



BENNINGTON COLLEGE

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**New York State Joint Legislative Budget Hearing - Environmental Conservation
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**Modernize the Bottle Bill and Prioritize Refill in the State Budget; Pass the Packaging
Reduction and Recycling Infrastructure Act (S4246-a/A5322-a)**

I. Plastic Packaging is a Climate Change and Environmental Justice Issue.

Plastics are made from fossil fuels and chemicals. The extraction of raw materials and the production, use, and disposal of plastics is a major environmental justice issue. Emissions from plastics are a significant source of climate pollution. Plasticizers, chemicals that give plastics different characteristics, have become a pervasive threat to human health. Microplastics are now pervasive in water, air, soil, food, fish, and human bodies.

Just in the last few weeks there have been major scientific findings about how plastics harm human health, including that endocrine disrupting chemicals used in plastics resulted in [\\$250 billion in healthcare costs in 2018](#), and that Columbia researchers found up to [400,000 nanoplastic particles in just one liter of bottled water](#). Tests showing that plasticizer chemicals are contaminating nearly all of our food was recently on the [front page of Consumer Reports](#).

Two weeks ago, I was in Port Arthur, Texas where I saw firsthand the heart of the U.S. petrochemical industry. Large facilities stretch for miles, as far as the eye can see. This small town is already burdened by more than a dozen facilities - yet, at least twenty more projects or expansions are proposed, mostly to produce plastics and process the raw materials for plastics. Attached is a photo I took of TPC, a dangerous petrochemical facility that produces plasticizers. TPC has been functioning at partial capacity since [a major explosion in 2019 - a preventable incident which created a four mile evacuation radius](#). TPC is directly next to a school playground and little league fields. These facilities are almost all sited in communities of color, most of which are freetowns that preceded petrochemical plants, and that now suffer from cancer, economic depression, reduced property values, and lower quality of life as a result of living in a petrochemical corridor.



Each year that we postpone legislative action to reduce plastics, the problem grows, as plastic production is on track to [triple by 2060](#). Roughly [40% of new plastics](#) are already used for single-use packaging. [One million single-use plastic bottles are produced every minute](#) - adding up to more than half a trillion bottles per year. These plastics cannot be effectively recycled into new packaging or bottles. A small percentage is downcycled, often into textiles, which release microscopic plastic fibers into waterways. The rest of packaging waste is incinerated, landfilled, or winds up in the environment.

The world's biggest plastic polluters won't reduce plastics voluntarily. Plastic is the "Plan B" for the fossil fuel industry - a reason to keep extracting fossil fuels as we transition our energy and transportation sectors off fossil fuels. We need a law that is commensurate to the problems. There is a better way: pass the Packaging Reduction and Recycling Act, S4246-a/A5322-a as a standalone bill, and include the Bigger Better Bottle Bill, with an amendment to require 25% refill by 2030, in the state budget.

II. Pass the Packaging Reduction and Recycling Infrastructure Act S4246-a/A5322-a - but Keep it Out of the Budget

Adoption of the Packaging Reduction and Recycling Infrastructure Act will save a massive amount of tax dollars. The City of New York spent [\\$448 million in 2022](#) to export solid waste to the Finger Lakes, the Covanta incinerator in Newark, NJ, and other communities. The City supports this bill because reducing waste at the source will save money having to collect, export and dispose of waste in distant communities - often environmental justice communities. It's critical to get the details right for this bill to be an effective tool to alleviate the massive amounts of waste going to rivers, the Atlantic ocean, landfills and incinerators, protect public health,

reduce climate emissions, and reduce the fiscal burden on municipalities that have to manage packaging waste.

The legislature should pass the Packaging Reduction and Recycling Infrastructure Act, S4246-a (Senator Harckham) and A5322-a (Assemblymember Glick), as soon as possible. The bill has 34 senate cosponsors, 74 assembly cosponsors, widespread grassroots support from over 200 organizations as well as support from the Association of Counties, Albany County, Tompkins county, the City of Rochester, and the New York City Mayor, NYC Comptroller, and New York City Department of Sanitation.

S4246-a/A5322-a will:

- Reduce plastic packaging by 50%, incrementally over the next twelve years;
- Save hundreds of millions of tax dollars by requiring companies to pay for the management and recycling of packaging waste, rather than taxpayers.
- Provide new revenue to local governments,
- Save tax dollars by reducing the amount of waste being trucked to landfills and incinerators, which are often located in environmental justice communities.
- Prohibit certain toxic chemicals in packaging including: PFAS, lead, mercury, formaldehyde, bisphenols, toluene and others;
- Improve recycling;
- Reduce greenhouse gas emissions; and
- Not allow chemical “recycling”—a false solution advanced by the plastics industry that creates more pollution—to count as recycling.
- Not allow loopholes that would leave packaging out of the program

Each section of this bill is critical to reducing waste at the source, reducing emissions, protecting health and communities, and it’s important that it pass outside of the budget process in order to achieve the strongest program possible. Please see the attached memo for further details on the importance of each provision in this bill, and also [Beyond Plastics’ testimony on this bill from the joint legislative hearing on October 24, 2023.](#)

It’s important to note that the chemical and plastics industry is advocating for so-called chemical recycling to be considered real recycling. This would be a mistake. Chemical recycling technologies are highly polluting, expensive, and mainly turn plastic waste into fuel to be burned. It should not be included in the definition of recycling and this distinction should be consistent in other bills, including the Bottle Bill.

