



NEW YORK STATE SENATOR

Liz Krueger

## Krueger And Hoylman Announce Bill Addressing Plastic Bag Pollution

LIZ KRUEGER February 26, 2018

| ISSUE: **PLASTIC BAGS, PLASTIC POLLUTION, ENVIRONMENT**



**Albany** – State Senators Liz Krueger and Brad Hoylman announced the introduction of a bill today addressing the statewide problem of plastic bag pollution. The legislation ([S7760](#)), which aligns with recommendations made by the Governor's Plastic Bag Task Force, would ban plastic carryout bags and place a ten-cent fee on all other carryout bags, to encourage the use of reusable alternatives. Revenue raised by the fee would go to the State

Environmental Protection Fund. The bill is sponsored in the Assembly by Assembly Member Steve Englebright.

"We have a responsibility to protect our quality of life, not just for ourselves, but for our children and grandchildren," said **Senator Krueger**. "That means ensuring that our trees and our sidewalks are not littered with plastic bags, that our rivers and streams are not degraded by plastic pollution, and that the food we eat is not poisoned by the residue of our own plastic waste. Because of Albany's failure to act, cities, towns, and counties across our state have been forced to take matters into their own hands. Worse than that, the Legislature and the Governor took the unprecedented step of overturning New York City's own proven, effective solution. At the time the Governor called for a statewide solution - and that's just what this bill provides. It asks New Yorkers to make a small sacrifice so that together we can have a big impact on our shared environment. I know we are up to the task."

"After Albany killed New York City's plastic bag fee last year, the State Legislature has an obligation to act on the findings of the Governor's plastic bag task force, which showed that a proven statewide model for reducing plastic bag waste is the California model: a ban on single use plastic bags and a fee on other types of bags, including paper bags, with the proceeds dedicated to the state's Environmental Protection Fund," said **Senator Hoylman**. "No more bowing to the special interests. With this bill sponsored by Senator Krueger and me, we have a chance to leave New York's environment in better shape than we inherited it."

In 2017, after signing legislation to overturn New York City's landmark "Bring Your Own Bag" law, Governor Cuomo announced the creation of a New York State Plastic Bag Task Force, saying "the costly and negative impact of plastic bags on New York's natural resources is a statewide issue that demands a statewide solution." Of the recommendations proposed by

the Plastic Bag Task Force, a ban on plastic bags with a fee on other carryout bags has proven most effective throughout the United States and internationally in reducing plastic bag use and encouraging a switch to reusable bags. For example, Los Angeles County, CA, has had such a ban/fee hybrid in place since 2012, which resulted in a 94% reduction in carryout bag consumption. This model has been adopted statewide in California since 2016.

Every year, New Yorkers use more than 20 billion plastic carryout bags, the majority of which are sent to landfills. However, many bags do not make it that far, instead getting stuck in trees, clogging storm drains, getting caught in recycling equipment, and becoming part of the growing islands of plastic pollution poisoning our oceans and our food supply. According to an estimate by the World Economic Forum, “without significant action, there may be more plastic than fish in the ocean, by weight, by 2050.”

Fourteen municipalities in New York State have enacted some combination of bans and/or fees for carryout bags, including Suffolk County, Long Beach, Mamaroneck, New Paltz, Hastings-on-Hudson, and New York City (later overturned by the State Legislature). More than 1.6 million New Yorkers live in areas covered by a patchwork of bans and fees. Among other challenges associated with the lack of statewide action, these municipalities are unable to use the funds collected through carryout bag fees for any environmental purpose, since state authority is required to levy taxes.

S7760 would ban the provision of plastic carryout bags, while placing a minimum 10-cent fee on paper carryout bags and reusable bags. This is the fee level in place in California, and accords with recommendations made by the Plastic Bag Task Force report. The maximum fee for carryout bags is set at 25-cents, giving retailers flexibility to defray the increased cost of non-plastic bags, while addressing concerns that fees could be set considerably higher. In-

store plastic bags, such as produce, meat, and bulk food bags are exempt, as well as carryout bags provided by restaurants, prepared-food vendors, and emergency food providers. Customers paying with SNAP or WIC are exempt from the fee. Stores will keep 20% of the fee to defray costs, with the remaining 80% going to the state Environmental Protection Fund, to be made available to localities for pollution reduction, cleanup, and education, and reusable bag distribution, with priority given to low- and fixed-income communities.

**New York City Council Member Brad Lander, Deputy Leader for Policy**, said: "Since the governor killed NYC's 'Bring Your Own Bag' law and failed to deliver on his promise for a statewide solution, NYC residents have sent over 9 billion plastic bags— 91,000 tons of plastic solid waste—to landfills, with no end in sight. I want to thank Senators Liz Krueger and Brad Hoylman for their strong leadership in introducing S7760, which puts forth the most effective, proven policy for reducing single-use plastic bags in our waste stream: a ban on plastic bags with a 10-cent fee on all other carryout bags. This bill is exactly the kind of 'bold action' that Governor Cuomo demanded but failed to deliver last year. I look forward to working alongside our strong coalition of environmental advocates, Senator Krueger, and Senator Hoylman to finally address the statewide problem of plastic bag pollution in New York."

**New York City Council Member Antonio Reynoso, Chair of the Committee on Sanitation and Solid Waste Management**, said: "I applaud Senators Krueger and Hoylman for advancing a bill that will rid us of a product that has been a scourge on the environment and quality of life in New York City. While the federal administration continues to gut environmental protections, it is more important than ever to take action at the local level. I look forward to working with my partners in government and constituents in my district to ensure this bill passes and is implemented in a responsible and sustainable manner."

