



sanitation

Edward Grayson Commissioner

Testimony of Gregory Anderson, Deputy Commissioner New York City Department of Sanitation

**Intro 1775B Local Law to amend the administrative code of the city of New York,
in relation to eating utensils**

New York City Council Committee on Consumer Affairs and Business Licensing

**Tuesday, December 7, 2021
9:00 A.M.**

Good morning Chair Ayala and members of the City Council Committee on Consumer Affairs and Business Licensing. I am Gregory Anderson, Deputy Commissioner for Policy and External Affairs at the New York City Department of Sanitation (“DSNY”). I am joined today by Steven Ettannani, Executive Director for External Affairs at the Department of Consumer and Worker Protection. Thank you for the opportunity to provide testimony on Intro 1775.

New York City has long been a leader in the fight to reduce the use of single-use products, especially plastics. In the last eight years, the City has repeatedly taken bold action to take on these products, many of which are difficult to recycle and are manufactured using harmful fossil fuels. These efforts are an important part of our efforts to fight climate change, achieve carbon neutrality, and send zero waste to landfills.

In 2016, New York City passed a law implementing a five-cent fee on all carryout bags, including the nearly 10 billion plastic carryout bags used in the city each year. While that law was subsequently preempted by the State legislature, we are proud to have worked with the State to enact and implement a statewide ban on plastic bags and a local fee on paper bags. These policies encourage the use of reusable bags and collect vital fee revenue to support the manufacture and distribution of reusable bags in New York City. The State Department of Environmental Conservation began enforcing this law in October 2020.

In 2017, DSNY banned foam food service products and packing peanuts, following repeated attempts by the plastic industry to challenge the ban. That ban occurred as a result of a detailed analysis of the recyclability of these products, which determined that they cannot be recycled in an economical and sustainable manner. The ban on foam food service products took effect on January 1, 2019.

In April 2019, Mayor de Blasio signed Executive Order 42 to eliminate the use of City funds for the unnecessary purchase of single-use plastic foodware, including, but not limited to, forks, spoons, knives, and straws. Pursuant to the Executive Order, all city agencies, the Department of Education and NYC Health + Hospitals were required to develop, submit and implement a

plan to eliminate the expenditure of City funds for the direct purchase of unnecessary single-use plastic foodware in favor of reusable, compostable, or recyclable alternatives determined eligible by the City. Agencies were required to submit their plans to the Mayor's Office of Sustainability and the Mayor's Office of Contract Services.

And just last month, Local Law 64 of 2021 took effect, prohibiting food service establishments from providing plastic straws, except upon request. The law also bans all plastic stirrers and splash sticks and requires that food service establishments provide plastic straws to customers that request them, an important protection for New Yorkers that rely on straws to eat or drink. DSNY has conducted outreach to 33,000 businesses to-date and is sending a multilingual mailer to 69,000 businesses this month. DSNY will continue to educate businesses and residents about this important law until the warning period ends on October 31, 2022.

I will turn now to Intro. 1775. This bill would require food service establishments to only provide utensils upon request for takeout or delivery. These utensils include forks, spoons, knives, chopsticks, plates bowls, cups and lids. The bill would also require food service establishments to only provide condiment packets and napkins upon request for takeout or delivery.

While these products make up a very small share of the City's waste stream, this is an important symbolic and principled step toward giving consumers more agency in reducing their own personal waste footprint. I'm sure we have all ordered takeout or delivery and received unnecessary and unwanted plastic utensils – often wrapped in film plastic – and packets of condiments. This bill will give customers the choice of whether to receive these products with their takeout or delivery food order, eliminating waste and potentially reducing costs for businesses. We look forward to discussing this bill further with the Council and working together to enact this important legislation.

Reducing the use of single-use products is an important part of achieving our zero waste goals. This approach reduces our overall waste stream and encourages New Yorkers to use – and reuse – more sustainable and durable alternatives.

Thank you for the opportunity to testify today, and we are now happy to answer any questions.

