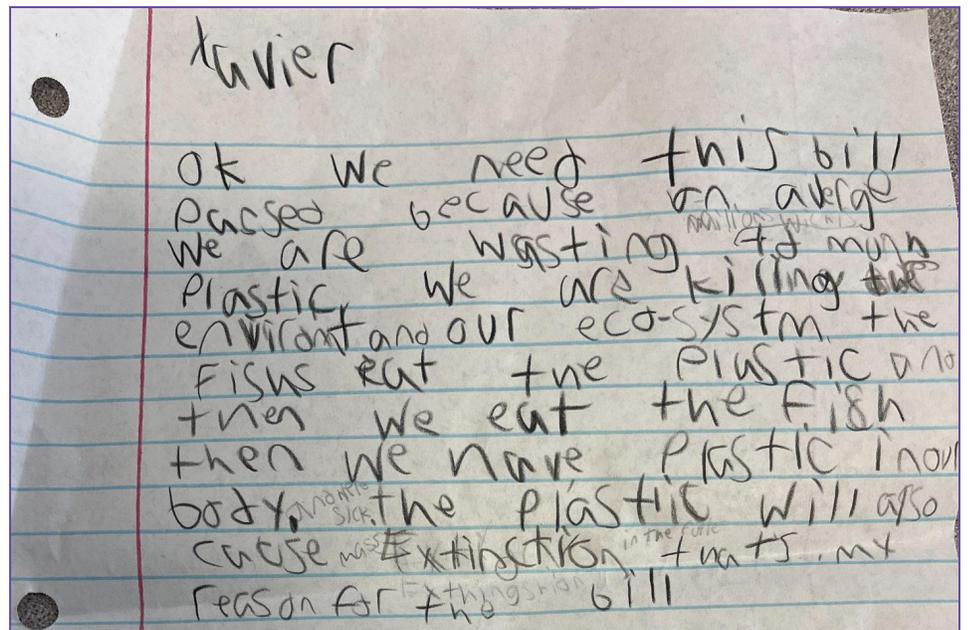
THANK YOU!

***The students of Ms. Ducker's and Ms. Brown's 5th grade class***

***at PS/MS 188, The Island School:*** Emerald, Aiden B, Benjamin, Mamadou, Alesha, Serenity, Geonni, Izabella, Alexander, Ethan, Emilio, Alanah, Deborah, Josiah, Scarlyn, Judithlyn, Kayden, Gretel, Edi, Dariel, Yeslin, Kamani, Jaylene, Vanessa, Christopher, Xavier, Noah, Aiden V, Tymel, Scarlet, and WeiYi

***In addition, Xavier includes his own personal testimony:***

Ok we need this bill passed because on average we are wasting too much plastic. We are killing the environment and our eco-system. The fish eat the plastic and then we eat the fish, then we have plastic in our body, making us sick. The plastic will also cause mass extinction. That's my reason for everything that's on the bill.





**December 12, 2022**

**Committee on Consumer and Worker Protection**

**Testimony by Lauren Sweeney on Intro No. 0559**

Thank you, Chair Velázquez and members of the Committee for allowing me the opportunity to testify today on this legislation. My name is Lauren Sweeney, and I am the CEO and co-founder of DeliverZero, a NYC-based company that eliminates packaging waste from food delivery and takeout.

Our mission is to make it easier for customers and restaurants to make truly environmentally friendly decisions that reduce waste in landfills, greenhouse gas emissions in our atmosphere and pollution on our streets.

**I) Single-use plastic is a climate issue and it's time we do something about it**

I strongly support this bill because it has become clear that the scourge of single-use items, such as eating utensils and napkins, as outlined in this bill, has become unnecessary and unsustainable. Our city uses over 23 billion disposable food service items per year, 36 million pounds of which is single-use foodware that is collected in NYC's residential waste stream.

But, plastic must be seen as a climate issue, not just a trash issue. Most people agree that single-use plastic is bad for the environment and oceans, but what they don't realize is that plastic warms the planet twice as much as aviation. When it comes to food delivery, every billion takeout containers are equivalent to at least 166,000 tons of greenhouse gas emissions and at least 357 million gallons of water consumption.

And this plastic is costly on businesses and local government operations. According to Upstream Solutions, "American food service establishments spend \$24 billion each year purchasing nearly one trillion pieces of disposable foodware. This generates nearly 9 million tons of waste, which costs businesses and local governments \$6 billion per year to manage."

What's more is that consumers care about this issue and want their legislators to do more. A 2022 poll by Oceana finds that 88% of New Yorkers are concerned with single-use plastic and support local and state policies to reduce single-use items.

For these reasons, it is absolutely time to make Skip the Stuff the default in food orders and the law of NYC, following several other jurisdictions, such as Chicago, Marin County, Washington State and others who have already taken the same steps. However, the gravity of our climate crisis and single-use problem require even stronger action and this bill provides a unique opportunity to go further toward NYC's long-term resiliency goals.

To that end, we propose amending the bill to **offer customers an option on third party-delivery platforms to select reusable eating containers when restaurants offer such an option.** Currently, the bill does define "eating containers" and prohibits food service establishments from packaging food in "extra eating containers," implying an awareness that utensils are not the only source of waste in food delivery. Indeed, we applaud your attention to eating containers and believe that a great compliment to the "extra eating container" provision would be to define reusable eating containers and provide consumers the opportunity to decline single-use containers through **opting-in to reusable eating containers**, just as they will have the option to opt-in to a slew of other delivery items through this very bill.

**II) More must be done to address other pervasive uses of single-use packaging, including "compostables." Reuse should be the goal.**

Eliminating the "stuff" in food orders is a great start, but there is still much more to be done. This legislation only addresses eating utensils, condiment packets, napkins, and *extra* eating containers. This is a great first step, but it misses the biggest source of single-use packaging waste: the food containers themselves. To meaningfully reduce the bowls, trays, clamshells, lidded containers, plates, boxes and other dozens of types of single-use items that are used to hold and transport food, the only answer is switching to **reusable alternatives**.

According to Upstream, reusable foodware beats single-use alternatives through every environmental measure (climate, water, land use, waste, pollution, etc.). Reusables always hit a break-even point where they outperform the disposables, and the benefits to the environment accrue with each additional use past that point.

Reuse protects the climate. Over their life-cycle, reusables have lower greenhouse gas emissions compared to disposable alternatives. Reusable food products and packaging produce up to 85% less carbon than single-use foodware.

Water consumption for washing reusables is minimal thanks to highly efficient commercial dishwashers. . Disposables have a greater water consumption footprint than reusables due to their upstream production impacts.

And, reusable containers save businesses money. ReThink Disposable, a program of Clean Water Action and Clean Water Fund that works with local businesses and governments shows that a

small business can save an average of between \$3,000 and \$22,000 annually by incorporating reusable serviceware into their operations.

### **Debunking the Myth of Compostables:**

In addition, there must be greater understanding that other materials that label themselves “compostable,” or “eco-friendly” are indeed not compostable and actually make the problem worse. Compostables degrade the very quality of our composting because they do not add valuable organic material to soil in the same way that food scraps like apple cores and banana peels do. Compostables often include PFAS, a toxic forever chemical. Even if compostable packaging could be composted, NYC’s composting program is ineffective and these products end up rotting in our landfills alongside all of the other products that emit greenhouse gasses and never get properly recycled. More than this, composting in its manufacturing is harmful. Instead of using land and water to grow crops that feed animals and people, plant materials are being diverted to packaging that gets used for 30 minutes and then rots in a landfill.

Ultimately, replacing conventional single-use packaging with compostable single-use packaging does not reduce litter, overhead costs for restaurants (in fact, it does the opposite), or hauling costs for NYC. Replacing one type of single-use material for another does not help NYC, or the global community, to mitigate climate change and only further reinforces inefficient, business-as-usual practices.

### **III) Reuse: future policy solutions and precedent in other jurisdictions**

Beyond Intro No. 559, the NYC Council should incentivize— and if possible, mandate— the reusable foodware be offered at all points of sale, including in a restaurant and on a delivery app. This would ensure those who are inclined to choose reusables are given this option.

What’s more, there are existing models for this policy in the U.S. and around the world. Most notably:

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- The EU plans to introduce legislation that would mandate reusable packaging be used for 30% of cold and hot beverages by 2030 and 95% by 2040; 20% of takeaway ready-prepared food by 2030 and 75% by 2040, among other targets.

#### **IV) Specific Suggestions for Intro No. 0559**

1. Define reusable
2. Define reusable eating container
3. Add reusable eating container as an option provided by delivery apps for customers to request (in addition to the “stuff”)

#### **V) Red-Line Suggestions**

Int. No. 559

By Council Members Velázquez, Bottcher, Brannan, Cabán, Abreu, Brewer, Joseph, Hudson, Restler, Gennaro, Krishnan, Won, Avilés, Brooks-Powers, Ossé, Rivera, Nurse, Menin, Hanif, De La Rosa, Marte, Narcisse, Gutiérrez, Powers, Sanchez, Salamanca, Farías, Ayala, Feliz and Lee (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to restricting eating utensils and extra eating containers, and clarifying the definition of third-party courier service

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-402 to read as follows:

§ 16-402 Restrictions on providing eating utensils and extra eating containers. a. Definitions. For purposes of this section:

Condiment packet. The term "condiment packet" means an individual single-service container, sealed by the manufacturer, containing a sauce or other substance used to enhance the flavor of food, which may include, but need not be limited to, mustard, ketchup, mayonnaise, soy sauce, hot sauce and salad dressing.

Eating container. The term “eating container” means a tool used for holding food or beverage, including but not limited to, a plate, bowl, cup, or lid, but does not include a beverage splash stick as defined in section 16-401.

Eating utensil. The term “eating utensil” means a tool used for eating and drinking, including, but not limited to, a knife, fork, spoon, or chopsticks, but does not include a beverage stirrer or beverage straw as defined in section 16-401.

Extra eating container. The term “extra eating container” means an empty eating container that is not used to hold a customer’s food or beverage.

Reusable. The term “reusable” means designed and manufactured to maintain its shape and structure, and to be materially durable for repeated (at least 1,000 times each) sanitizing in water at 171 degrees Fahrenheit for at least 30 continuous seconds, washing via commercial dishwashing machine, and reuse. [taken from *San Francisco’s legislation on reusable food serveware mandate*]

<https://sfgov.legistar.com/View.ashx?M=F&ID=7557831&GUID=604022D4-BB10-4112-937D-02A368D4F8DA>

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Food service establishment. The term “food service establishment” has the same meaning as set forth in section 16-401.

Napkin. The term “napkin” means a piece of cloth or paper used to wipe a person’s hands or face or protect garments while eating.

Take-away. The term “take-away” means food or beverage provided by a food service establishment to be consumed off the premises of such food service establishment.

