

## GOALS:

Write a letter stating support for the Break Free From Plastic Pollution Act signed by other organizations, businesses and individuals that urges our legislators to support the Act.

- To understand the BFFPP Act and how we can take those actions locally.
  - Write a municipal or county trifecta ban using Beyond Plastic and THRIVE sample bill as well as others.
- Writing a letter to legislators to vote against bill 1800?..
- HB1382 - would impose a fifteen-cent fee on point of sale paper bags and ban use of point of sale plastic bags.
- Find out the latest information on PA Philadelphia suit that prohibits SUP bans? [Clean Air Council and PennEnvironment file motion to join lawsuit to overturn PA plastics preemption law](#)

## State:

### Statement: PA cities' lawsuit to undo General Assembly's preemption crucial to addressing plastic pollution

PHILADELPHIA – Philadelphia joined with the municipalities of Lower Merion, Narberth (Montgomery County) and West Chester (Chester County) to file a lawsuit Wednesday against Pennsylvania's General Assembly. The suit claims the legislature unconstitutionally enacted a preemption law that strips the ability of local communities and officials across the commonwealth to implement ordinances addressing waste and litter from single-use plastics.

HB1382 - would impose fifteen cent fee on point of sale paper bags and ban use of point of sale plastic bags.

Senate passed House Bill 1808,

- which would promote burning plastics and turning them into crude oil and jet fuels under the guise of "recycling."
- HB 1808 would also weaken pollution control standards for facilities where plastic-to-fuel
- HB 808, also from the 2019- 2020 session, which provides false solutions to the recycling crisis in the form of "advanced" or "chemical recycling," by making it easier to justify new plastic. State legislators need to reduce plastic production, not incentivize it.
- processes take place, while incentivizing the production of more single-use plastic.

HB 732 from the 2019-2020 Pennsylvania legislative session which provides hundreds of millions of taxpayer dollars to subsidize new facilities to convert fracked natural gas into virgin plastics

## National:

<https://www.asyousow.org/press-releases/2021/5/11/walmart-cut-virgin-plastic-use>

<https://www.asyousow.org/press-releases/2021/5/3/dupont-shareholders-approve-plastic-pellet-pollution-reporting>

Surfrider has a GREAT toolkit for how to write the correct plastic ban bill to avoid this issue!!! Don't use the mm thickness part of the bill

<https://www.congress.gov/bill/116th-congress/house-bill/5845>

1. Mark your calendars for a National Call-In Day to support the BFFPPA on Wednesday, May 26th. [See the toolkit](#). I will send out an Action Alert by our next meeting. [Check the cosponsor list to see where your rep stands](#).

- reduce packaging, and phase out single-use plastic products. **The Break Free From Plastic Pollution Act** would place the financial burden of waste management and the clean-up of plastic pollution on the companies that manufacture and sell those products, and require producers to design their products in such a way as to minimize their environmental impacts, among other requirements.

**H.R. 5845 Break Free From Plastic Pollution Act of 2020** (Introduce in the house 2/11/2020)

This bill sets forth requirements related to waste and recycling collection systems for a variety of products and materials, including plastics.

The bill makes certain producers of products (e.g., packaging, paper, single-use products, beverage containers, or food service products) fiscally responsible for collecting, managing, and recycling or composting the products after consumer use. In addition, the bill establishes (1) minimum percentages of products that must be reused, recycled, or composted; and (2) an increasing percentage of recycled content that must be contained in beverage containers.

Beginning on January 1, 2022, the bill phases out a variety of single-use products, such as plastic utensils. The bill also sets forth provisions to encourage the reduction of single-use products, including by establishing programs to refund consumers for returning beverage containers and by establishing a tax on carryout bags.

The bill creates a temporary moratorium on new or expanded permits for facilities that manufacture plastics until regulations are updated to address pollution from the facilities.