December 7, 2021

Testimony of the NYC Hospitality Alliance on Int. 1755-B in relation to eating utensils.

The NYC Hospitality Alliance is a not-for-profit organization that represents restaurants and nightlife establishments throughout the five boroughs. The following is our comments on Int. 1755-B, which requires food service establishments to only provide non-reusable utensils to customers upon request for takeout or delivery.

First, our organization is concerned with the general over-regulation of our city's eating and drinking establishments, however, we believe we must review each proposal on its individual merits to determine how it impacts our industry. After review of this legislation, we believe it will save restaurants money by reducing the number of single use plastic utensils and condiment packages they often provide customers that go unused, while also reducing the plastic waste that ends up on in our waste system, in our waterways, on our streets, and harms our environment.

This bill now provides important provisions for restaurants such as a warning for first time violations, it requires the City to conduct outreach and education about the law to restaurants, and it provides them protection if the third-party delivery companies and couriers do not fulfill their obligations under the law so restaurants can comply.

However, we request an additional amendment to the bill because it provides a complete defense for restaurants relying on the third-party delivery companies and couriers' order transmission. But there will be no practical way to prove that when a violation is received if a restaurant doesn't have ongoing access to that information. Therefore, the proposal should require third-party delivery companies and couriers to retain the utensil and condiment request information and provide it to restaurants should they receive an inquiry or violation. Additionally, if third-party delivery companies and couriers do not provide such utensil and condiment order information to a restaurant, the restaurant may not be held liable for non-compliance.

We thank the bill's sponsor, Council Member Van Bramer and the City Council for consideration of our comments.

If you have questions, you can reach me at arigie@thenycalliance.org.



In regards to Intro 1775-B

Good afternoon. My name is Kathleen Reilly, and I am the NYC Government Affairs Manager for the New York State Restaurant Association. We are a trade association representing food and beverage establishments in New York City and State. We are the largest hospitality trade association in the State, and we have advocated on behalf of our members for over 80 years. Our members represent a large and widely regulated constituency in New York City, and our industry continues to be disproportionately hurt by the lingering impact and losses of the Covid-19 pandemic.

We are here today to express general support and point out some areas for clarification in the language of Intro 1775-B. This legislation is aimed at reducing plastic waste by changing the default choices for consumers ordering takeout and delivery, so that they will not receive disposable utensils with their order except upon request. In general, NYSRA supports this effort to reduce waste and we appreciate that this legislation would allow restaurant operators to continue using the same materials they already have, just in a more intentional way.

With that said, the current definition of “utensils” found in the legislation is something we would like to see clarified so that it matches conventional understanding of what counts as a utensil. Forks, knives, spoons, and chopsticks are conventionally seen as utensils, whereas plates, bowls, cups, and lids are not. Even in the hearing itself, virtually every visual of the waste this legislation is targeting included forks, knives, spoons (and packets of all three), chopsticks, as well as condiments and napkins, which are individually defined in the legislation. For the sake of clarity for both operators and members of the public, we would ask that “utensils” be limited to the forks, knives, spoons, and chopsticks that most people are expecting when they hear “utensils.”

We understand that this legislation would also like to prohibit adding extra unwanted plates, bowls, cups, or lids to takeout and delivery orders, like when a stack of paper or plastic plates are automatically added to a pizza order. To this end, we would request that “supplemental disposable dishes” receive its own line in the definitions, to mean any additional single or stack of plates, bowls, cups, or lids, beyond the container that the food or beverage actually comes in. We would like to see this clarification because the language, as it stands, arguably means that a customer would have to request their coffee be served in a cup and their salad come in a bowl, as opposed to loose. We know that is not the intention of the legislation, so we suggest changing the definitions to reflect that.