Third-party courier service. The term "third-party courier service" means a service that: (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of such food service establishment or a third-party food delivery service; (ii) is owned and operated by a person other than the person who owns such food service establishment, and (iii) is not a third-party food delivery service.

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

b. No food service establishment shall provide eating utensils, condiment packets, napkins, or extra eating containers to a take-away customer, whether directly to such customer or through a third-party courier service or third-party food delivery service, unless such customer requests eating utensils, condiment packets, napkins, or extra eating containers.

c. 1. Third-party food delivery services shall provide options to allow a customer to request eating utensils, condiment packets, napkins, reusable eating containers and extra eating containers upon submission of an order. Such options shall be available for all methods of

ordering, including but not limited to phone, internet, or mobile phone application orders. The default selected option shall be that no eating utensils, condiment packets, napkins, or extra eating containers are requested.

2. No third-party courier service or third-party food delivery service shall provide eating utensils, condiment packets, napkins, or extra eating containers to a customer, unless such eating utensils, condiment packets, napkins, or extra eating containers are requested by such customer, or such eating utensils, condiment packets, napkins or extra eating containers are in the food or beverage packaged by the food service establishment for delivery when such third-party courier service or third-party food delivery service picks up such food or beverage.

3. If a food service establishment fills an order placed through a third-party food delivery service, such food service establishment may rely on the information provided by such third-party food delivery service regarding whether the customer has requested eating utensils, condiment packets, napkins, reusable eating containers or extra eating containers pursuant to paragraph 1 of this subdivision. In a proceeding to collect a civil penalty pursuant to subdivision f of this section, it shall be a complete defense for a respondent food service establishment to establish that such food service establishment relied on the information provided to it by the third-party food delivery service regarding the customer's choice pursuant to paragraph 1 of this subdivision. A copy or screenshot of a communication by the third-party food delivery service to the food service establishment regarding the customer's choice pursuant to paragraph 1 of this subdivision shall constitute prima facie evidence that the food service establishment relied on the information provided to it by the third-party food delivery service. Each third-party food delivery service shall provide such communication in writing to a food service establishment within 72 hours of such food service establishment's request for such communication.

d. The department, the department of health and mental hygiene and the department of consumer and worker protection shall have the authority to enforce the provisions of this section.

e. In consultation with other city agencies, the department shall conduct outreach and education about the requirements of this section.

f. Any person who violates this section or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer and worker protection, or in a proceeding before the office of administrative trials and hearings pursuant to section 1049-a of the charter, or in the case of a food service establishment within the jurisdiction of the commissioner of health and mental hygiene or the commissioner of consumer and worker protection, in a proceeding before the office of administrative trials and hearings pursuant to section 1048 of the charter. Such penalties shall be in the amount of \$100 for the first violation, \$200 for the second violation committed on a different day within a period of 12 months, and \$300 for the third and each subsequent violation committed on different days within a period of 12 months, except that any agency enforcing the provisions of this section shall not issue a notice of violation, but shall issue a warning and provide information on the provisions of this section, for any violation that occurs before July 1, 2023.

g. The department, as part of the waste characterization study required pursuant to subdivision b of section 16-316.1, shall, where practicable, assess the amount of single-use items in the waste stream and the change in such amount from any previous studies. The department shall include such information in such study submitted to the council and the mayor.

§ 2. Section 20-1501 of the administrative code of the city of New York, as added by local law number 114 for the year 2021, is amended to read as follows:

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§ 3. This local law takes effect 180 days after it becomes law, except that section two of this local law takes effect immediately.

## **VI) Final Thoughts**

Thank you again for advancing this legislation. I believe this bill will contribute to our city's reduction of single-use items and am in strong support. However, the gravity of our climate crisis and the abundance of single-use items in the takeout/delivery industry require even stronger action. I look forward to working with the Council on this issue and urge you to contact me anytime via [lauren@deliverzero.com](mailto:lauren@deliverzero.com).



**December 12, 2022**

**Committee on Consumer and Worker Protection**

**Testimony by Lauren Sweeney on Intro No. 0559**

Thank you, Chair Velázquez and members of the Committee for allowing me the opportunity to testify today on this legislation. My name is Lauren Sweeney, and I am the CEO and co-founder of [DeliverZero](#), a NYC-based company that eliminates packaging waste from food delivery and takeout.

Our mission is to make it easier for customers and restaurants to make truly environmentally friendly decisions that reduce waste in landfills, greenhouse gas emissions in our atmosphere and pollution on our streets.

**I) Single-use plastic is a climate issue and it's time we do something about it**

I strongly support this bill because it has become clear that the scourge of single-use items, such as eating utensils and napkins, as outlined in this bill, has become unnecessary and unsustainable. Our city uses over [23 billion disposable food service items](#) per year, 36 million pounds of which is single-use foodware that is collected in NYC's [residential waste stream](#).

But, plastic must be seen as a climate issue, not just a trash issue. Most people agree that single-use plastic is bad for the environment and oceans, but what they don't realize is that plastic warms the planet twice as much as aviation. When it comes to food delivery, every billion takeout containers are equivalent to at least 166,000 tons of greenhouse gas emissions and at least 357 million gallons of water consumption.

And this plastic is costly on businesses and local government operations. According to [Upstream Solutions](#), "American food service establishments spend \$24 billion each year purchasing nearly one trillion pieces of disposable foodware. This generates nearly 9 million tons of waste, which costs businesses and local governments \$6 billion per year to manage."

What's more is that consumers care about this issue and want their legislators to do more. A [2022 poll by Oceana](#) finds that 88% of New Yorkers are concerned with single-use plastic and support local and state policies to reduce single-use items.

For these reasons, it is absolutely time to make Skip the Stuff the default in food orders and the law of NYC, following several other jurisdictions, such as [Chicago](#), [Marin County](#), [Washington State](#) and others who have already taken the same steps. However, the gravity of our climate crisis and single-use problem require even stronger action and this bill provides a unique opportunity to go further toward NYC's long-term resiliency goals.

To that end, we propose amending the bill to **offer customers an option on third party-delivery platforms to select reusable eating containers when restaurants offer such an option.** Currently, the bill does define “eating containers” and prohibits food service establishments from packaging food in “extra eating containers,” implying an awareness that utensils are not the only source of waste in food delivery. Indeed, we applaud your attention to eating containers and believe that a great compliment to the “extra eating container” provision would be to define reusable eating containers and provide consumers the opportunity to decline single-use containers through **opting-in to reusable eating containers**, just as they will have the option to opt-in to a slew of other delivery items through this very bill.

## **II) More must be done to address other pervasive uses of single-use packaging, including “compostables.” Reuse should be the goal.**

Eliminating the “stuff” in food orders is a great start, but there is still much more to be done. This legislation only addresses eating utensils, condiment packets, napkins, and *extra* eating containers. This is a great first step, but it misses the biggest source of single-use packaging waste: the food containers themselves. To meaningfully reduce the bowls, trays, clamshells, lidded containers, plates, boxes and other dozens of types of single-use items that are used to hold and transport food, the only answer is switching to **reusable alternatives**.

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### **Debunking the Myth of Compostables:**

In addition, there must be greater understanding that other materials that label themselves “compostable,” or “eco-friendly” are indeed not compostable and actually make the problem worse. Compostables degrade the very quality of our composting because they do not add valuable organic material to soil in the same way that food scraps like apple cores and banana peels do. Compostables often include PFAS, a toxic forever chemical. Even if compostable packaging could be composted, NYC’s composting program is ineffective and these products end up rotting in our landfills alongside all of the other products that emit greenhouse gasses and never get properly recycled. More than this, composting in its manufacturing is harmful. Instead of using land and water to grow crops that feed animals and people, plant materials are being diverted to packaging that gets used for 30 minutes and then rots in a landfill.

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Beyond Intro No. 559, the NYC Council should incentivize— and if possible, mandate— the reusable foodware be offered at all points of sale, including in a restaurant and on a delivery app. This would ensure those who are inclined to choose reusables are given this option.

What’s more, there are existing models for this policy in the U.S. and around the world. Most notably:

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c. 1. Third-party food delivery services shall provide options to allow a customer to request eating utensils, condiment packets, napkins, reusable eating containers and extra eating containers upon submission of an order. Such options shall be available for all methods of ordering, including but not limited to phone, internet, or mobile phone application orders. The default selected option shall be that no eating utensils, condiment packets, napkins, or extra eating containers are requested.

2. No third-party courier service or third-party food delivery service shall provide eating utensils, condiment packets, napkins, or extra eating containers to a customer, unless such eating utensils, condiment packets, napkins, or extra eating containers are requested by such customer, or such eating utensils, condiment packets, napkins or extra eating containers are in the food or beverage packaged by the food service establishment for delivery when such third-party courier service or third-party food delivery service picks up such food or beverage.

3. If a food service establishment fills an order placed through a third-party food delivery service, such food service establishment may rely on the information provided by such third-party food delivery service regarding whether the customer has requested eating utensils, condiment packets, napkins, reusable eating containers or extra eating containers pursuant to paragraph 1 of this subdivision. In a proceeding to collect a civil penalty pursuant to subdivision f of this section, it shall be a complete defense for a respondent food service establishment to establish that such food service establishment relied on the information provided to it by the third-party food delivery service regarding the customer's choice pursuant to paragraph 1 of this subdivision. A copy or screenshot of a communication by the third-party food delivery service to the food service establishment regarding the customer's choice pursuant to paragraph 1 of this subdivision shall constitute prima facie evidence that the food service establishment relied on the information provided to it by the third-party food delivery service. Each third-party food delivery service shall provide such communication in writing to a food service establishment within 72 hours of such food service establishment's request for such communication.

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### **VI) Final Thoughts**

Thank you again for advancing this legislation. I believe this bill will contribute to our city's reduction of single-use items and am in strong support. However, the gravity of our climate crisis and the abundance of single-use items in the takeout/delivery industry require even stronger action. I look forward to working with the Council on this issue and urge you to contact me anytime via [lauren@deliverzero.com](mailto:lauren@deliverzero.com).



### **Fiserv Proposed Amendment to Int. 599**

Fiserv greatly appreciates the City Council providing industry with the opportunity to provide feedback and proposed amendments to further clarify and strengthen the recently enacted third-party food delivery service law. Like the City Council, Fiserv is an avid proponent that small businesses are a cornerstone of the American economy. With nearly 300 employees – including Fiserv’s CEO – located in New York City (NYC), Fiserv thanks the City Council for the ongoing work to protect and empower restaurants around NYC. Restaurants are a foundational component of the identity and lifeblood of NYC, which must be protected and supported.

Earlier this year, Fiserv was contacted by the Department of Consumer and Worker Protection (DCWP) and requested to register as a delivery service due to payment processing services Fiserv offers to expand the reach of restaurants in NYC. Fiserv believes amendment proposed below is necessary to ensure the intent and goal of the Council’s work to date is being followed.