- The Environmental Protection Agency must publish guidelines for a national standardized labeling system for recycling and composting receptacles. Producers must include labels on their products that are easy to read and indicate whether the products are recyclable, compostable, or reusable.
  - Finally, the bill establishes limitations on the export of plastic waste to other countries.
- THRIVE Act- HR8788 – 116<sup>th</sup> Congress: THRIVE ACT - Transform, Heal, and Renew by Investing in a Vibrant Economy (“THRIVE”).  
<https://www.greennewdealnetwork.org/the-thrive-act>
- City of Philadelphia, in conjunction with Lower Merion Township and the Boroughs of West Chester and Narberth, have filed a lawsuit in Commonwealth Court challenging the state legislature’s moratorium on municipal plastic bag bans. The suit cites both the Environmental Rights Amendment and the “single subject rule” of

the Pennsylvania Constitution. The constitutional provision prevents lawmakers from passing bills containing more than one subject, except in the case of an appropriation bill. The state constitution also requires the title of a bill to reference its subject matter. Last summer, lawmakers extended a 2019 moratorium on plastic bag bans by inserting it into the fiscal code (HB1083) just hours before a full vote, with little debate and no public hearing. The measure was tucked between parts of an amendment on how to spend state gambling proceeds. It prohibits municipalities from enacting any fees or restrictions on all single-use plastics such as bags, utensils or styrofoam containers. Lawmakers said they needed to study the impact of such bans.

- <https://why.org/articles/philadelphia-suburban-towns-sue-state-over-moratorium-on-plastic-bag-bans/>
- State lawmakers tried to permanently ban plastic bag bans in 2017, but Wolf vetoed the bill, citing the Environmental Rights Amendment to the Pennsylvania Constitution.
- During last year's budget process, Senate majority leader Jake Corman (R-Centre County), spearheaded a similar provision, which prohibited plastic bag bans for a year and authorized studies to assess the economic impact of single-use plastics bans. Corman's district includes a plastic bag factory, Hilex Poly, a division of Novolex, which employs about 160 people. It's one of country's largest manufacturer of plastics products.
- On Thursday, State Rep. Greg Vitali (D-Delaware County) attempted to remove the language from the fiscal code.
- <https://stateimpact.npr.org/pennsylvania/2020/06/01/state-lawmakers-block-plastic-bag-bans-like-philadelphias-in-move-one-representative-calls-huge-abuse-of-power/>
- The state prohibits laws regulating single-use plastics until July or six months after Gov. Tom Wolf lifts his coronavirus state of emergency order, whichever comes later. Wolf hasn't yet lifted that order.

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## ○ Penn Environment —

- Prohibiting food establishments from using polystyrene containers to distribute prepared foods. (Rep. Tim Briggs)
- Dissuading litterers and illegal dumpers by increasing the fines and penalties for those caught illegally throwing away their garbage. (Rep. Donna Bullock)
- Prohibiting establishments from offering plastic straws except upon the customer's request. (Rep. Mary Jo Daley)
- Increasing the disposal fee for municipal waste landfills from \$4 per ton to \$8 per ton to help support important conservation and environmental protection programs. (Rep. Elizabeth Fiedler)
- Increasing the recycling fee that landfill operators pay from \$2 per ton to \$5 per ton on waste received at their landfills, the first increase in 30 years. (Rep. Mary Isaacson)

- Authorizing counties that have recycling programs to collect a recycling and waste management fee of up to \$4 per ton, to be used to create and maintain new or existing recycling programs, programs to clean up illegal dumping sites or litter, and/or programs for alternative energy. (Rep. Patty Kim)
- Significantly diverting organic waste from our landfills and incinerators and spurring a market for organic waste composting (Rep. Danielle Friel Otten)
- Establishing a statewide cigarette filter upcycling initiative, where a 20-cent, partially reimbursed deposit on each pack of cigarettes sold in Pennsylvania would be used for collection centers and safe reuse. (Rep. Chris Rabb)
- Ensuring that producers of plastic packaging take responsibility for the decisions they make by requiring that they cannot sell or distribute plastic packaging in Pennsylvania unless they are part of a recycling program to take it back. (Rep. Melissa Shusterman)
- Providing for a fee of two cents on each non-reusable plastic bag used by purchasers of consumer goods at retail establishments grossing over \$1 million annually to support recycling. (Rep. Brian Sims and Rep. Jared Solomon)
- Creating a 5-cent beverage bottle and can deposit program in Pennsylvania. (Rep. Wendy Ullman)
- Encouraging the use of reusable water bottles by requiring that newly constructed state buildings, as well as existing state buildings undergoing renovations to water and pipe infrastructure, install water bottle filling stations. (Rep. Perry Warren)
- Addressing Pennsylvania's failing electronic waste recycling law by taking from best practices implemented in

