

LWVNYC ENVIRONMENTAL ACTION COMMITTEE REPORT

I. Frack Waste Bill

Our League proposed a frack waste bill over three years ago to the City Council. Int 446A was passed by the Council, signed by the Mayor and written into City Law last August. The law stipulates that the city cannot accept fracking waste into our wastewater treatment facilities nor can this waste be spread on our roads for de-icing or dampening them down. This Law provides for enforcement and fines for infractions. It was achieved through the combined efforts of Riverkeeper, Grassroots Environmental Education, United for Action and The League of Women Voters of the City of New York for the health of all living, working or visiting New York City. We are proud that our League proposed to the City Council the need for this bill and a sample of legislation that had worked in Westchester.

We have been asked by the chair of the City Council's Environmental Protection Committee to support City Council Bill Int 1465-2017 by seeking Council sponsors. This is a bill to amend the administrative code of the city of New York in relation to phasing out of fuel oil grade no.4 oil by 2025 rather than 2030. Removing particulates from the air from fuel oil grade no. 4 to less polluting energy sources clarifies our City's air by reducing GHG emissions. The New York State Goal is a 40% reduction in GHG from 1990 levels by 2030. The Legislative Director of the Chairman of the Environmental Protection Committee has asked for the League's help in getting sponsors to get this bill passed this year by writing each of the City Council Members who are not sponsors to sponsor and pass this bill.

II. Pharmaceutical Waste Disposal

Our committee is researching how we can get pharmaceutical waste properly and more easily disposed of in NYC so it does not enter our waterways and water supplies as pharmaceutical waste, which cannot be filtered at our wastewater treatment facilities.

UPDATE ON NYC CARRYOUT BAG BILL

9.37 billion plastic carry out bags enter the NYC residential waste stream per year, the vast majority of which are not recycled. As of 2015, plastic bags accounted for over 1,700 tons of residential garbage per week in NYC. Many other states and cities, not to mention many countries, have passed legislation to address the plastic bag issue and encourage consumers to carry their own shopping bags.

History

In early 2015, our League joined the "Bag It NYC" coalition (bagitnyc.org) to become advocates for Int. 209-2014, which would impose a minimum of ten (this was later changed to 5) cent fee for plastic or paper bags provided at checkout to customers by retail, convenience, and grocery stores, with limited exceptions. There was a push to pass the initiative by Earth Day of that year. The Council Members who sponsored the bill received advice from a lawyer who has worked on many laws passed around the country. Her experience was that the bills that have a fee component to spur customers to bring their own bags are the most effective and equitable policies.

It wasn't until the next year's spring that the New York City Council passed legislation-- on May 5th, 2016. *Mayor di Blasio signed the bill, and it was due to go into effect on October 1st, 2016.*

NYS Legislature Takes Action to Nullify NYC Law

After this, the State Senate, led by Sen. Simcha Felder, introduced a law --S.7336-- which "establishes a prohibition on the imposition of any tax, fee, or local charge on carry-out merchandise bags." The Assembly passed a companion bill, A.9904 on June 1st, 2016. The NYC Council introduced a bill with a new implementation date of February 2017 and before the date there was supposed to be some sort of compromise between the Council and the State Assembly. The state legislators are out of session from June 16th through January 1st. No compromise materialized.

Governor Cuomo signed the state bill over-turning NYC's Bring Your Own Bag law and imposing a moratorium of at least one year before NYC can consider it again. Next step: NYC Council cannot move forward with a new bill involving fees until January 1, 2018 and such a bill would not be able to be implemented until 270 days after adoption.)

Gubernatorial Action on Plastic Bag Issue

Cuomo has assembled a 6-member Plastic Bag Task Force, led by the DEC Commissioner, to "develop a uniform and equitable statewide plan to address New York's plastic bag problem.

UPDATE ON EPS FOAM (STYROFOAM) BILLS

Our Environmental Action Committee is now working with the Clean Oceans Coalition regarding the issue of Expanded Polystyrene (EPS) foam waste. There are currently two bills in the City Council, and we are advocating for Int. 1596, which would restrict the sale of certain expanded polystyrene (EPS foam) items-- basically ban Styrofoam food containers. The Mayor, the Sanitation Commissioner and SIMS, the company which recycles our city's plastic, paper, glass etc., would prefer to see Int. 1596 passed.

Currently however the other bill – Int. 1480 – has been adding many sponsors, many from the Progressive Caucus, and may achieve enough sponsors to override a veto by the Mayor. Int. 1480 is an industry-backed bill that would classify Styrofoam as "recyclable." The Department of Sanitation looked into recycling foam food containers and found that they could not be recycled in an environmentally effective or economically feasible manner. Styrofoam takes a very long time to decompose, yet crumbles easily and spoils the value of other recyclables particularly paper.

The City Council banned EPS foam containers in 2013 and was sued to prevent the City's ban from taking effect. Int. 1480 is the industry's latest attempt to prevent the City from moving forward with a ban on EPS foam. This time industry (Dart Container Corp.) is offering a 5-year contract with Sims Municipal Recycling to provide a new separator for recyclables as well as personnel to pick out by hand the Styrofoam from other recyclables. They would ship our EPS 700 miles to Indianapolis to mix with hard plastic to make into products such as picture frames.

Curiously, many of the same Councilmembers who are sponsoring Int. 1480 were sponsors of the bill that banned EPS in 2013. After the Sanitation Commissioner's testimony opposing Int. 1480, we have heard that there is a revised and even slipperier bill Int. 1480-A. However, it is not public yet. We are calling Council members to ask that they sponsor Int. 1596, and reject the industry preferred bill, Int. 1480.

NYC Sanitation Department Report "Determination on the Recyclability of Food-Service Foam", May 12, 2017, http://www1.nyc.gov/assets/dsny/docs/2017-05-FoamDetermination_FINAL.pdf

Executive Summary: Key Findings

As described herein and summarized below and pursuant to Local Law 142 of 2013, the New York City Department of Sanitation ("DSNY" or "the Department") determines that Food-Service Foam or post-consumer Food-Service Foam **cannot be recycled** in a manner that is economically feasible or environmentally effective for New York City.

As a result of this determination, on and after November 13, 2017, no food service establishment, mobile food commissary, or store shall possess, sell, or offer for use single-service articles that consist of expanded polystyrene ("Food-Service Foam"), unless otherwise exempt under Local Law 142. In addition, no manufacturer or store shall sell or offer for sale polystyrene loose fill packaging ("Foam Packing Peanuts"). In accordance with Local Law 142, DSNY will provide public education and outreach to food service establishments, mobile food commissaries, and stores to inform them of the provisions of this section and provide assistance with identifying replacement material and no violations will be issued under this Law until May 14, 2018.

To make this determination, the Department has consulted with and requested information from the City's metal, glass, and plastic recycling contractor Sims Municipal Recycling ("Sims"); manufacturers and purported recyclers of expanded polystyrene; plastics industry and recycling market experts; other municipalities and their recycling contractors; and other stakeholders with expertise on expanded polystyrene, as required by Local Law 142.

(Note: this is an excerpt only for this report for the LWVNYC Environment Caucus, Convention, June, 2017)

Beth Kelley, LWVNYC Environment Committee
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