#### **About Fiserv:**

Fiserv, Inc. (NASDAQ: FISV) is a global leader in payment processing and financial services enabling technology. Our company aspiration is to move money and information in a way that moves the world. Fiserv interacts daily with financial institutions of all asset sizes, businesses of all sizes, and individual consumer to support the needs of the financial system and to enable commerce.

To support small and midsize businesses, Fiserv owns Clover. Clover provides payment acceptance and related services and point-of-sale devices to small businesses. These hardware devices and services enable businesses of all kinds to accept card payments. What’s unique about Clover is its ability to customize to the type of business it is supporting. In the case of restaurants, Clover can provide not only payment acceptance, but also website curation, online ordering capability, reservation and walk-up management, vendor invoicing, and more.

#### **Proposed Amendment:**

Amend the “*Third-party food delivery service*” definition included within *Sec 20-1501, Definitions* of NYC Administrative Code 20-1500 (statute) to further clarify the intended covered parties of this statute. Specifically, Fiserv proposes amending the definition to state (addition underlined and in green):

**“Third-party food delivery service.** The term “third-party food delivery service” means any website, mobile application, or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment, and (ii) that is owned and operated by a person other than the person who owns such food service establishment. The term does not include a website, mobile application, or other internet service that enables a food services establishment to make a direct sale, over the phone or online, of food or beverages to a customer.”

#### **Amendment Justification:**

Effective January 24, 2022, the statute, according to legislative history and context, sought to protect (1) restaurants that were struggling because of the COVID-19 pandemic and (2) third-party food delivery service drivers. Because restaurants around the country were only open for take-out and delivery during the pandemic, many restaurants turned to third-party delivery platforms, such as Uber Eats, DoorDash, or Grubhub, to support remote ordering and delivery. However, restaurants soon realized the difficult



predicament created by these platforms; either pay fees to and disintermediate their customers by true third-party delivery services or risk the loss of business and the possibility of shutting down. The language, as written, however has inadvertently caused uncertainty over applicability of the statute for payment processors who offer direct online and mobile ordering capabilities for their restaurant clients.

For example, in the wake of these ongoing challenges, payment processors –Clover, included – built online and mobile ordering capabilities to solve the very same harm that this statute aims to address. Unlike third-party delivery platforms that control the order and relationship with the customer ordering food, Clover’s capability allows restaurant customers to place orders directly with the restaurant through an online ordering system operated on behalf of the restaurant. In Clover’s case, the purchase is directly conducted between the restaurant and the customer, the order is immediately tied into the kitchen’s ticketing system, and the restaurant is not charged any additional fees for the online or mobile ordering.

Yet, due to the current definition set and Clover’s operation of websites that allow customers to directly transact with restaurants, and a mobile application that allows customers to search for restaurants to directly order from, DCWP has determined that Clover falls within the definition of a *third-party food delivery service*. This determination would necessitate Clover to comply with all requirements of the statute, even those that could have a harmful impact on Clover’s restaurant clients, such as requiring Clover to build a capability to withhold customer information from the restaurant. Based on how Clover is built, these standard defeats the intent of the law and exemplifies the need for further legislative clarification to assist DCWP in correctly scoping this statute.

Fiserv believes that Clover, and other payment processors, direct engagement model falls outside the scope, and intent, of the law because: (1) it allows a customer to interact and contract directly with a restaurant and (2) it enables an interface whereby a restaurant can choose to utilize a third-party delivery driver.

The language proposed above codifies within the statute that payment processors working to support restaurant businesses by enabling direct online ordering between the restaurant and the customer are not third-party food delivery platforms and as a result, not captured by this statute.

INT 0559 Skip The Stuff

Good morning,

My name is Sarah Ryan Hudson and I am the Director of Advocacy for Gotham Whale. Gotham Whale is NYC based nonprofit that seeks to research, educate about, and advocate for the marine mammals in our area.

Thank you for holding this hearing and for the opportunity to express our support for the Skip the Stuff bill. We're hopeful this bill will reduce the impact plastic pollution is having on our local marine ecosystem.

Our organization partners with multiple local whale watches to collect data during the tours they offer. We're observing floating plastic debris on many of our trips. I personally have participated in coastal clean ups and seen first hand just how much trash is ending up in our waterways.

Though many people aren't aware of it, 27 marine mammal species have been observed in the NY Bight. Over the last decade, Gotham Whale has tracked the sightings of marine mammals in our area. We have observed the growing number of Humpbacks and other whales, dolphins, and seals coming to our area. We frequently document humpbacks feeding with floating debris visible in the same area.

Ingesting plastic waste is incredibly harmful to wildlife and we're hopeful this bill will change the default from disposable to reusable and help New Yorkers be more mindful.

As with many issues facing our marine wildlife, its likely impacts are undercounted. For each instance where an animal washes ashore showing signs of entanglement or debris ingestion, there may be dozens of other animals who suffered a similar fate out of sight and offshore.

This bill will give New Yorkers better control over refusing single use materials. The current default of adding condiments and plastic cutlery to every order puts the burden on the consumer to request no waste. In my personal experience, this request is frequently overlooked. Changing the default to Skipping the Stuff unless it's requested would be best for New Yorkers, terrestrial and marine.

I am testifying on behalf of the Microplastic Taskforce of the Manhattan Solid Waste Advisory Board who strongly supports the INT 0559 Skip the Stuff bill.

Microplastics often originate from macroplastics that have broken apart in marine environments due to weathering from the sun, wind, or other causes. They are small plastic particles less than .2 inches long. In 2014, up to 51 trillion pieces of microplastics were estimated to be in the ocean, outnumbering stars in the Milky Way for 500 times. We know that the smaller the particles the more likely they will endanger fish, birds, plants, and ultimately, humans. Microplastics, are eaten by fish, become part of their flesh, and are then consumed by humans.

INT 0559 requires that *food service establishments, couriers who deliver food, and food delivery platforms* provide *eating utensils, extra eating containers, and condiment packets only if the customer requests them*. These are macro plastics, *that if reduced will lead to less creation of microplastics*.

What are the cost benefits of such a law? The state of Washington, whose skip the stuff law recently passed, lists the following:

- Environmental costs from natural resource extraction, climate impacts, and plastic pollution
- Business costs to purchase and dispose of these items
- Taxpayer costs in solid waste management and litter clean-up
- Potential human health costs associated with PFAS, micro-plastics, and other harmful substances in single-use items
- Lost opportunity costs when we don't create more sustainable ways to meet our needs

The environmental hazards of plastics and microplastics are widely known, but not as well known as their serious health hazards. In the context of the world gathering about a plastics treaty Giulia Carlini, senior attorney, writes "There is strong scientific consensus that plastics-associated chemicals cause diseases...Over the last week, we have heard dozens of interventions from delegations that they want the treaty not only to protect the environment, but also health from the impacts of plastics". Carlini adds that "the disproportionate health effects (are seen) in the most vulnerable and at risk, including children, youth, pregnant women, and workers with unique exposures".

There is no doubt that the practice of automatically including plastics (*eating utensils, extra eating containers, and condiment packets*) with the order is detrimental to our health and the environment. Such plastics should be added only after learning if the customer wants them. By so doing we reduce plastic pollution and protect our health. Think of how much plastic lands in our waste stream when customers who don't want them get them anyway. It's about time we had a skip the stuff bill that will end the distribution of unwanted plastics. The state of Washington and tiny Ulster County north of the City have such a bill. Why doesn't New York City? Let's get this legislation done.



**December 12, 2022**

Council Member Marjorie Velazquez, Chair,  
Committee on Consumer and Worker Protection  
New York City Council

**RE: Surfrider Supports New York City Council Bill Introduction 0559 "Skip the Stuff"**

Dear Chair Velazquez,

Thank you to Chair Velazquez and the members of the Committee on Consumer and Worker Protection for scheduling a hearing for bill Introduction 0559, also known as the "Skip the Stuff" bill. Surfrider Foundation has been running the [Reusable NYC coalition](#) for three years now, which is a group of 40 local NYC organizations that are supporting this bill.

Surfrider Foundation is a grassroots environmental organization dedicated to the protection and enjoyment of the world's ocean, waves, and beaches for all people. We submit these comments on behalf of our local New York City Chapter, which is part of our network of 80 chapters, 90 youth clubs, and more than 500,000 supporters, activists, and members nationwide.

The NYC Chapter of the Surfrider Foundation does a lot of beach cleanups, mostly in the Rockaways, and the items addressed in the bill are always some of the most commonly found. For example, we've held 17 beach cleanups in 2022 (with about 25 people per cleanup), and in total we found 1,042 plastic straws/stirrers, 270 plastic utensils, 600 napkins, and 1,600 plastic wrappers--with some portion of that 1,600 being condiment packets.

Reducing plastic usage is an environmental justice issue. Nearly 80% of plastic incinerators are located in low-income communities and/or communities of color and

the pollutant fumes produced by incinerating plastic have toxic effects when inhaled.<sup>1</sup> Waste management infrastructure is also disproportionately located in these communities.

The Skip the Stuff bill is pretty straightforward: it seeks to change the expectations of takeout and delivery food customers. Instead of expecting to receive extra items like napkins, utensils, and condiments, under Skip the Stuff, customers will expect to *not* receive those items unless they specifically request them. This will save restaurants money, as nationally, restaurants spend about \$20 billion per year on such items.<sup>2</sup> For that and other reasons, Skip the Stuff has the support of the NYC Hospitality Alliance, the main group representing restaurants in NYC.

This bill honors customer choice. 98% of takeout and delivery orders are eaten at home or in an office, where reusable utensils are available, and preferred.<sup>3</sup> Every New Yorker has a drawer crammed with plastic utensils, chopsticks, and ketchup and soy sauce packets, which are often included with a meal even when specifically requested not to be. It will also save NYC taxpayer dollars, as less waste will need to be managed by the city.

Lastly, Skip the Stuff helps combat the plastic pollution crisis. Plastic particles are now found in our air, drinking water, soil, oceans, lakes, rivers and our bodies. This is a health crisis for our planet and everything that lives here, including humans. We need to reduce our usage of plastic to protect human health.

Thank you for considering our comments, please pass Introduction 05559, the Skip the Stuff bill, as soon as possible.

**Lisa Salomon**, Chapter Manager, NYC Chapter of the Surfrider Foundation  
lsalomon@nyc.surfrider.org

**Matt Gove**, Mid-Atlantic Policy Manager, Surfrider Foundation  
mgove@surfrider.org

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<sup>1</sup> Global Alliance for Incinerator Alternatives (GAIA) and the New School. US Municipal Solid Waste Incinerators: An Industry in Decline. May 2019.

<sup>2</sup> Moss and Grousset. The Dirty Truth about Disposable Foodware. The Overbrook Foundation. February 2020.

<sup>3</sup> McKinsey & Company. The changing market for food delivery. 2016.