**For a complete list of all pending Single-use Bans and Fees legislation**

visit: <https://www.quorum.us/spreadsheet/external/BlcTGbYTxFPQgkckvTMY/>

**For a complete list of all pending Extended Producer Responsibility legislation**

visit: <https://www.quorum.us/spreadsheet/external/FbISRUCvYpifSJwjSUzI/>

**For a complete list of all pending Bottle Bills legislation**

visit: <https://www.quorum.us/spreadsheet/external/iwkgPondbUwCByBKuxjD/>

**For a complete list of all pending Recycled Content legislation**

visit: <https://www.quorum.us/spreadsheet/external/jYOnpLatCUsNYCivtrdq/>

**For a complete list of all pending Food Packaging legislation**

visit: <https://www.quorum.us/spreadsheet/external/ELGrEoaUVrFVYtpwcnj/>

**KEY RECOMMENDATIONS TO REDUCE PLASTIC POLLUTION RECOMMENDATION PURPOSE**

1. \$150 Million for Government Facilities, Educational Institutions, and Public Lands To Shift To Reusable Products The Government Services Administration (GSA) and U.S. Department of Education should establish Reusable Foodware Systems and install water refill stations in publicly-funded educational institutions, government buildings, and in public-lands service areas. Filters to

capture microfibers in commercial washing and drying appliances should also be installed in all applicable facilities.

2. \$25 Million to Investigate and Pursue Violations of Environmental Laws by the Petrochemical Industry in Environmental Justice Communities The U.S. Environmental Protection Agency (EPA) and Department of Justice (DOJ) should investigate all violations of law by plastic producers, transporters, and molders/formers on the environment and communities, and prosecute them for any damages they have caused.

3. \$6 Million to Install Water Refill Stations to Replace Single-Use Plastic Water Bottles at National Parks and Across Public Lands The National Park Service should install water refill stations in national parks and across public lands with existing services like visitor centers and rest areas. Congressional Stimulus and Funding Bills: Recommendations to Reduce Plastic Pollution | 3  
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4. \$50 Million to the Environmental Protection Agency (EPA) to Improve Data Collection and Better Regulate the Plastics Industry The EPA should accurately report waste reduction, recycling and composting rates from local and state governments and from the private sector. The EPA should update existing federal regulations and pollution standards under the Clean Water Act and Clean Air Act that apply to plastic refinery, production and processing facilities. The EPA should update federal policies to require zero plastic discharge and use zero-emissions energy sources for all facilities that produce, package, transport, use, recycle and process plastic materials. The EPA should take additional measures to promulgate the environmental, public health, and environmental justice impacts of the plastics industry, as well as enforce financial assurance obligations under the CERCLA (Superfund law).

5. \$150 Million for Research on the Health Impacts of Plastics The National Institute of Environmental Health Sciences' (NIEHS) National Toxicology Program (\$50 million) and the Centers for Disease Control and Prevention's National Center for Environmental Health (NCEH) (\$35 million) should conduct a series of studies on the presence of plastics in the human body and its impact on human health. The National Academy of Sciences and the National Institutes of Health (\$4 million) should conduct a study and report on the environmental, public health, and environmental justice impacts of the plastic industry and its planned expansion. The Food and Drug Administration (\$5 million) should do a nationwide study on the presence of microplastics in food products, beverages, fish, fruits, and vegetables. The EPA (\$50 million) should study the presence of microplastics in drinking water and sewage treatment plant effluent. The U.S. Department of Agriculture (\$6 million) should study the presence of microplastics in soil and in sewage sludge from sewage treatment plants. Congressional Stimulus and Funding Bills: Recommendations to Reduce Plastic Pollution | 4  
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6. \$500 Million to the EPA for Recycling Programs and Materials Recovery Facilities for Non-Plastic Recyclables The Administration and Congress should provide the EPA sufficient funding to support new and improved Materials Recovery Facilities (MRFs) in local jurisdictions across the country to achieve higher quality materials suitable for local end-markets, while providing jobs and stimulating innovation.

