



**ENVIRONMENTAL
ADVOCATES OF NEW YORK**

YOUR GOVERNMENT WATCHDOG

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Jointly Before the
New York State Senate and Assembly
Environmental Conservation Committees

Hearing on Recycling

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New York, New York

On behalf of the board and staff of Environmental Advocates of New York, it is my pleasure to offer our comments to the New York State Senate and Assembly Environmental Conservation Committees on the extremely important and complex issue of recycling and solid waste.

As an environmental advocacy and watchdog organization, we are deeply concerned about the environmental impacts of that solid waste crisis poses for New York communities, our lands, and our waters. As a society, we prioritize convenience over the planet, relying heavily on single-use products, perpetuating a proliferation of plastics. We operate in a throw away culture where we don't give much thought when throwing away things because we know how easy and cheap it is to replace. In fact, it is estimated that 80% of US products are used once and then thrown away.¹

Each New Yorker produces about 4.5 pounds of trash a day² – and New York City residents alone produce approximately 12 million tons a day.³ As a society we have most certainly forgotten the hierarchy of personal responsibility of reduce, reuse, and recycle.

While there is a fundamental personal responsibility discussion to be had in relation to dealing with this crisis, we are here today to understand the current state of affairs with our recycling markets and call upon our legislative leaders to help solve the problem.

The collapse of markets for recycled materials, in particular fueled by China, has led to increased costs of disposing of solid waste, increased the volume of materials being landfilled or incinerated, and significantly impacted the economic viability of statewide recycling programs.

¹ GrowNYC <https://www.grownyc.org/recycling/facts>

² NYS Department of Environmental Conservation, <https://www.dec.ny.gov/chemical/294.html>.

³ GrowNYC <https://www.grownyc.org/recycling/facts>

This market downturn has most certainly had an unprecedented impact, leaving New York communities and municipalities in precarious spot. But the tough times are not solely economic – our plastic pollution crisis is exacerbating much of these solid waste and recycling problems and not to mention increased climate change impacts. Single use plastics, such as utensils, straws, bags, food packaging, plastic water bottles, make up a significant portion of the waste and recycling streams. We need New York to tackle the solid waste and recycling programs from several angles.

Container Deposit Law Expansion

Firstly, expanding the container deposit law to include glass containers, such as cider, wine, and liquor, and other plastic containers, such as sports drinks, must be part of the solution. The deposit system has a 30-year history of being one of the most effective recycling and litter prevention programs in the world. These programs facilitate the efficient recycling of materials, reducing the need for virgin materials, shift the recycling responsibility on the producers of the containers, lessening the burden municipal recycling programs, and are compatible and benefit curbside programs by saving the local government collection and processing costs. Shifting responsibility to producers of products is a key element to addressing our solid waste issues and is something we should replicate for as many pieces of the solid waste and recycling streams.

There has been recognition from the Executive and legislative branches that there is a need to reform the container deposit law. We agree and think 2020 is the year to do so. EANY acknowledges the real impacts that the recycling markets face and understand that in real dollars municipalities are in a significant situation in keeping curbside recycling programs afloat. So, we would urge that any reforms to the container deposit law not be done without creative solutions to ensure our curbside programs are maintained, such as increasing the bottle deposit from 5 cents to 10 cents and funneling the additional unclaimed deposits back to municipalities and recycling programs to support capital improvements and to compensate for lost revenues from additional PET plastics. The toppling of curbside programs would certainly be a very undesirable environmental outcome with increased landfilling, incineration, and rolling back customer behavior and confidence in a household practice. However, we believe, like so many complex environmental issues, there are options that can support recycling programs while strengthening the deposit laws.

In terms of including additional glass containers in a deposit program, there seems to be general consensus that glass containers are problematic in curbside recycling programs. Glass bottles contaminate the single-stream system when they break in curbside recycling, the result of which making otherwise recyclable material diverted for disposal and increasing operational costs for recyclers. Therefore, any reforms of the law should address the inclusion of glass bottles.

Expanded Producer Responsibility

We live in a throwaway society where low price points are favored over quality. As a result, manufacturers produce products cheaply to meet consumer demands using cheap materials, such as plastics, and chemicals, adding to the load of toxics in our marketplace, creating not only a solid waste issue but a human health one.

Imagine the shift if producers of products were responsible for managing the lifecycle of the products they put into the marketplace? What if they were not only responsible for the products they produce, but also the materials they use to package them? Shouldn't we be holding mega companies like Amazon

responsible for the tons and tons of packaging that is sent out eventually ending up in the waste stream? What is more, is this packaging material is terribly confusing for consumers from a recycling perspective.

Extended Producer Responsibility (EPR) is the concept where manufacturers are financially and physically responsible for the products that they put into the market, which includes the financial cost of disposing or recycling once the product is no longer needed or wanted by the consumer.

Important features on an EPR program include 1) shifting the physical and financial responsibility to producers and away from municipalities and 2) providing incentives to manufacturers to incorporate environmental and/or health considerations into the design of their product.

EPR legislation is effective because it offers a sustained solution to our solid waste problem. Manufacturers possess the knowledge and resources to properly dispose or recycle products once they are no longer needed or wanted by the consumer. Instead of consumers scrambling to figure out how to dispose or recycle a product, this responsibility should be placed on manufacturers. EPR legislation provides a framework in which environmental considerations are taken into consideration when manufacturing products. EPR helps manufacturers reduce their environmental impact by incentivizing them to reduce the costs associated with end-of-life products. EPR benefits can include reducing financial burden on municipalities; less use of virgin materials; reducing/eliminating toxic chemicals; and increased incentive to reuse or recycle.

We urge the Committee during this legislative session to explore the number of ways EPR for various products can help ease solid waste and recycling woes. Thank you for taking our positions under consideration ahead of the 2020 Legislative Session.

Environmental Advocates' mission is to protect our air, land, water, wildlife, and the health of all New Yorkers. Based in Albany, we monitor state government, evaluate proposed laws, and champion policies and practices that will ensure the responsible stewardship of our shared environment. We support and strengthen the efforts of New York's environmental community and work collaboratively to make our state a national environmental leader.