**Susan Boyle**  
#### Dean St.  
Brooklyn, NY 11238  
tengrandfab@gmail.com

December 7, 2022

**Councilmember Marjorie Velázquez**  
Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 to reduce single-use plastics in NYC**

Dear Chairperson Velázquez,

My name is Susan Boyle, I live in Crown Heights Brooklyn, and I am a member of the Plastic Free committee of 350Brooklyn. I write to urge you to please pass **Intro 0559**. It is a no brainer. Passing **Intro 0559** will reduce the amount of garbage NYC sends to the landfill. Period. **Intro 0559** will help NYC reach its mandate of zero-waste to landfill by 2030. Additionally, it will thereby reduce the impact processing this trash has on communities near trash facilities throughout the city (and beyond)- which often are lower income communities.

Without fail in my home the plastic utensils, ketchup packets, and napkins included in take-out deliveries are rarely used even once. They pile up in a drawer until someone decides to toss them- and send them landfill bound. This is something we have become accustomed to- and needs to change. As a member of 350 Brooklyn, I have spent time at Grand Army Plaza talking to passersby about **Intro 0559** aka the "Skip the Stuff" bill. I can tell you that everyone I spoke to related to the disturbing issue of creating trash for no good reason. Often the amount of trash NYC produces can feel overwhelming, 14 million tons of trash annually is a lot. But with smart legislation like **Intro 0559** we can lower that amount and send the positive message to New Yorkers that we can and will meet the zero waste to landfill mandate in 2030.

Passing **Intro 0559** will help give New Yorker's hope that we can tackle these issues related to wasteful ...waste. Thank you for your consideration and time. Again, I hope you support **Intro 0559 "Skip the Stuff"**.

**Sincerely,**  
**Susan Boyle**  
#### Dean St.  
Brooklyn, NY 11238  
tengrandfab@gmail.com

**Anita Chan - Written Testimony in Support of the Skip the Stuff Bill**  
**Monday, December 12, 2022**

Good morning, my name is Anita Chan. I'm a Long Island City resident in city council district 26 and I am on the Queens Solid Waste Advisory Board and the Earth Matter NY Board and a member of the 350brooklyn working group WasteNot so I think about waste a lot. I am testifying on my own behalf today in support of passing the Skip the Stuff bill.

While I am disappointed that I am doing this for a second time because the bill didn't pass last year, I am relieved that the efforts did not die and that we have another opportunity to do the right thing and pass the Skip the Stuff bill.

Most of us who order takeout or delivery probably have a collection of unused single-use utensils, condiment packets, and napkins that were automatically included in our order. In many cases, the food and drinks are consumed at home or other settings where supplies are already available. That is why it makes perfect sense to give single-use utensils, condiments, and napkins only upon request.

The emissions associated with the production, transportation, and disposal of single-use items, much of which is plastic, contributes to the climate crisis. This bill will help us "reduce" and hopefully transition to "reuse" in feasible situations.

Currently, some ordering platforms give the option to opt out of receiving utensils but more often than not, the request isn't honored. If Skip the Stuff is passed and enforced, businesses can save money and space from buying less inventory and not be afraid of being seen as having bad service by not providing these service items automatically.

I want to thank everyone who has been working on and advocating for this bill. Let's not delay any further and get it passed this year.

My name is Ash Drury. I am a student studying Environmental Justice in CUNY, as well as a compost operator with BK Rot, an environmental organizer on various local fronts, and lifelong Brooklynite. I want to voice my support for Int. No. 559, a bill which would mandate that food deliveries only include disposable cutlery when the customer explicitly asks for it.

As a frontline worker in waste management, I am well aware of the crisis that is solid waste in NYC. Not only are our landfills overflowing, but they are built on top of wetlands which could play a vital role in protecting us from rising sea levels, but instead have become toxic sites full of chemical waste and microplastics, much of which emerges from single use plastic items such as the cutlery which this bill would seek to reduce.

Food delivery is a very important section of the restaurant industry. Although I do not have the statistics at hand, it is clear that since the pandemic began (and to be clear we are still in it) food delivery has skyrocketed as a more safe alternative to eating in at a restaurant. This increase in food delivery is largely deliveries made to households, where people already have silverware which they can reuse over and over again, making the plastic forks, knives, spoons, and packaging in every food delivery bag redundant and wasteful. These items are costs which restaurants incur needlessly, essentially paying for plastic to be added to landfills.

I also think that this bill is very important because it addresses the issue of single use plastics from the top as a system wide approach, rather than as an individual issue. In other words, regulating the apps through which food delivery is mediated is a much more effective and efficient way to disrupt the flow of plastics than regulating individual restaurants let alone consumers.

For all these reasons I support this bill, and urge all CM's to vote in favor of it.

Audrey Berges  
## S 4th St  
Brooklyn, NY 11249  
[audrey9.berges@gmail.com](mailto:audrey9.berges@gmail.com)

December 8<sup>th</sup>, 2022

**Councilmember Marjorie Velázquez**

Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 to reduce single-use plastics in NYC**

Dear Chairperson Velázquez,

I am testifying because NYC needs to reduce single-use plastics in the food delivery industry.

First, I believe you know how much plastic is catastrophic for the environment but let me remind you some facts.

Plastics are made from fossil fuels from which obviously we need to reduce our dependence, regarding the finite aspect of the world reserves and climate change.

Unfortunately, according to the city of New York, NYC purchases 1.1 million pounds of single-use plastic utensils every year [1]. Considering that plastic utensils for 1 meal weigh about 0.05 pound, it means that around 22 million meals use plastic utensils in NYC per year. Also, according to a Chinese study released in May 2022 [2], 1000 meals using plastic utensils account for 25 to 38kg of carbon dioxide equivalent, depending on the material. This means that NYC could decrease by at least 550 tons of carbon dioxide equivalent per year. Furthermore, the market of food delivery keeps growing and it becomes urgent to pass such a bill.

Yet, the main issue around plastic utensils concerns the oceans. Indeed, most of the single-use plastic items are not recycled as most of them can't be recycled because of the material, the size or the colorants used. As a result, they end up in the oceans where fauna and flora are deeply impacted. You may say, why is that a problem? But this is a **major** issue. The public opinion often thinks that trees are responsible for capturing carbon dioxide. However, the oceans play an even more important role in this field. An article released in 2019 by the IMF [3] – International Monetary Fund - acknowledges that the amount of carbon dioxide captured by the phytoplanktons is equivalent to 1.70 trillion trees, or 4 Amazon forests, known as the lung of the planet. This is the reason why preserving the oceans is essential.

Contributing to plastic reduction is also necessary from a public health perspective. In 2019, a scientific study disclosed that humans may be ingesting around 80g of microplastic per day through eating and that it can have critical effects on their health [4]. In this context, we can hope that passing Intro 0559 bill could participate in reducing this amount of microplastic we are all ingesting every day, and therefore improving our own health.

Moreover, most of plastic utensils used in food deliveries are sent to homes, where people have already their own cutlery and do not necessarily need more. However, if they would need some, the Intro 0559 bill would still allow the customer to request some additional plastic ones. As a result, this bill will enable to remove only useless polluting plastic utensils, which is simply logical and common sense.

Finally, as I am originally from France where plastic straws, cutlery and glasses have already been totally banned since January 1<sup>st</sup>, 2019, I can testify that this bill is very useful and do not affect customer experience in any way. People have found ways to adapt to these measures and organize themselves to not use them, without any major protestations, understanding the necessity of such a bill.

You can find the resources I have used here:

[1] <https://www.nyc.gov/office-of-the-mayor/news/191-19/mayor-de-blasio-signs-executive-order-end-city-reliance-single-use-plastic>

[2] <https://doi.org/10.1016/j.resconrec.2022.106615>

[3] <https://www.imf.org/en/Publications/fandd/issues/2019/12/natures-solution-to-climate-change-chami>

[4] <https://bibliotekanauki.pl/articles/1066238>

I sincerely hope that this testimony will be heard and that you will push to pass this Intro 0559 bill that is necessary and completely logical in our changing world.

Thank you for your time and consideration,

Sincerely,

Audrey Berges.

A handwritten signature in black ink, appearing to be the initials 'AB' with a stylized flourish.

Candee Kane  
East 20<sup>th</sup> Street  
New York, NY 10009

[candee@earthlink.net](mailto:candee@earthlink.net)

December 12, 2022

Council member Marjorie Velazquez  
Chair person, Committee on Consumer  
And Worker Protection  
New York City Council

Cc: City Council Speaker Adrienne Adams

Cc: Keith Powers

Re: Pass Intro 0559 to reduce single-use-Plastic in NYC

Dear Chair person Velazquez

My name is Candee Kane, and I am a member of 350NYC. I am testifying here today in support of (INT0559) the "Skip the Stuf" bill, sponsored by Council Person Marjorie Velazquez, and others.

As there are a mirid of good reasons for the New York City Council to pass this bill, I barely know where to start,

but I will start, by mentioning the “Skip the Stuff” bill that the Los Angeles City council unanimously passed in June of 2021. The enactment of that bill has been very successful.

So, my real question is, what is the City of New York waiting for?

Ever since Covid-19 spread across our city, trash on the streets has become a major problem. The “Skip the Stuff” bill would obviously help mitigate that issue.

Who does not have a drawer full of miscellaneous napkins and cheap plastic ware that will never be used, but has to be dumped out every now and again in order for precious space to be regained? These items are not even single use, they are “never use.”

The Skip the Stuff bill is a great idea that is begging to be to being enacted.

I could go on, but you get my drift. Please pass the “Skip the Stuff” bill now.

## [reusablela](#)

Just passed unanimously in LA City Council this morning!

In the wake of COVID-19, local restaurants are struggling to stay open and single-use plastic pollution has increased significantly. Switching to an “upon request” model reduces the amount of plastic that pollutes our landfills and waterways, while also relieving small businesses from excess costs. The ordinance is intentionally structured to meet all ADA requirements and accommodations, and businesses may provide foodware accessories to customers who request them.

[#SkipTheStuff](#) is backed with strong support from the local community and restaurant industry.

Carly Brownell  
### W. 100th St.  
New York, NY 10025  
carly.r.brownell@gmail.com

December 12, 2022

**Councilmember Marjorie Velázquez**  
Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 to reduce single-use plastics in NYC**

Dear Chairperson Velázquez,

I am writing in support of Intro 0559, which is essential in our movement to reduce single-use plastics in New York City. As someone who tries as best as they can to live as zero-waste as they can, it is really hard in New York. This bill could be a great way to not only make it easier for people like me who are already trying to live in a zero-waste way, but to decrease waste on a structural level in this city. NYC has a mandate of zero-waste to landfill by 2030, but it won't meet that target without dramatically reducing disposable items like the ones covered by this bill. Even without this mandate, decreasing plastic waste as much as possible is the right thing to do. Plastics are horrible for the environment, from their creation (they're made from fossil fuels, including fracked gas, which poison the communities near their extraction) to their decomposition ([Most plastic is never recycled](#), and the plastic that is recycled is only "downcycled" - it becomes lower-grade plastic, and when plastic isn't recycled, it ends up in landfill or in the oceans, where it degrades into small particles that poison marine life). The items covered by this bill are not even nominally recyclable - they will either go to landfill or into the oceans. Plastic cutlery is never recycled, even when consumers put it in the recycling bin - it is made of a low-value type of plastic.