7. \$250 Million for Composting The EPA should provide funding to local governments and public colleges to upgrade and expand commercial-scale composting and other infrastructure for organic waste.

8. \$50 Million to Develop Waste Reduction, Reuse and Refill Systems The U.S. Department of Commerce should establish a new Office of Waste Reduction Innovation and Recycling Market Development, with a primary focus on creating new domestic jobs and organizing job training programs for companies investing in waste reduction and reusable and refillable technologies and products, and a secondary focus on recycling and composting companies.

9. \$1 Million for the Architect of the Capitol to Reduce Single-Use Plastic in the Capitol and Legislative Offices The Architect of the Capitol should install or upgrade water refill systems and improve organics collection throughout the Capitol Building, legislative offices, and other buildings under the management of the Architect of the Capitol.

10. \$25 Million for Green Chemistry The EPA Office of Research and Development should invest in sustainable, green chemistry which will lead to a wave of innovation and job creation, including a core focus on 21st century green chemistry and toxicology methods.

11. \$50 Million for AmeriCorps AmeriCorps should establish a new program creating intensive waste reduction, recycling, and composting zones around the country.

12. \$20 Million to the EPA's Clean Water State Revolving Fund for Stormwater, Trash, and Debris Capture Systems and Green Infrastructure Design The EPA should ensure that there are adequate resources nationally for the installation of storm drain waste capture devices and green infrastructure in response to rain storms becoming more intense.

13. \$25 Million for Reducing and Mitigating Plastic in the Ocean The National Oceanic and Atmospheric Administration (NOAA) should develop regulations, in consultation with the EPA, to reduce and mitigate abandoned, lost or otherwise discarded fishing gear, as well as to reduce plastic in hunting and fishing items. Additionally, burning plastic fishing gear (as is currently being facilitated by NOAA) must stop.

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WHAT SHOULD NOT BE INCLUDED IN FEDERAL ACTIONS POINT OF CONCERN WHY SHOULD IT BE OMITTED?

1. The production, distribution, and export of plastic must be reduced. Federal funding must help stop plastic contamination at its source before it enters the marketplace while improving our waste management systems, developing new business models, phasing out the worst plastic offenders, and shifting to reusable non-plastic alternatives. The federal government should also prohibit the export of plastic waste.

2. Chemical or "Advanced" Recycling is costly, polluting, and ineffective, and should not receive direct funding or loan guarantees. Although pyrolysis and gasification companies have promoted themselves as an alternative to waste disposal for decades, not one of the 37 "chemical recycling"

projects announced in the U.S. in the last 20 years has successfully recycled plastic at a commercial scale.

3. Plastic Carbon Sequestration is not a good policy. Funding should be provided for carbon sequestration activities in the area of land use (e.g. reforestation, improved agricultural practices, soil restoration, composting, organic food and yard waste). No funding or tax incentives should be provided for the landfilling of plastic as carbon sequestration or the production of plastic as carbon utilization.

4. Downcycling is not the solution. The term “recycling” should not include the conversion of plastic into material that is of lower quality and functionality than the original material (commonly referred to as “downcycling”). Likewise, “recycling” should not include the conversion of plastic waste to fuel, energy, chemicals or other products.

5. Incineration under the guise of “waste to energy” or “waste to fuel” or gasification or pyrolysis is harmful and ineffective. These facilities are disproportionately built in low income communities and communities of color, where they release harmful emissions and greenhouse gases. Incineration is also one of the most expensive ways to generate energy, competes with recyclers for the same materials, and creates fewer jobs compared to zero waste practices.

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**New Mexico Recycling Coalition: <https://www.recyclenewmexico.com>**

**Run by Sarah Pierdine**