Another important point of clarification we’d like to see is about the ability of restaurant employees to verbally prompt or ask customers whether or not they want utensils with their order. In an online format with check boxes, customers are visually prompted to either request utensils or not. However in verbal or face-to-face ordering scenarios, customers may forget about asking for utensils, and we want to make sure employees are allowed to ask questions like “would you like

any utensils with your order?” or “as a reminder, utensils are given only upon request. Would you like some today?” I’d also like to note that some quick-service members are especially concerned about drive-through orders, where they fear customers will be even less likely to remember to ask for utensils, and then may be stranded on the road without the ability to eat their food. Their top preference for efficiency in drive-through lines would be to continue adding utensils by default, but they are satisfied with the compromise of verbally prompting customers with a reminder to request utensils.

Finally, we continue to advocate for New York City to focus on education-based enforcement rather than punitive fines. Instituting a grace period of at least one year from the time this law takes effect would be a start, and it would also be reasonable for inspectors or complaint respondents to consider whether an individual violation is the result of non-compliant operator policy, or the mistake of a single employee.

Thank you for taking the time to consider our points of clarification today, and we look forward to being a partner on this issue moving forward.

Respectfully Submitted,

Kathleen Reilly

NYC Government Affairs Manager

New York State Restaurant Association

401 New Karner Road

Albany, New York 12205



**Testimony of Carlos Castell Croke
Associate for NYC Programs
New York League of Conservation Voters**

**City Council Consumer Affairs and Business Licensing
Hearing on Intro 1775-B (Skip the Stuff)
December 7, 2021**

Good morning, my name is Carlos Castell Croke and I am the Associate for New York City Programs at the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. I would like to thank the members of the consumer affairs committee and especially council member Van Bramer for the opportunity to testify today.

Since their creation, single use plastics have plagued the environment. Our climate is impacted by the carbon emissions in their manufacturing and shipping and the litter pollutes our streets, parks, beaches and waterways causing damage to wildlife. Intro 1775, also known as Skip the Stuff, is an incredibly important piece of legislation that, if passed, will help us protect and preserve our environment and public health with a simple and obvious shift in behaviour.

In New York City, we spend an onerous amount of time and money dealing specifically with single use items from takeout and delivery such as plastic utensils, napkins, and condiment packages. The Mayor's Office reported approximately 36 million pounds of single-use plastic food ware is collected from New York City's residential waste stream, and we singlehandedly spend \$42 million a year just to manage the waste from single-use cutlery. All of this processing and management is just to send these items to landfills or incinerators. None of these items are recyclable, so they degrade into harmful microplastics that threaten the health of our wildlife and can eventually end up in our food supply.

Plastic production, shipping and waste management are all fossil fuel intensive processes that pollute our air and contribute to climate change. Production and waste facilities are also often located in low income communities of color where the residents are already overburdened by poor air quality and other major environmental injustices.

Therefore, we urge the council to pass Intro 1775-B to reduce the needless waste that occurs when takeout and delivery meals come with utensils, condiments, napkins, and other accessories that consumers don't want or need. This bill, if it were to become law, would require that restaurants only provide single-use accessories for when customers specifically request them. Some delivery services are already doing this, but we need a permanent, mandated fix to truly reduce waste and shift culture away from reliance on single use items.

Thank you for the opportunity to testify today.



**New York Lawyers
for the Public Interest, Inc.**
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**Testimony of New York Lawyers for the Public Interest Regarding Intro 1775-B
Before the Committee on Consumer Affairs and Business Licensing**

December 7th, 2021

Good morning, my name is Caroline Soussloff, and I am a Legal Fellow in the Environmental Justice Program at New York Lawyers for the Public Interest (NYLPI). NYLPI works with communities across the New York City area to combat inequalities, injustices, and infringements on civil rights. Our Environmental Justice program has advocated and litigated against the inequitable distribution of environmental burdens and benefits in our City for almost three decades. Thank you to the Council, the Committee on Consumer Affairs and Business Licensing, and Chair Chin for the opportunity to testify in support of Intro 1775-B, the “Skip the Stuff” bill.