This bill would not only benefit all of us because of its positive impacts for the environment, but it also does not negatively impact anyone. Most of these single-use items don't even get used once before they're thrown away - they're actually zero-use items. Most food delivery goes to people in their own homes, where we have our own utensils. Customers who want these items can still get them, they just have to ask. Restaurants would also benefit from this bill because

they would save money right away. Los Angeles recently passed a similar law, and restaurants there are saving thousands of dollars per year.

I am 24 years old, and I think about the impending climate crisis every day of my life. [A study of 10,000 youth](#) not only showed alarmingly high rates of feelings of climate-related anxiety and depression among young people, but it also showed that a lot of these negative feelings come from the lack of action on climate from their leaders. I am writing the New York City Council to be part of the solution, not part of the problem. Please pass Intro 0559 and all other climate legislation.

Sincerely,

Carly Brownell

**Testimony in Support of Intro 0559  
Skip the Stuff  
Carol Smolenski  
Resident of Park Slope, Brooklyn  
carolsmolenski@gmail.com**

My name is Carol Smolenski. I have lived in Park Slope Brooklyn since 1992. I am here to ask the City Council to do the right thing by passing Intro 0559 into law.

I am no expert on environmental policy, but as a citizen, I have a few observations.

A few years ago my husband and I were driving around Staten Island, just doing some exploring. We parked to walk onto a beach, just to see what it was like. What we found was disgusting. The beach was covered with hundreds if not thousands of plastic straws that had washed ashore. It was truly a horrifying site.

During the Covid lockdown, one of my outlets was to prowl the commercial/industrial waterfront in Brooklyn near the Gowanus canal and Red Hook. During those walks I become aware of the enormous mountains of trash that New Yorkers produce. There is a sanitation department transfer station where giant barges are loaded with shipping containers filled with trash that are shipped out to... somewhere. I passed a warehouse filled from top to bottom with empty bottles and cans, being loaded into trucks going... I don't know where. There is a scrap metal transfer station with mountains of car doors, and air conditioners and fencing and everything else loaded onto barges and sent off down the canal.

It was chilling to be confronted with the actual physical manifestation of all the trash we produce.

I am a concerned citizen who happens to love take out food. But there is no reason for restaurants to keep supplying me with utensils and condiments. I have come up with my own tactics for dealing with all of it, but Intro 0559 is a broader solution.

And just as an aside, it seems like a good idea to relieve small restaurants from the burden and cost of having to supply all this stuff that people don't need or want.

It is time to pass Intro 0559. It is small and obvious first step in dealing with the backwash of modern urban life that we all suffer from. I call on you to just do it.

**Testimony in Support of Intro 0559  
Skip the Stuff  
Carol Smolenski  
Resident of Park Slope, Brooklyn  
carolsmolenski@gmail.com**

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And just as an aside, it seems like a good idea to relieve small restaurants from the burden and cost of having to supply all this stuff that people don't need or want.

It is time to pass Intro 0559. It is small and obvious first step in dealing with the backwash of modern urban life that we all suffer from. I call on you to just do it.

"Skip The Stuff"

Nov. 30, 2022

Dear NYC Council,

May you please pass this sensible and equitable legislation.

It will help improve the environment, as well as save money for businesses and consumers.

It is already in effect elsewhere.

Thank you very much,  
Deborah Johns  
Sedgwick Avenue  
Bronx, NY 10463

**Delia Kulukundis**

Thomson Avenue, Unit 445  
Long Island City, NY 11101  
dkulukundis@gmail.com

December 11, 2022

**Councilmember Marjorie Velázquez**

Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 - “Skip the Stuff” to reduce plastic waste in NYC**

Dear Chairperson Velázquez,

Thank you for your leadership in sponsoring Intro 0559 - “Skip the Stuff.” I urge you to pass this common-sense bill as soon as possible - for the sake of our oceans, our climate, and our junk drawers.

This bill provides a wonderful opportunity to protect the environment without requiring any form of sacrifice from ordinary people. The vast majority of New Yorkers will simply end up with less clutter in their kitchens. Most of the items that are tossed into takeout and delivery bags currently are never used, since most people eat the food in their own homes or offices where they have their own cutlery. Upon passage of this bill, restaurants will save money immediately, as most people will not request the disposable plastic forks they never wanted. This bill will reduce the amount of trash that the Department of Sanitation needs to handle, helping move NYC closer to our 2030 mandate of zero-waste-to-landfill.

Right now it is nearly impossible to avoid unwanted disposable items with takeout orders. I’ve tried checking the box on Seamless that says I don’t want napkins and plasticware, but they arrive with the food anyway. I’ve tried specifically asking not to have those items included, but most of the time they still come bundled in the bag. Only a few restaurants consistently avoid these items and tell their customers that if they want them, they have to ask. The only guaranteed way to avoid unnecessary disposable items is to completely

avoid takeout - and I would rather support my local restaurants and not have to cook every night. I feel guilty throwing away the plastic items that I never requested. But the blame should not fall to me.

Just as the fossil fuel industry has tried to shift the blame for the climate crisis onto regular people and their “carbon footprints,” the plastics industry tries to shift blame for the crisis of marine plastic onto consumers, arguing that it is our fault for demanding disposable plastics. Since the 1970s the plastics industry has known that their products accumulate in the oceans where they poison marine life, at the same time as they deliberately undermined the use of reusable items in favor of disposable ones in order to boost their business. Instead of modifying their products to be more recyclable and less toxic, they blamed consumers and municipalities for not recycling enough, and they embraced the difficulty of recycling plastic as a boon to their business, since fewer products recycled or reused means more demand for new plastic.<sup>1</sup>

Right now we have an opportunity to reduce demand for plastic - simply by requiring that restaurants only provide disposable items to customers that want them. In doing so, we would help disrupt the fossil fuel and plastic industry’s false narrative of consumer demand.

Fracking byproducts are used in the manufacture of plastics. New York banned fracking in 2014 because we knew how harmful it is to our health and environment. Now let’s help reduce the toxic burden that other communities face, by reducing demand for plastics and their raw materials.

New York voters are eager for climate action. This past November, we passed the Environmental Bond Act by an 80% landslide. Passing Skip the Stuff gives this City Council an easy political win. Pass Intro 0559 without delay.

Sincerely,  
Delia Kulukundis

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<sup>1</sup> “Fueling Plastics: Plastic Industry Awareness of the Ocean Plastic Problem,” Center for International Environmental Law, 2017  
<https://www.ciel.org/wp-content/uploads/2017/09/Fueling-Plastics-Plastic-Industry-Awareness-of-the-Ocean-Plastics-Problem.pdf>

**Delia Kulukundis**

2728 Thomson Avenue, Unit 445  
Long Island City, NY 11101  
dkulukundis@gmail.com

December 11, 2022

**Councilmember Marjorie Velázquez**

Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 - "Skip the Stuff" to reduce plastic waste in NYC**

Dear Chairperson Velázquez,

Thank you for your leadership in sponsoring Intro 0559 - "Skip the Stuff." I urge you to pass this common-sense bill as soon as possible - for the sake of our oceans, our climate, and our junk drawers.

This bill provides a wonderful opportunity to protect the environment without requiring any form of sacrifice from ordinary people. The vast majority of New Yorkers will simply end up with less clutter in their kitchens. Most of the items that are tossed into takeout and delivery bags currently are never used, since most people eat the food in their own homes or offices where they have their own cutlery. Upon passage of this bill, restaurants will save money immediately, as most people will not request the disposable plastic forks they never wanted. This bill will reduce the amount of trash that the Department of Sanitation needs to handle, helping move NYC closer to our 2030 mandate of zero-waste-to-landfill.

Right now it is nearly impossible to avoid unwanted disposable items with takeout orders. I've tried checking the box on Seamless that says I don't want napkins and plasticware, but they arrive with the food anyway. I've tried specifically asking not to have those items included, but most of the time they still come bundled in the bag. Only a few restaurants consistently avoid these items and tell their customers that if they want them, they have to ask. The only guaranteed way to avoid unnecessary disposable items is to completely

avoid takeout - and I would rather support my local restaurants and not have to cook every night. I feel guilty throwing away the plastic items that I never requested. But the blame should not fall to me.

Just as the fossil fuel industry has tried to shift the blame for the climate crisis onto regular people and their “carbon footprints,” the plastics industry tries to shift blame for the crisis of marine plastic onto consumers, arguing that it is our fault for demanding disposable plastics. Since the 1970s the plastics industry has known that their products accumulate in the oceans where they poison marine life, at the same time as they deliberately undermined the use of reusable items in favor of disposable ones in order to boost their business. Instead of modifying their products to be more recyclable and less toxic, they blamed consumers and municipalities for not recycling enough, and they embraced the difficulty of recycling plastic as a boon to their business, since fewer products recycled or reused means more demand for new plastic.<sup>1</sup>

Right now we have an opportunity to reduce demand for plastic - simply by requiring that restaurants only provide disposable items to customers that want them. In doing so, we would help disrupt the fossil fuel and plastic industry’s false narrative of consumer demand.

Fracking byproducts are used in the manufacture of plastics. New York banned fracking in 2014 because we knew how harmful it is to our health and environment. Now let’s help reduce the toxic burden that other communities face, by reducing demand for plastics and their raw materials.

New York voters are eager for climate action. This past November, we passed the Environmental Bond Act by an 80% landslide. Passing Skip the Stuff gives this City Council an easy political win. Pass Intro 0559 without delay.

Sincerely,  
Delia Kulukundis

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<sup>1</sup> "Fueling Plastics: Plastic Industry Awareness of the Ocean Plastic Problem," Center for International Environmental Law, 2017  
<https://www.ciel.org/wp-content/uploads/2017/09/Fueling-Plastics-Plastic-Industry-Awareness-of-the-Ocean-Plastics-Problem.pdf>

Hi, my name is Edward Scovell, and I live in District 4. Passing the Skip the Stuff bill is a win for all parties. It will save restaurants money, it will reduce trash (which will save NYC money), it will help the environment by reducing our consumption of fossil fuels needed for plastic utensils and our need to cut down trees for napkins, and it will reduce emissions of greenhouse gases. Thank you.

My name is Eileen Leonard. I am a co-chair of Waste NØT and a member of 350NYC. I live in District 10.

