



February 1, 2022

Emailed to Senate Finance Committee Chair Liz Krueger
financechair@nysenate.gov

Assembly Ways and Means Committee Chair Helene E. Weinstein
wamchair@nyassembly.gov

Written Testimony Regarding Transportation, Economic Development, and Environmental Conservation Part Y “Clarifying the State’s Ban on Single-Use Plastic Bags.”

Greetings Chair Krueger and Chair Weinstein,

The Newtown Creek Alliance (NCA) is a community-based organization dedicated to restoring, revealing and revitalizing Newtown Creek. We partner with local groups, individuals, and commercial and industrial community members with the goal of ensuring the improved health of Newtown Creek and its surrounding communities. We are actively fighting for environmental justice and equity for our community, centering the cleanup of existent contamination and cessation of illegal dumping to promote human and ecological health. Part of our work involves installing and maintaining green corridors in the Creek’s watershed. We’ve seen a sharp increase in the number of “reusable bags” made from woven plastics dumped as litter in the greenspaces we manage and in tree-pits and rain gardens throughout the watershed since the initial Plastic Bag Ban (the “Ban”) went into place.

Across New York City, we’ve found that these low quality, plastic-fabric bags that are being distributed (“sold”) by shops function as single-use bags. Instead of strengthening the Ban and offering opportunities to support businesses in their transition from single-use and low quality plastic bags, this proposed language offers even more exemptions. This bill language would in no way help our State transition away from our reliance on low quality plastic bags.

From this vantage, we request that the Legislator:

1. Prioritize a transition from plastic bags and promote the reuse of bags, not the sale/distribution of “reusable bags.” This bill text will create new markets for the oil and plastics industry’s refining byproducts by allowing stores to give plastic bags out. We do not support increased demand for oil industry byproducts.
2. Reword the definition of “reusable bags” to ensure that 100% post consumer use plastic is the only plastic allowed in the manufacturing of legally considered “reusable bags.”
3. Require “reusable bags” to be sturdy enough to last at least 1 mile walking distance.
4. All retail establishments should be included in the Ban, not just those 5,000 sf or greater. This enables most urban retailers to be excluded from the Ban.

The point of the single use plastic bag ban is to reduce the waste created by our single-use economy, and help transition our State's reliance on petroleum and its byproducts to cleaner, non-extractive systems. We are against the proposed expansion of the definition of “reusable bag” (beginning page 133 line 4) from just machine washable cloth bags to those made of woven or non-woven virgin polypropylene (PP), virgin polyethylene-terephthalate (PET), and/or nylon and polyester not made from 100% post-consumer waste products. **By expanding this definition the State will be promoting the creation and distribution of new plastic products, weakening the Ban and delaying our transition from unnecessary plastics.**

We are also opposed to the lifespan and use definitions that leave transit- and walking-dependent New Yorkers behind. The new language proposed is attempting to define a bag “reusable” if it can support 20 pounds of weight over a minimum of 175 feet (page 133 lines 17-19). Considering that many researchers¹ determine that a reasonable walking distance to a grocery store is half a mile, and one mile is a reasonable maximum walking distance to a store², 175 feet (or just over 3% of a mile) is a ridiculously low viability standard for bags given to New Yorkers who walk or take public transportation to shop. We request that the needs of public transit- and walking- dependent be prioritized in the development of sturdiness standards for shopping bags. **To ensure reuse of these bags,** objectively the point of creating and selling reusable bags in place of disposable/single use bags, **we request that “reusable bags” be sturdy enough to carry the proposed 22 pound minimum over multiple 1-mile walking trips.**

We oppose the exemption for “plastic carryout bags” from restaurants or taverns from the Ban (page 138 lines 10-12), and the allowance of “bags sold as” trash/ yard waste (f), or food storage bags (g), and bags containing pre-labeled merchandise (i) (lines 8-10). We know that it will be a challenge for businesses and customers to change our ways of shopping, but exemptions from the Ban will not support this transition, only prolong it. Instead of finding creative ways to let us continue living business as usual in our system that is heavily reliant on single-use plastic, we need our legislators to help guide us in the transition to true waste reduction in our supply chain.

Finally, the definition of “stores” (page 133 beginning line 25) should be inclusive of all businesses that provided plastic bags to their customers as a result of a sale prior to 3/1/2020. As written, only stores over 10,000sf (or 5,000sf if part of a chain of 5 or more locations) must follow this mandate. Assessing the open market for commercial leases in New York City there are retail spaces currently for rent ranging from 160sf to entire buildings over 100,000sf with the average unit size less than 5,000sf³. It’s alarming that most retailers in New York City will be excluded from the mandates

¹ including New York University School of Medicine Public Health faculty members Athens, Duncan, and Elbel in a 2017 Journal of Academic Nutrition paper [viewable through the NIH](#) here.

² Concluded by Yang and Diez-Roux in a 2013 American Journal of Preventable Medicine [article viewable through the NIH](#) here.

³ Propertyshark data, accessed 2/1/2021.



proposed. As we promote local and small businesses as well, we'd like to see these smaller-footprint retailers included in an effective plastic bag ban that offers guidance and resources for a transition from plastic bags and point-of-service bag distribution.

We hope that these changes will be reflected in the final legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Elkins", written in a cursive style.

Willis Elkins

Executive Director

welkins@newtowncreekalliance.org

347-504-6701