For decades, we have partnered with Environmental Justice communities to fight for a more equitable solid waste management system. Our City’s waste infrastructure, such as waste transfer stations and truck depots, has historically been concentrated in a few low-income communities of color. These communities have, for too long, borne the brunt of the resulting poor air quality, unsafe traffic, noise, odors, and vermin, with measurable repercussions for public health.

For this reason, NYLPI has long supported comprehensive, equitable reforms to reduce and divert the massive amount of waste that NYC currently trucks to landfills and incinerators. Reducing waste at its source is an important piece of this effort because the more solid waste that is produced, the more the communities who live adjacent to waste infrastructure suffer. We urge the City to build on the widespread behavior changes that the single-use bag fee has enabled and do the same with other single-use plastics.

There is an especially urgent need for waste reduction on the commercial side, and this bill is well-timed to help support the implementation of Local Law 199 of 2019, New York’s landmark Commercial Waste Zones Law. It is our recommendation that the Commercial Waste Zone contracts being negotiated next year will include strong incentives for both the selected haulers and their customers to implement robust waste reduction programs. This bill will help business to reduce one source of plastic waste.

Reducing our City’s reliance on single-use plastics has far-reaching implications for Environmental Justice. The pollution from plastic not only harms the Environmental Justice communities where plastic waste ends up, but also the Environmental Justice communities where plastic is produced in the first place. The petrochemical facilities that produce the plastic pellets used to make single-use plastic items are overwhelmingly sited in low-income communities and communities of color, where they pump toxic chemicals and greenhouse gases into the air.



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Petrochemical manufacturing, as well as municipal solid waste processing, are both major sources of climate pollution. Because petrochemical manufacturing guzzles up fossil fuels, our reliance on plastic is closely tied to our reliance on oil and natural gas. Reducing plastic usage in our City is thus a step towards climate resilience.

This bill is a straightforward, common-sense measure: it spares consumers from receiving items they do not want in the first place and will likely never end up using, and it will be easy and extremely cost-effective for businesses to comply with. In sum, Intro 1775-B would help alleviate significant environmental injustices, while reducing waste and benefitting business owners. We therefore urge the Council to vote to “Skip the Stuff!”

Thank you all for your time and consideration today.



TESTIMONY SUPPORTING INTRO. 1775B

December 7, 2021

My name is Jane Selden, and I'm testifying today on behalf of 350NYC, a grass-roots climate activist group that advocates for radically reducing greenhouse gas emissions and effecting a just transition to a renewable economy. We at 350NYC know that the world can't reach its GHG emission reductions goals without seriously addressing the environmental impact of plastic. Largely as a result of the fracking boom, plastic production has grown exponentially in the last twenty years. The sourcing, transport, production, and disposal of single-use plastic is now not only a major contributor to the climate crisis, but has a disproportionate impact on the health of low income communities and communities of color. The most effective way to address the proliferation of single-use plastic is to reduce demand for it, which is why 350NYC fully supports the "Skip the Stuff" bill (Int. 1775B).

Most people do not readily associate the innocuous-looking plastic utensils included in their take-out order with the fossil fuel industry, but, in fact, 99% of plastic is sourced from oil and fracked gas. When natural gas is extracted through fracking, methane escapes through leakage and flaring. Methane is a highly potent greenhouse gas with 84 times the global warming potential of CO₂ over a 12-year period. In a recent study, scientists at Cornell and Stanford Universities concluded that methane leakage amounts to the equivalent of 36 million tons of CO₂ a year. In addition, communities near these sites are exposed to harmful air pollutants and water contamination. The EPA has, in fact, identified over 170 chemicals associated with fracking with known negative health impacts.