I am writing to support Int 0559, "Skip the Stuff" bill, because I live on West 181st Street in Washington Heights and every day, as I walk to the A train, I see scattered on the sidewalks and gutters, and in the overflowing trash containers, scores of single use plastic. The plastic utensils are often still in their plastic wrapping because no one ever needed them in the first place. This trash makes its way into the gutters and sewers, and heads into the Hudson River at the end of the street. We must protect our waterways. The plastic trash and unwanted condiment packets will never be recycled and our sanitation department cannot keep up with the never-ending stream. I urge you to pass this bill, which will have the added benefit of addressing what most New Yorkers know but deny to themselves: that we have a responsibility to use just what we need and avoid waste. This will save money, improve the quality of life, and protect the environment. Thank you.

Ella Ryan  
Prospect Place  
Brooklyn, NY 11217  
[ellaryan@gmail.com](mailto:ellaryan@gmail.com)

December 7th, 2022

**Councilmember Marjorie Velázquez**  
Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 so NYC can hit its zero waste targets**

Dear Chairperson Velázquez,

I write in full support of this bill.

New Yorkers eat a LOT of takeout. Yet each meal comes with a side order of extra stuff that customers frequently neither need nor want. Items like plastic cutlery that can not be recycled and will stick around for hundreds of years after the meal has been consumed, polluting our oceans and filling our world with toxic microplastics.

It's a no-brainer to give the restaurant industry permission to skip the stuff, to not include cutlery, napkins and condiments by default. They will save money, and the customer is unaffected as they can ask for the items they actually need.

NYC has a mandate of zero-waste to landfill by 2030, but we are not on track to meet this target. This bill picks the low hanging fruit of ditching those superfluous extras that frequently go from takeout bag to trash bag. We cannot afford any delay in passing this important bill.

Best regards,  
Ella Ryan

<Ilah Jefferis>

<Your address>

<Ithaca, NY 14850>

<ilah.jefferis@icsd.k12.ny.us>

December 12th, 2022

**Councilmember Marjorie Velázquez**

Chairperson, Committee on Consumer and Worker Protection

New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 to reduce single-use plastics in NYC**

Dear Chairperson Velázquez,

As someone who gets a lot of takeout, I always think about where my silverware will go after I eat, even if I don't use it. Plastic utensils are the sixth most commonly found plastic pollution in the ocean and take over a thousand years to decompose. Before then, the forks break down into smaller microplastics, which get digested by fish. We can even consume some of this plastic when eating fish, bringing us a full circle back to the problem of utensils.

A significant first step to tackling this issue is to pass the Skip the Stuff Bill. It gives people the option of asking for utensils if needed; otherwise, takeout lovers like me will be able to eliminate a portion of our plastic waste while saving the business money!

Ilah Jefferis

High School Student

December 9<sup>th</sup>, 2022

Dear New York City Council Members,

As a climate activist and member of 350NYC, WasteNot, and Beyond Plastics, I would like to express my full support for the “Skip The Stuff” bill, Int 0559-2022:

*“This bill would prohibit food service establishments, couriers who deliver food, and food delivery platforms from providing eating utensils, extra eating containers, condiment packets and napkins to customers for take-out and delivery orders unless the customer requests them. Delivery platforms would have to provide a means for a customer to request the items, but the bill would require that the default option is that the customer does not request such items. Food service establishments, couriers and delivery platforms who violate this bill would be subject to civil penalties, however the bill would require that warnings, instead of a monetary penalty, be given for any violation occurring before July 1, 2023.”*

INT 0559 is common sense legislation that is a win-win-win-win-win for New Yorkers.

First and foremost, reducing plastic production lowers greenhouse gas emissions which drive climate change.

Second, reducing plastic usage will decrease the total plastic pollution that contaminates our water supplies and oceans.

Third, fewer discarded plastic utensils and containers means less trash and recycling for collection, disposal, and transportation to landfills, saving money for the New York City Department of Sanitation.

Fourth, restaurants and food delivery services will save money by not having to purchase and routinely distribute single-use utensils and small condiment packets (which are often discarded, unused).

Fifth, consumers can continue to actively request plasticware, napkins, and condiment packets when needed, for example when traveling. However, when eating take-out and delivered food at home, most people would gradually become accustomed to using their own washable forks, spoons, knives, cups, plates, re-usable cloth napkins, and glass bottles of condiments. Overall use of plasticware and accumulated waste is likely to decline over time, multiplying the first four advantages.

Thanks tremendously for considering my written testimony,

*Jacqueline Crawley*

resident, Murray Hill, NYC 10016

My name is Jenny Cooper and I run a small, no-waste cafe, IXV Coffee, in my garage that opened on Jan. 1st. Other people can speak about the dangers and toxicity to the people and planet of the waves of plastic that we are currently putting out there.

I would instead like to speak about the ease of operating without excess trash and the joy with which the community receives it. We operate on a quiet and mixed corner of Brooklyn, and we get diverse swath of New Yorkers, not one of whom has expressed anything but understanding and approval, of our complete lack of plastic straws, cups and utensils. Our cups are paper compostable but we encourage reusable cups and are close to achieving a 50% reusable cup rate.

We use hay straws for cold drinks, paper bags for pastries and too go food, and have wooden spoons, reclaimed metal spoons and forks should anyone need a utensil. In fact it's hard for me to remember the existence of plastic utensils, except when I open the drawer in my kitchen where I stuff the items that restaurants have forced into takeout bags and I no longer know what to do with.

I do know that people go out of their way to come to a location that is not suffuse with the excess plastic trash that is currently common in our food systems, and the more we can do to cut off the supply, the more we will clean out oceans, streets, spend our trash dollars on trash that is necessary, and not excess, unnecessary plastic.

## Skip the Stuff Testimony

My name is Dr. Judith S. Weis, and I am a Professor Emerita at Rutgers University and resident of NYC. Throughout much of my career, and continuing in retirement, I have studied effects of pollution in the marine and estuarine environment, and in the past decade or so have focused on plastic pollution, specifically microplastics. Microplastics are generally derived from break-up of larger pieces of plastic. They have been found everywhere on the planet, from the remotest mountain tops to the deepest trenches (seven miles down) of the ocean but are most abundant in areas where there are dense populations of people generating the plastic waste. The waters around our city are much less polluted with chemical pollutants than they were decades ago, which has enabled the life in our waters to become more diverse and abundant, which is good news. However, more and more plastic and microplastics are ending up in our waters, harming the animals that live there.

While plastics are useful and ubiquitous in our lives, certain types are excessive and unnecessary – including single use plastics such as plastic wrappers, cups, utensils, and straws. These utensils are automatically given out with take-out food and other locations. These are generally unneeded – when you have take-out food delivered to your home, you have your own utensils there and have no need for the plastic ones in the package. Restaurants automatically give out straws in cold drinks, whether or not the customer asks for one. We know that the amount of plastic actually recycled is only about 5% of the total. And the type of plastic in these single-use items is not the type that is recycled. Plastic doesn't degrade for centuries, and as it breaks up into smaller microplastics, it releases a variety of toxic chemicals.

This bill will require that customers ask when they want a straw in restaurants or utensils with take-out. It is common sense and doesn't deprive the customer of anything. If enacted and enforced, the law will have the effect of reducing the excess plastic in the NYC waste system and the amounts ending up in our waters. I hope you will enact this law quickly.

Thank you. If you want more information my email is [jweis@newark.rutgers.edu](mailto:jweis@newark.rutgers.edu)

## Testimony in support of Skip The Stuff Bill #0559

I support the Skip The Stuff bill because I'm very concerned about plastic pollution that has been growing exponentially in recent years. Skip The Stuff is a bill that makes sense because it gives purchasers of take-out food to decide if they really need the plastic utensils and condiment packets, none of which is recyclable. Since they can't be recycled, they will all end up in landfill, where it will take years to decompose, and in our waterway, where it deteriorates into microplastics ending up in our sea life and even in our bodies.

These items are causing undo and unnecessary pollution. And they are an expense to the restaurants. By eliminating the need to put these items in all take-out orders, this bill will provide restaurants (who already operate on very low margins) with an improvement to their bottom line.

Skip The Stuff makes sense from every angle. It will be a bonus to restaurants and to our environment.

Thank you  
Karen Goodheart  
It's Easy Being Green  
District 6

My name is Kayli Kunkel, and I am a resident of Jackson Heights, Queens. When I founded my eco-friendly storefront Earth & Me in 2020, it was because I knew the plastic pollution crisis was too big to ignore. Since then, our plastic-free message has reached and resonated with tens of thousands of Queens residents and New Yorkers beyond our borough. They show up week after week to purchase reusable utensils, green alternatives to single-use household plastics, and refill their containers with household essentials. And they ask me daily about how to reduce their footprint as consumers. As you can see, this movement is strong, but we need your support.

The #StoptheStuff bill would be a critical first step in eliminating single-use plastics from our food system, our waterways, and our city refuse. This is a problem on a large scale, but the solution starts in the daily choices that we make as consumers. Our power is immense when combined, but too often well-intentioned businesses don't listen when we ask for less "stuff". This bill would put teeth behind the goal of zero-waste, and also free up the \$6 billion incurred to businesses and city governments on the solid waste management of disposable food packaging alone. Imagine how that money could be invested back into green initiatives and our city-wide climate goals.

As a green, local small business owner I see daily the innovations that exist to fill the void of plastic ware. This change is locally and diversely led, with environmental justice at its forefront. Our movement has reusables, refill stations, circular electric-van delivery services, and passionate consumers ready for this change. Please help us make this a reality for our city and for our planet.

To whom it may concern:

I am writing to support INT 0559, the Skip the Stuff legislation. As an environmentalist, I believe it is essential for the city to cut down on unnecessary waste that can damage our environment. As I understand it, this proposal will prevent restaurants and food delivery services from automatically serving items like small ketchup packets unless a customer specifically requests them. This is a sensible plan that can cut down on wasteful trash.

Sincerely,

Loretta Ryan, Van Cortlandt Park South – Bronx NY 10463-2925

Lynn Tondrick  
### 47th Street  
Brooklyn NY 11220  
Tondrick@hotmail.com

December 05, 2022

**Councilmember Marjorie Velázquez**  
Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 to reduce single-use plastics in NYC**

Dear Chairperson Velázquez,

Thank you for sponsoring this important legislation. I regularly walk through our park (Sunset Park in Brooklyn) and clean up the garbage as part of my morning routine. You would be shocked at how much of it is single use plastics that are not opened or used by the person who got them. Utensils, ketchup, mayo, mustards, straws, napkins, you name it. This is a no brainer. Let's stop giving all this extra stuff to people who do not request it. This will save the businesses money AND help to keep NYC cleaner and help reduce the rat population. A win/win. Plastics are bad for the city and our environment. We know that the refineries that make plastic are toxic and environmentally unjust as they're usually sited in disadvantaged communities. (think Cancer Alley in Louisiana!). Most plastic is NEVER recycled. Once it is here it is here forever. It ends up in landfills, oceans and our parks where it poisons wildlife, marine life and ultimately us with microplastics now being found in placentas.