Beyond Plastics and IPEN published a major report on October 31, 2023 [“Chemical Recycling: A Dangerous Deception: Why Chemical Recycling Won’t Solve the Plastic Pollution Problem”](#) which identifies significant problems with this technology and explains why this is not a solution to the growing problem of plastic pollution. The report can be found here: beyondplastics.org/publications/chemical-recycling

Finally, a strong packaging reduction bill would fulfill a critical component of the [Climate Action Council's Scoping Plan](#):

“Phase out single use packaging: The State should enact legislation that supports the reduction and eventual elimination of single-use packaged items for use in stores.” (page 326)

The Climate Action Council is co-chaired by Doreen Harris, President and CEO, New York State Energy Research and Development Authority, and Basil Seggos, Commissioner, Department of Environmental Conservation. Prioritization of reducing single-use material is also mentioned throughout the [2023 DEC Solid Waste Management Plan](#):

“Other legislative recommendations that will assist in reduction and recycling efforts include: ... Incentives for reusable and refillable products; ...Single-use product restrictions; ...Restrictions on harmful chemical use in consumer products.” (Page 5)

“From single-use items such as utensils, food wrappers, and takeout containers to containers for household items such as soaps, shampoos, and cleaning products, an enormous array of single-use packaging and single-use items exists across all areas of life... The first step in rethinking the management of discarded 6 materials is to prevent materials from being discarded in the first place. Addressing the “take, make, toss” model includes replacing single-use systems with reuse systems.” (page 7)

“Support proposals, to restrict, and reduce the use, sale, and distribution of certain single-use products in New York State to prevent problematic waste and motivate consumers, businesses, and institutions to purchase and use reusable products” (page 36)

III. Amend the State’s 40 year old Bottle Bill to Include a Requirement for Refillable Containers, and Pass it in the Budget

Beyond Plastics urges the legislature to pass a strong Bottle Bill expansion that includes:

- A minimum ten cent deposit
- Require deposits on non carbonated beverage containers such as sports drinks, iced teas, and lemonade
- Increase the handling fee
- Environmental standards that, at a minimum, require 25% of beverage containers to be refillable within a refill system by 2030 to reduce plastic pollution
- Clearly exclude “chemical recycling” from any definition of recycling

Including the Bottle Bill in the state budget has clear fiscal implications. Raising the deposit and expanding the types of covered containers would generate up to \$200 million in revenue, which could help fund the Department of Environmental Conservation and the Environmental

Protection Fund. Further, modernizing the bill would save local governments money by diverting containers from the waste stream, and provide clear benefits to communities, namely by boosting local redemption centers and providing a pay raise to more than 10,000 informal recyclers who rely on the redemption system to provide for themselves and their families.

Senate bill 237 (Senator May) and Assembly bill 6353 (Assemblymember Glick) would accomplish these important goals. Beyond Plastics recommends an amendment to include refill requirements that will address immense plastic pollution from plastic bottles. Plastic bottles cannot be effectively recycled into new bottles, and globally, the world's largest beverage manufacturers are also the biggest plastic polluters. New York State Attorney General Letitia James is currently suing PepsiCo for polluting the Buffalo River Watershed with plastic packaging.

[Coca-Cola has pledged to transition 25% of its bottles to refillables by 2030](#), and other large beverage manufacturers have made similar pledges in recent years. The legislature should codify refillable container requirements in the Bottle Bill. Transitioning from single-use systems to refill and reuse systems is endorsed by the [Climate Action Council](#):

“Reusable/Refillable containers: The State should enact legislation that incentivizes reusable and refillable solutions across the full spectrum of the packaged goods sectors, such as refill at home, return from home, refill on the go, and return on the go.” (p. 326)

Including refill in the expansion of the Bottle Bill is an incredible opportunity to greatly reduce climate emissions and pollutants. [Between 21 and 34 billion one-liter PET bottles \(706,000 to 1.1 million metric tons\) enter the ocean each year](#), with beverage companies holding no liability for the pollution. Billions more are landfilled, incinerated, or downcycled. While recycling efforts are important, reducing the production of beverage bottles from raw materials by switching to refillable models must be a priority for deposit systems.

Refillable containers also have economic potential for the state. The reverse logistics of getting back, washing, and refilling containers would create new local jobs and opportunities.

Please refer to my [previous testimony at the joint hearing for the Bottle Bill, S237/A6353, on October 23](#), for more information. With regards to crafting an amendment to require refillable containers, Beyond Plastics is prepared to provide technical expertise.