The noxious effects of plastics production continue at the next stage of its lifecycle, the "cracker" plants, where ethane, a product of fracking, is converted to ethylene, used to produce the building blocks of single use plastic products. According to a recent report by *Beyond Plastics*, entitled *Plastics is the New Coal*, in 2020 ethane cracker plants and the on-site power plants required to operate them released the equivalent of approximately 70 million tons of CO₂, which is roughly the same as 35 coal plants. The highest concentration of ethane cracker plants is located along the Gulf Coast of Texas and Louisiana, where there are already 150 petrochemical plants and more in the planning stage. These facilities emit a host of toxins, including benzene, sulfur dioxide, formaldehyde, and particulate matter that endanger the health of local communities.

I would like to be able to say that recycling is the final stage in the life of single use plastic products, but that's rarely the case. The sad reality is that recycling rate for plastic products is less than 9%. Most single use plastic, like the plastic utensils and condiment packets targeted in the "Skip the Stuff" bill, ends up in landfill, where it can take hundreds of years to decompose and often leaks harmful chemicals into the

ground water. Even deadlier for the environment and for public health is when plastic is sent to incinerators. Burning plastic produces significant amounts of CO2 and other potent greenhouse gases, as well as harmful toxins like dioxins and heavy metals. In the U.S., 80% of these incinerators are located in low income communities and/or communities of color.

It's a fact that we can't recycle our way out of the plastic waste problem; we need to focus instead on solutions requiring "reduce, reuse, and refill." New York State's plastic bag ban and the recently passed "Straws on Request" bill were both important steps in this direction. Now, New York City has an opportunity to reduce the estimated 100 million plastic utensils that are used and discarded every day in this country. We urge the City Council to once again play a leadership role in advocating for the health of the planet and our environmental justice communities by passing the "Skip the Stuff" bill.

Thank you.

Jane Selden
350NYC



Working creatively with youth to achieve zero-waste, climate-smart school communities and a plastic free biosphere

**Cafeteria Culture (CafCu) Testimony to the New York City Council (NYCC)
Committee on Consumer Affairs Hearing
December 7, 2021 on Intro 1775, SkipTheStuff**

Good morning, Councilwoman Chin and members of the committee. Thank you for this opportunity to testify. I am Debby Lee Cohen, Executive Director and Founder of Cafeteria Culture, Co-Director/Producer of the movie, [MICROPLASTIC MADNESS](#), and a [stage IV cancer patient](#). Cafeteria Culture has been developing innovative, interdisciplinary zero waste, climate education and partnering with NYC Department of Education students and staff on zero waste pilots and victories since 2010.

Cafeteria Culture strongly supports [Intro 1775](#) -“Skip the Stuff” - and we urge you to pass this sensible and timely bill that requires restaurants, food delivery apps, and online delivery platforms to provide single use items, such as utensils, condiments, and napkins, by customer request only. When passed, this bill will be both an economic win for Restaurants and **a critical step towards our City’s climate mitigation and zero waste goals.**

Plastic production and disposal are linked to environmental injustice, public health, and the climate crisis.

We urgently need our policy makers, like you, to understand the connection between plastics, public health, and the climate emergency, and to pass laws, to support regulations, and carefully consider city contracts that address the compounding problems of plastic pollution, public health, environmental degradation and the climate emergency. We need to do this now - to protect our most vulnerable communities and our children and before it is too late. Passing the “Skip The Stuff” bill is a timely action that demonstrates your concern for these overlapping crises

Plastics are made from a multitude of toxic chemicals as well as fossil fuels. When in the environment, they do not biodegrade. When in the environment, polluting plastic utensils, straws and condiment packets break down into small pieces called microplastics, which have caused a near-permanent contamination of the environment. They are in the air that we breathe, our soil, and the food that we eat. Scientists have found microplastics in our organs, human stool, and in human placentas. Scientists warn that microplastics constitute a public health threat worse than asbestos. As a Stage IV cancer patient who worked as a scenic designer with toxic plastics I am compelled to highlight these human health concerns. I know firsthand how toxic plastic pollution and microplastic dust can negatively impact one’s life. I do not wish this on anyone.