NYC Is ready for this! Let's SKIP THE STUFF!!

Sincerely,  
Lynn Tondrick

12/12/2022

Maria Fernandez  
37<sup>th</sup> Street,  
Astoria, NY 11103

To: Committee on Consumer and Worker Protection

Re: Testimonial Skip the Stuff Bill 1775B

Thank you for accepting my written testimonial.

If this bill is passed it will help reduce a good portion of our production and use of plastic, which will help lower greenhouse gas emissions, which are fueling the climate crisis.

It will help save restaurants money by allowing them to keep less "stuff" in stock.

These small single use utensils are not able to be captured with our existing recycling systems - which means more single use plastic entering NYCs landfills, waterways, parks, streets and more.

This is a common sense bill and it is a win win for everyone!

I appreciate your attention to this matter.

Sincerely,  
Maria Fernandez

**Testimony of the Green Education and Legal Fund  
on INT 0559 Skip the Stuff  
Committee on Consumer and Worker Protection  
December 12, 2022**

My name is Mark Dunlea, and I am chairperson of the Green Education and Legal Fund (GELF). I am also co-chair of the EcoAction Committee of the Green Party of the United States. I own an apartment at Greene Ave., Brooklyn NY 11238 in District 35.

I was one of the initial organizers of the NYC (and then NYS) law to curtail the use of plastic bags at retail stores, organizing the first large community meeting in Park Slope with then City Councilmember Brad Lander.

GELF supports INT 0559 “Skip the Stuff” bill. It is the next step after the ban on plastic bags and to make straws upon request (though we need the bag ban to be enforced in NYC). This bill will not only reduce needless waste, it will save restaurants money and give consumers more choice. This bill would give New York City a permanent fix that will ensure all take-out and delivery orders provide what a customer needs.

This bill would require restaurants to provide disposable takeout utensils, napkins, and condiments only when requested by the customer. Most of these single-use items don’t even get used once before they’re thrown away - they’re zero-use items. Most food delivery goes to people in their own homes, where they have their own utensils. NYC has a mandate of zero-waste to landfill by 2030, but it won’t meet that target without dramatically reducing disposable items like the ones covered by this bill.

Reducing the production and usage of plastic helps lower greenhouse gas emissions which are fueling the climate crisis. Plastics are made from fossil fuels, including fracked gas, which poison the communities near their extraction. The refineries that make plastic are toxic and unjust, as they’re usually sited in disadvantaged communities

small single-use utensils are not able to be captured with the city’s existing recycling systems - which means more single use plastic entering NYC's landfills, waterways, parks, streets, and more. This bill will help save restaurants money by reducing the amount of single-use "stuff" they have to buy. Los Angeles recently passed a similar law, and restaurants there are saving thousands of dollars per year

Restaurants in the United States provide diners with more than 36 billion single-use utensils a year. Laid end to end, they could wrap around the globe 139 times. While some customers do need utensils, the vast majority of them become unnecessary waste, as meals are going to homes and offices stocked with reusable utensils, condiments, and extra dishes. “Skip the Stuff” would cut down on our use of resources like trees and fossil fuels for items that aren’t used.

Single-use plastic utensils and containers are not recycled; in the U.S., the recycling rate for plastics hovers at just 5%. Unlike recycling for paper, glass, and metal, plastics recycling is simply not working. Instead of being recycled, plastic dining accessories are

sent to landfills, incinerators, or they become unsightly litter in streets and parks. The COVID pandemic has made the plastic waste problem worse. In 2020, online food orders increased by 127 percent compared to 2019.

The U.S. generates the most plastic waste per capita in the world. Plastics are made from fossil fuels, and generate greenhouse gas emissions at every stage, from production to disposal, which contributes to the climate crisis. New York City restaurants will save money, reduce emissions, and prevent mountains of trash with this straightforward policy to reduce plastic waste at the source. Customers will also be happy not to receive unwanted items that become junk.

Lessons learned from the NYS bag waste reduction law and the NYC straws upon request law show the need for robust enforcement, education, and outreach to ensure that the “Skip the Stuff” law is working effectively and that restaurants aren’t caught off guard or inadvertently fined.

Under Section 3 part “d” (page 4, lines 1-2) which deals with enforcement, we recommend the following language: “The enforcement agency shall incorporate compliance checks into routine restaurant inspections. “

A useful tool for enforcement is to engage the public in reporting. A simple provision for citizen complaints could be added to Section 3 (page 4) as follows:

Citizen complaints to the department shall constitute valid notification pursuant to the requirements of Sections 1 and 2. The department is hereby authorized to conduct compliance inspections in response to citizen complaints. The department shall provide an online option for citizen complaints.

Under Section 3, part “e,” (page 4, lines 3-4) which deals with outreach and education, we recommend the department conduct efforts to educate businesses about the law in multiple ways, including:

- Printed material

- Email notifications

- Website information

- Conversations initiated by field staff during inspections.

Written education materials should also include translations of the law’s provisions for non-English speaking proprietors.

Skip the Stuff is a popular policy among restaurants and the public. We urge the City Council to act now and pass legislation that requires restaurants and online ordering platforms to “ask first” before giving customers unwanted disposable foodware accessories. It’s time to #SkiptheStuff!

My name is Mary Arnold. I'm speaking today on behalf of the Queens Solid Waste Advisory Board Legislative Committee. Our committee supports INT 0559 and we thank the bill's sponsor, Council Member Marjorie Velázquez and the Committee on Consumer and Worker Protection for their leadership on this commonsense bill, which measurably moves the city toward Zero Waste to landfills and incinerators. Please get this bill passed in 2022.

This bill will save restaurants money and reduce the scourge of plastic pollution in our communities. Plastics are made of fossil fuels. Their transport and disposal contribute to climate change and pollution. Petroleum and plastic manufacturing infrastructure is overwhelmingly located in communities of color and poor neighborhoods, which unjustly degrades the health of these New Yorkers. Single use plastic winds up in waterways, and also in landfills and incinerators -- which are also overwhelming located in communities of color and poor neighborhoods. The QSWAB Legislative Committee resoundingly supports the Skip The Stuff legislation and looks forward to seeing this legislation enacted. Thank you.

To whom it may concern,

I'm writing to express my strong support of Int 0559 (the "Skip the Stuff" bill), which is being discussed at this public hearing.

Billions of utensils, napkins, condiment packets, etc. are included in delivery/take-out food orders, even when consumers do not want/need them. This unwanted waste pollutes the planet and costs restaurants over \$20 billion a year.

I am asking you to approve Int 0559, which addresses this issue by asking restaurants and delivery platforms to provide single use utensils, condiments, and napkins only when requested by the customer.

This legislation is the exact type of common sense legislation that I would like to see City Council enact.

Thank you for your time.

Matt McNaughton

Good afternoon, Chairman and members of the Consumer and Worker Protection Committee.

I am Megan Ortiz. I live in Harlem and I currently work in a restaurant at the Grand Central Terminal. I am a Cafeteria Culture Youth Advocate and am testifying to urge the New York City Council to pass Intro 0559, the "Skip The Stuff" bill.

\$114

That's how much a box of biodegradable disposable forks cost

How I know this?

This is the exact number my general manager mumbles behind me

When forks suddenly go missing

Forks that somehow find their way to the trash before ever being used

Biodegradable forks that find their way to landfills

Or waterways

Once this occurs the fine print on the box of forks comes to mind

That a biodegradable fork is not to be thrown with regular trash

This single use item

When disposed of in this manner

Produces methane gas to the atmosphere

The air is heavy and smells

But that's not a problem to the customers of my establishment

This smell will only be faint to them

Like it comes from some distant lands

This smell however will travel home with me

Like I am the proprietor of it

114 quite a hefty price to pay

For a fork that makes you feel good

without having to do good

This single-use item appearing more like a decoration in a paper bag

“Compostable”

To help you sleep at night

Maybe even breathe a little easier

Believing in a good action without having to commit to one

One that may impede on your daily life

One that can be fixed by a simple question

A sign of acknowledgement

“Can I get a fork please?”

114 a number that trails around my store like a ghost

Repeated by my general manager and myself

Albeit for different reasons

She has a budget to stay within

And I'm wondering how much of an inconvenience

A question can really be

**Natalie Jones**

Meserole Avenue  
Greenpoint, NY, 11222  
nataliekjones@gmail.com

December 9, 2022

**Councilmember Marjorie Velázquez**

Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 to reduce single-use plastics in NYC**

Dear Chairperson Velázquez,

I am writing to plead for your support for this important and timely bill. I am writing to state my strong support for this common-sense bill to have people 'opt-in' to receive plastic cutlery and napkins with takeaway, rather than the default being that all takeaway outlets put multiple 'packages' of unwanted and unneeded plastic cutlery inside the bags. Almost all takeaway is consumed at home, with plates and proper cutlery - it makes no sense that restaurants include the cutlery as default.

We recently relocated to NYC from the EU, where single use plastics have been completely banned. We have been overwhelmed by the amount of zero/single use items being delivered when we get takeaway, to eat at home. For the packaging of the takeaway itself, we do use 'Deliver Zero' which means takeaway is delivered in returnable packages (a fantastic initiative!), we also clearly specify we do not want cutlery - BUT we STILL receive it almost every time. We hope to see NYC take this sustainable step to at least force restaurants not to default to including unwanted plastic cutlery. These are ZERO use items which go almost always straight into the recycling, even then they cannot be recycled due to the kind of plastic they are.

Plastics are made from fossil fuels, including fracked gas, which poison the communities near their extraction, and these cutleries in particular are made of the lowest grade of plastic. Anything that NYC can do to reduce the amount of plastic produced and consumed will have a huge impact, and will additionally make a strong signal to the rest of the country and the world.

Thanks for your time and consideration!

Best regards,  
Natalie Jones

- **To Whom it May Concern,**
- **My name is Sandye Renz and I live in District 39. I urge you to support and pass INT 0559. Here are some reasons:**
- 
- **Climate:** Reducing our production and usage of plastic helps lower greenhouse gas emissions which are fueling the climate crisis
- **Savings:** This bill will help save restaurants money by reducing the amount of single-use "stuff" they have to buy.
- **Trash & Recycling:** These small single-use utensils are not able to be captured with our existing recycling systems - which means more single use plastic entering NYC's landfills, waterways, parks, streets, and more.
- The future of life as we know it depends on this kind of change.
- Sincerely,
- Sandye Renz
- 12th St.
- Brooklyn, NY 11215

•

Sara S. Gronim

Prospect Park West

Brooklyn, NY 11215

December 7, 2022

Councilmember Marjorie Velázquez  
Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adam  
cc: Council Member Shahana Hanif

Testimony in support of Intro 0559 to reduce single-use plastics in NYC.