**New York City Council Member Donovan Richards** said: “Thankfully, our colleagues in Albany are focused on continuing the City Council’s efforts to create a policy to address the millions of plastic bags polluting our streets, trees and sewers. This bill would enact the type of policy that all of the evidence and data proves can work in cities across the country. Doing nothing will accomplish nothing and I’m proud to support leaders like Senator Krueger and Senator Hoylman for stepping up and addressing this issue head on in Albany.”

**Steven Wolk, Chairman, New Castle Sustainability Advisory Board**, said: "New Castle, NY's law that includes a ban on plastic and a 10 cent fee on paper carry-out bags has been in place for over a year. The effects include pride in our town, pride in our elected officials, thriving businesses who pull customers from neighboring towns that don't yet have bag laws, and the reduction of hundreds of thousand of bags annually."

**Marcia Bystryn, President of the New York League of Conservation Voters**, said: "We applaud Senator Hoylman, Senator Krueger and Assemblymember Englebright for introducing sensible legislation to reduce carryout bag waste through a tried-and-true hybrid ban-fee model that has proven successful in many other municipalities. Following the release of the inconclusive Plastic Bag Taskforce Report, we are pleased that the legislature is stepping up with a strong proposal that will reduce emissions, waste sent to landfills, litter in our streets and plastic pollution in marine ecosystems. Ultimately, however, Governor Cuomo must lead on this issue following his promise for a statewide solution last year. We hope he will work together with this coalition to ensure action on bag waste before the end of the legislative session."

**Adrienne Esposito, Executive Director of Citizens Campaign for the Environment**, said: “Hundreds of cities, states, and countries have already joined the global fight to reduce plastic pollution by enacting Bring Your Own Bag (BYOBag) laws. The writing is on the wall: Plastic bags

should soon be a thing of the past. A dozen New York municipalities have led the way and implemented carryout bag reduction laws, but if we want to protect our waterways and fisheries for future generations, we need to tackle our plastic pollution problem on the state level. CCE is thrilled that Senators Krueger and Hoylman have introduced a comprehensive BYOBag bill and we urge Governor Cuomo, the NYS Assembly, and their Senate colleagues to make 2018 the year we finally ban plastic bags!"

**Jennie Romer, founder of [plasticbaglaws.org](http://plasticbaglaws.org) and coordinator of the Bag It NYC coalition**, said: "I fully support this state-of-the-art bill that builds upon feedback received about NYC's bag fee by including a ban component and having the money collected go to a fund. This law would ban the thinnest plastic bags and mandate a 10-cent minimum fee on all other carryout bags. Banning the thinnest plastic bags eliminates a large source of windblown litter and a fee on all other carryout bags is the best way to get consumers to bring their own bags. A unique part about this bill that cities can't do on their own is that some money can go to a fund. With laws adopted at the city level all of the money usually has to stay with the retailer because cities don't have the authority to levy taxes. This is a state bill, so the money can be diverted to a fund and that's what's being done here - 80% of the money collected will be deposited into the state Environmental Protection Fund."

**Melissa Iachan, Senior Staff Attorney, Environmental Justice, at New York Lawyers for the Public Interest**, said: "We applaud Senators Krueger and Hoylman for taking the first steps towards implementing a policy that has been proven to reduce the use of polluting plastic bags. Plastic bags have long been one of the most harmful parts of the waste stream, problematic from production through disposal; those communities living in neighborhoods where waste processing facilities are clustered know far too well how many of these plastic bags end up in our waste stream, where they blow off trucks queuing to dump garbage and hang on trees in parks, end up on window sills, and gather in gutters...or end up clogging machines in waste

processing facilities themselves. It is about time our policy makers follow through with what the City of New York started years ago and join other progressive states and countries around the world who have already banned the use of harmful plastic bags."

**Sandra Meola, Communications and Outreach Director, NY/NJ Baykeeper**, said: "NY/NJ Baykeeper commends Senators Krueger and Hoylman for pushing New York to join California, Washington D.C. and many others in passing a progressive policy addressing the environmental and public health threats posed by plastic litter. A ban on plastic single-use carryout bags and a small fee on non-plastic bags will prevent litter from entering streets and parks, clogging sewer systems, and polluting waterways. It's time to make this sustainable change for future generations, clean water, and healthy ecosystems."

**Peter H. Kostmayer, CEO of Citizens Committee for New York City**, said: "What does it say about us that we are unwilling to either bring our own reusable bag or pay ten cents for a paper bag when shopping? Does it indicate the level of sacrifice we as Americans are willing to make to save our environment? Countries far poorer than ours have given up plastic bags in the fight against waste and climate change. Is it really too much to ask of ourselves? Are plastic bags something we can do without or at least reduce in the struggle to protect the planet for our children? It's not someone else's decision. It's ours. Do the right thing."

**Ling Tsou, Co-founder of United for Action**, said: "New York City alone uses about 10 billion plastic disposable bags each year, usually once for about 15 minutes. Most end up in landfills, trees, sewerage systems, our oceans and other waterways. These bags are made from finite fossil fuel resources such as oil and natural gas. The plastic pollution creates an environmental and health crisis as serious as climate change. We applaud Senator Krueger and Senator Hoylman for introducing this bill. Other U.S. cities that enacted similar laws cut plastic bag use by 60% to 90%. Once this law takes effect, we hope to see a dramatic

reduction in New York State's use of plastic bags. We look to Albany to take the lead in protecting the people, the environment and reducing harmful emissions."

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#### RELATED LEGISLATION

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### 2017-S7760

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- ◦ Passed Assembly
  - Passed Senate
  
- Delivered to Governor
  
- Signed By Governor
  
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Establishes guidelines for carryout bag waste reduction

February 20, 2018



In Senate Committee **Environmental Conservation**

Sponsored by **Liz Krueger**

Do you support this bill?