The petrochemical industry and the pollution it creates disproportionately harms people of color and low-income communities. **This is true for Manhattan’s garbage, most of which is exported nightly to the Covanta incinerator in Newark, NJ. Every year, the United States alone burns or buries in landfills 32 million tons of plastic, negatively impacting the health, wealth, and well-being of frontline communities and possibly all of us.**



Working creatively with youth to achieve zero-waste, climate-smart school communities and a plastic free biosphere

The United States is officially the global leader in plastic waste production. This shameful status was confirmed last week by a US Congressional mandated report. As a nation we generate about 287 pounds of plastics per person. In 2016, the US produced 42 million metric tons of plastic waste per year, which is almost twice as much as China, and more than the entire European Union combined.

With a “business as usual” scenario, that number is on track to reach 53 million by 2030, or “roughly half of the total weight of fish caught from the ocean annually.” This research was conducted by our nation’s top scientists and should compel policy makers to address this increasing environmental and health crisis.

Meanwhile, expanding plastic production is the fossil fuel industry’s Plan B, a strategy to keep their profits flowing as demand for fossil fuel for energy decreases. Cheap ethane gas, which is a byproduct of hydraulic “fracking” is used to create the building blocks of single-use plastics.. In September 2018, The American Chemistry Council reported total investments of over \$200 billion in more than 330 new or expanded facilities, a 25 percent increase over the previous year’s reported investments.

New York City’s single-use plastics are contributing to the climate emergency. Our food service industry, including our publicly funded school food meals, waste precious dollars on the purchase and disposal of unacceptable amounts of single-use plastic items, many that never even get used before they are “thrown away,” then exported to out of state incinerators and landfills.

Last spring, 5th grade students in our programs at PS 188 the Island School and PS 34 Franklin D. Roosevelt studied about the plastic connection to climate and environmental justice. They collected plastic waste data from their own school lunches, analyzed their data, they asked their school food manager if she could make plastic utensils and napkin packages available by request only and she agreed. After learning about thier their victory, students screamed, “Deli’s next!” Let’s learn form our children and SKIP THE STUFF!

Thank you,

Debby Lee Cohen (she/her/hers), [Cafeteria Culture](#), Executive Director/ Founder, On Lenape land Co-Director/Producer, [MicroplasticMadness.org](#) - a movie and impact campaign

**Cafeteria Culture is a core member of the US Break Free From Plastic movement

[Cafeteria Culture](#) (CafCu, founded as Styrofoam Out of Schools) works with youth to creatively achieve zero waste/ climate smart schools communities and a plastic free biosphere. We teach innovative environmental education that fosters youth-led solutions by merging citizen science, civic action. video production and the arts. Students in our programs, overwhelmingly from lower income communities of color and living in public housing, are providing an urgently needed voice to our City’s plastic free and climate movement. By partnering with School Food Directors and students, we catalyzed the elimination of styrofoam trays from New York City schools. We are now focused on eliminating the remaining single-use plastics from NYC school cafeterias, reviving refill and reuse models and piloting new methods for dramatically reducing wasted food so that school organics can be managed locally.

NYC Council Consumer Affairs Committee Must #SkipTheStuff Hearing This Week. The Reusable Economy is Waiting.

Most agree that climate change is a major concern that requires action, fast. What most people don't realize: [plastic warms the planet twice as much as aviation](#). I understand the challenges that come with reducing plastic especially well because I co-founded [Deliver Zero](#), one of the first reusable takeout container startups. But what I can't comprehend is how the distribution of a product as unnecessary as single-use utensils continues to go unchecked. The often-unwanted single-use plastic utensils routinely sent out with delivery orders contribute to emissions. It needs to stop.

There's a solution on the table: The [#SkipTheStuff ordinance](#) would require foodservice establishments to provide single use utensils only upon request. As New York City councilmembers decide whether or not to let New Yorkers #SkipTheStuff, the Committee on Consumer Affairs needs to hold a hearing on the bill within the next two weeks.