Dear Councilmember Velázquez:

I urge the passage of Intro 0559 so that it becomes the law in New York City. This law would halt the automatic inclusion of plastic utensils and condiment packets with take-out and delivery of food. I'm always stunned when I get food delivery to my house to find plastic utensils in the bag—who doesn't have their own forks and knives at home? I have absolutely no use for these utensils, which means they are tossed immediately in the garbage. For me (and I think for most people) these are “zero-use” plastic.

As we all know, while take-out food has been long popular in New York City, there has been a real surge in take-outs and delivery over the last several years. As Intro 0559 makes clear, anyone who does want plastic utensils or condiments can simply add them to their order. But I have to believe that making these enclosures optional would dramatically reduce the volume of this plastic making their way into our waste stream.

Plastic utensils are not recyclable nor are the packets of ketchup, soy sauce, and so forth, that come with many delivery orders. Moreover, the source of this plastic are fracked gas and petroleum, major sources of the climate crisis we face. Such plastics are produced in toxic “cracker” plants that pollute the air and water of local communities. The NYC Council has been consistently serious about both the climate crisis and local

pollution, passing laws like LL 97 and requiring school buses to shift to become all-electric by 2035. Intro 0559 is another contribution to that important work.

I also note that NYC has set a goal of 'zero waste' by 2030, a goal we are far from meeting. Eliminating much of this "zero use" plastic would support that goal. Intro 0559 seems so self-evidently a reasonable step towards our zero-waste goals that I urge you to pass it quickly. And then move on to other issues with our handling of waste and our problems with plastic.

Sincerely,  
Sara S. Gronim

Sarah Reed  
### Windsor Place  
Brooklyn, NY 11215  
[Sarah.o.reed@gmail.com](mailto:Sarah.o.reed@gmail.com)

December 7, 2022

**Councilmember Marjorie Velázquez**  
Chairperson, Committee on Consumer and Worker Protection  
New York City Council

cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 to reduce single plastics in NYC**

Dear Chairperson Velázquez,

I am writing to express my strong support for the passage of Intro 0559, known as Skip the Stuff, which would drastically reduce the use of “single”—or really, ZERO-use—plastics across New York City. This is a commonsense measure, which we already have the tools and means to implement. It would save restaurants money, save waste from landfills, save our ocean from more plastics pollutions – and perhaps mostly important, set a standard for the rest of the country and restaurant industry for going off plastic.

Plastics are made from fossil fuels and are an integral part of the climate crisis. A report from the Center from Environmental in 2017 found that if the world continues on its current pathway of plastic and oil consumption, plastics will account for 20% of oil consumption by 2050. Meanwhile, as a recent NPR headline stated directly, plastic recycling is almost impossible, and it’s happening less and less.<sup>1</sup> Less than 5% of plastics is recycled into new products, according to a recent report from Greenpeace.<sup>2</sup> Plastic degrades after recycling, and becomes more toxic as it does so – so the incentives for recycling are minimal.

New Yorkers don’t like being inundated with plastics. This measure is a small but measurable step to where we need to go: a plastic free NYC.

I hope you will pass this bill within 2022.

Sincerely,  
Sarah Reed

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<sup>1</sup> <https://www.npr.org/2022/10/24/1131131088/recycling-plastic-is-practically-impossible-and-the-problem-is-getting-worse#:~:text=While%2052%25%20of%20recycling%20facilities,is%20put%20into%20a%20landfill.>

<sup>2</sup> <https://www.greenpeace.org/usa/reports/circular-claims-fall-flat-again/>

SUSAN WERMAN LEVY  
W 61st Street  
New York, NY 10023  
[suewerm@yahoo.com](mailto:suewerm@yahoo.com)

December 11, 2022

Councilmember Marjorie Velázquez  
Chairperson, Committee on Consumer and Worker Protection  
New York City Council  
cc: City Council Speaker Adrienne Adams

**Re: Pass Intro 0559 to reduce single-use plastics in NYC**

Dear Chairperson Velázquez,

My name is Susan Werman Levy. I live near Lincoln Center. I present this written testimony in support of the “Skip the Stuff Bill” to reduce single-use plastics in NYC. If I were testifying in person, I would show you my bags full of plastic cutlery and condiments packages that arrive unsolicited — and often counter to my specific instructions — whenever I take out or have food delivered to my home. I do not hoard these items. I retain them because I simply cannot bear the thought of dumping them into the waste stream after I took an online course on plastic pollution taught by Judith Enck, the former Regional Administrator of the U.S. Environmental Protection Agency for the NY area. I learned that:

1. Recycling is largely a myth. Only 9% of all the plastic waste ever produced has been recycled. About 12% has been incinerated, while the rest — 79% — has accumulated in landfills, dumps or the natural environment.
2. Plastic does not biodegrade. This means that all the plastic that has ever been produced has ended up in the environment and is still present in one form or another. Instead of decomposing, plastic breaks down into ever smaller units of plastic called “micro-plastics” which infiltrate our oceans, our drinking water, our soil and our bodies, and cause harm to living things.
3. Because of the ubiquity of plastic in our environment, the average person consumes approximately 5 grams or 1 credit card’s worth of plastic per week. While scientists have yet to determine the specific consequences of ingesting this much plastic, studies indicate that plastic likely has a role in declining human fertility and genital deformation.

4. 32% of the 78 million tons of plastic packaging produced annually is left to flow into our oceans; the equivalent of pouring one garbage truck of plastic into the ocean every minute. This is expected to increase to two garbage trucks per minute by 2030 and four per minute by 2050. By 2050, this could mean there will be more plastic than fish in the world's oceans.

5. Plastic pollution perpetuates racial injustice. Plastic production and disposal facilities are situated near neighborhoods with poorer people and more people of color. As a result, those communities suffer the most from the harm associated with plastic pollution.

In light of the above, there is a clear need for plastic use to be reduced. New Yorkers have already adjusted to the ban on plastic bags, we have learned to drink without straws in restaurants and we will happily cope with not having bags of plastic utensils and condiments overflowing our kitchen drawers and closets. I urge you to pass Intro 0559, the "Skip the Stuff" Bill, to reduce single-use plastics in NYC. Thank you for the opportunity to address you on this issue.

Very truly yours,

*Susan Werman Levy*

Susan Werman Levy

Whenever I go to Orchard Beach in the Bronx, I see spoons, straws, napkins, and forks littering the shore. Every week I clean them up and invariably within 3 hours there is an equivalent amount littering the shore.

The change has to start with consumers. Making people ask for condiments is too weak; they should have to pay for it. There was a similar initiative with plastic bags and stores, and everybody adjusted. They can adjust when it comes to condiments as well.

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Carol Smolenski

Address: 8th St

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/2022

(PLEASE PRINT)

Name: Candee Kane

Address: East 20th St

I represent: 350 NYC

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

FOR THE RECORD

Appearance Card

I intend to appear and speak on Int. No. 599 Res. No. \_\_\_\_\_

in favor  in opposition

Proposed Amendment  
Date: 12/12/22

(PLEASE PRINT)

Name: S. Fibers & Sezlyn Peterson

Address: \_\_\_\_\_

I represent: The Parkside Group / Fibers

Address: 80 Maiden Lane

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12-12

(PLEASE PRINT)

Name: Shila M. Minnamin

Address: \_\_\_\_\_ Driggs Ave.

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/22

(PLEASE PRINT)

Name: Sonya Chung

Address: 634 E 14th St

I represent: NYLPI (New York Lawyers for

Address: the Public Interest)

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ERIC GOLDSTEIN

Address: \_\_\_\_\_

I represent: NATURAL RESOURCES DEFENSE

Address: 40 WEST 20 ST COUNCIL

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/2022

(PLEASE PRINT)

Name: Madeleine MacGillivray

Address: 375 8th St Brooklyn NY

I represent: Seedling Sovereignty

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/2022

(PLEASE PRINT)

Name: Alexander Morgan

Address: Madison Ave.

I represent: EcoRate

Address: Madison Ave

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 12/12/2022

(PLEASE PRINT)

Name: Larasati Vitoux

Address: 566 Leonard St Brooklyn NY 11222

I represent: MAISON JAR LLC

Address: 566 Leonard St Brooklyn NY 11222

Please complete this card and return to the Sergeant-at-Arms

Student  
Need to go  
back to school

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 12/12/2022

(PLEASE PRINT)

Name: Megan Ochoa

Address: \_\_\_\_\_

I represent: Cafeteria Culture

Address: \_\_\_\_\_

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 12/12/2022

(PLEASE PRINT)

Name: LISA SALOMON

Address: 31 W 42nd St, New York, NY

I represent: Surfrider Foundation New York City

Address: 172 Broadway

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 12/12/22

(PLEASE PRINT)

Name: Alexis Hidalgo

Address: \_\_\_\_\_ Mercer St, NY 10012

I represent: NYLCV

Address: 30 Broad St, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/22

(PLEASE PRINT)

Name: SANDRA MINAW

Address: W. 57th St, New York, NY 10019

I represent: Just Salad LLC

Address: 603 Lexington Ave, NY

NEED TO  
GO BACK  
TO SCHOOL  
PLEASE

**THE COUNCIL  
THE CITY OF NEW YORK**

STUDENT

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/2022

(PLEASE PRINT)

Name: Rebeca Sabnam

Address: \_\_\_\_\_

I represent: Cafeteria Culture

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/22

(PLEASE PRINT)

Name: Dosby Lee Lora

Address: E. 12th St. NY NY 10003

I represent: CAFETERIA CULTURE

Address: 402 E. 8th St., NYC 10009

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Anita Chan

Address: 23rd Street Long Island

I represent: myself City, NY 11101

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0804 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/2022

(PLEASE PRINT)

Name: Lauren Sweeney

Address: Avenue B NY NY 10009

I represent: DeliverZero

Address: 447 Broadway 2nd fl 10013

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0599 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/12/22

(PLEASE PRINT)

Name: Sara Mercer MALAKOFF

Address: E 5th Street

I represent: Package Free Shop

Address: 25 Bond STREET

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 12/12/22

(PLEASE PRINT)

Name: Delia Kulukundis

Address: Thompson Ave

I represent: myself

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Kayh Kunko

Address: 35th Ave

I represent: Earth & Me in Queens

Address: 30-38 Steinway Street

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 559 Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lacey Tauber

Address: \_\_\_\_\_

I represent: Bk Borough President Reynoso

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Carlos Ortiz

Address: DCWP

I represent: \_\_\_\_\_

Address: 42 Broadway

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**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Gregory Anderson

Address: \_\_\_\_\_

I represent: DSM Deputy Commissioner

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0559 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Raine Manley

Address: 122 Kent St, Brooklyn NY 11222

I represent: Reusable NYC Coalition, NRDC

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 12/12/22

(PLEASE PRINT)

Name: Jan Thompson

Address: Warren St, Brooklyn NY 11261

I represent: 350 Brooklyn

Address: \_\_\_\_\_

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