Our cities are flooding and our planet is burning in no small part due to plastic, and yet most takeout orders include single-use utensils by default. In order to effectively address the climate crisis, we need to cut out every inefficient use of fossil fuels—like single-use plastics—urgently. We can't solve the climate crisis without solving the plastic crisis.

Protecting the natural environment, [our greatest ally in the fight against climate change](#), is equally urgent—and plastic is hurting us there, too. According to Oceana, [which has reported on plastic impacts on the oceans, an estimated 33 billion pounds of plastic enter the ocean every year—that's roughly the equivalent of dumping two garbage trucks full of plastic into the oceans every minute](#). Most of that comes from land-based sources. Plastic utensils might seem small, but think of how many food deliveries go out every day in New York City alone.

Beyond the environmental impacts, #SkiptheStuff will save restaurant owners money and keep their customers happy. In most small businesses, every dollar saved matters. Currently, when locally operated restaurants put utensils in every takeout order, they are essentially throwing money away with each order: the plastic products they spend money on often go unused.

Because DeliverZero customers choose to order with us in an effort to reduce plastic waste, our customers are often upset when a restaurant still includes utensils even though they checked the box opting out of single-use utensils. More than once, I've actually had customers tell me they won't order from a restaurant again after receiving unwanted single-use utensils with their orders.

If it passes, #SkiptheStuff will take restaurants out of the line of fire by establishing a new norm whereby consumers would be required to ask for single-use plastic stuff when they want or need it. Many customers want to avoid unnecessary single-use plastic, and restaurants want to keep their customers happy while saving money. This bill would accomplish both goals.

This is a no-brainer bill. The plastic stuff will not be missed.

Lauren Sweeney
Cofounder, DeliverZero

Anita Chan - Written Testimony in Support of the Skip the Stuff Bill
Tuesday, December 7, 2021

Good Morning, My name is Anita and I am the zero waste manager at Earth Matter NY, a non-profit environmental organization on Governors Island. I am in support of the Skip the Stuff Bill. Most of us who order takeout or delivery probably have a collection of unused single-use utensils and condiment packets that were automatically given even if we opted out in the special instructions. We need to avoid the wasteful practice of automatically giving utensils, napkins, and condiment packets. In many cases, the food and drinks are consumed at home or other settings where supplies are already available.

Production of single-use items, much of which is plastic, creates air and water pollution, and often leads to litter from improper disposal. These past two years, the use of single-use items has increased based on the claim that it is safer to use them instead of reusables due to Covid-19. However, many studies have already proved that to be a false claim.

On Governors Island, Earth Matter NY has been working with food and drink vendors to reduce the use of unnecessary items when serving food and drinks. Allowing customers to opt into receiving utensils, napkins, and condiments, rather than getting them by default makes a huge difference. This proactive behavior is one of the strategies we use as part of our Zero Waste Island Initiative, a partnership with The Trust for Governors Island. An individual instance may seem minor but it adds up over time to a glut of unnecessary waste and pollution. When reuse isn't a viable option, we need to take action to cut down where we can and be responsible for the waste we generate.

This bill will create a win-win-win situation. Restaurants will be able to save money and space because they can buy less inventory. Our environment will benefit as less waste will be generated and the demand for single-use production and the associated transportation "footprint" costs will decrease. This bill will help with a smoother transition to reuse models in viable situations. Customers will be better able to live a more sustainable lifestyle and have less clutter of single-use items, signaling to others that they can make a choice to refuse what they do not need. I personally see this trend that has occurred with the bag ban and the straws upon request bill.

Let's make the right call and pass this bill that will significantly cut down waste associated with takeout and delivery without compromising the needs of customers.

I urge the NYC council to act quickly to pass the “Skip the Stuff” bill (1775b.) This is a very important plastic waste reduction bill that will complement the NYC Skip the Straw Bill, the NYS plastic bag ban, and the NYS polystyrene ban that goes into effect on January first. The city of Los Angeles unanimously passed a similar utensils upon request bill in April with great success. As the NYC metropolitan area is home to more than 20 million people, the largest city in the US has a big opportunity to reduce plastic pollution.

This rule will help NYC businesses and encourage more people to order takeout. A 2019 study from Shelton Group called *Waking the Sleeping Giant* found that half of Americans have changed their spending habits to avoid plastics. A full third of those consumers chose to buy products that did not have plastic packaging, regardless of the price or quality. This signals an important shift in consumption patterns that should encourage stronger rules cutting down unnecessary single use plastics and implementing stronger protections for the environment and marine life. It is important to note that single use plastic utensils will still be available upon request, for those who need utensils.

Single use plastics have become one of the biggest threats to our health, climate, and watersystems. Plastics are manufactured from oil and gas, and according to an October report from Beyond Plastics, emissions from US plastic manufacturing will exceed emissions from US coal fired power plants by 2030. 90% of those emissions are released into just 18 communities, mostly in Texas and Louisiana. Nearly half of all plastic manufactured today is designed to be used for just a few moments, and then persists in the environment for centuries. Despite our best waste practices, roughly a third of plastic waste winds up in the environment. Every year, 15 million tons of plastic enter our oceans.

It cannot be overstated how quickly the problem of plastic pollution is expanding, as plastic production facilities in the US are expanding and could quadruple capacity by just 2050. Emissions from production will exceed US coal emissions by just 2030. The fence-line communities where these facilities would be built have made it clear through organizing they do not want these facilities, I would argue this expansion is being driven by the extraction of fossil fuels, rather than consumer demand.

We need rules like Skip the Stuff in New York City, the largest city in the US, to signal that the theory of the single use economy is changing. The new normal will not rely on unnecessary single use plastics. This bill is obviously very popular amongst the public who testified at Tuesday’s hearing - the key to success, though, will be education and enforcement. I urge the council to pass this bill and then implement a robust education and enforcement program. Thank you.

Alexis Goldsmith
Organizing Director, Beyond Plastics
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From: Sandra Noonan <sandra@justsalad.com>
Sent: Tuesday, December 7, 2021 9:38 AM
To: Testimony
Subject: [EXTERNAL] Skip the Stuff Testimony - Sandra Noonan, Just Salad

My name is Sandra Noonan and I am Chief Sustainability Officer of Just Salad. We are a New York City based restaurant chain founded in 2006, and we have 25 locations spanning Manhattan and Brooklyn.

Today I want to express my support for the Skip the Stuff Bill. At Just Salad, we offer a \$0.10 discount to any delivery customer who opts out of utensils on orderjustsalad.com. But this voluntary effort is not enough to eliminate unnecessary utensil waste. In the two years since the Skip the Stuff bill was introduced, hundreds of millions of pounds of throwaway plastics like utensils, condiment packets, and napkins have accumulated in streets and landfills. It's time to pass this bill and cut our waste by making it mandatory for people in New York City to actively request to receive these items with their food delivery and takeout orders.

We need policies like Skip the Stuff to make this uniform across our industry and help us accelerate the cultural change that has to happen in order for our city, and our society, to stop being wantonly wasteful. As a restaurant leader and as a consumer, I must say that I am utterly sick and tired of the unwanted utensil waste that enters my home every time I order delivery -- even when I request no utensils, I still get them, because there are no consequences and no policies telling restaurants that this wasteful behavior must stop.

If we do not pass Skip the Stuff, we will continue to have a patchwork of restaurants who are trying to lead this change. That is suboptimal because a patchwork system confuses the public and fails to establish the necessary no-waste default. Failing to pass this measure will also impose extra burdens on restaurants that DO want to do the right thing, in the form of extra training and communication. By passing this measure, you will send a clear message to restaurants like Just Salad, and others, that their hard work to eliminate unnecessary single-use plastic are appreciated and supported.

I urge you to do the right thing and position New York City as a leader in the movement to make our society less wasteful.

--

Sandra Noonan
Chief Sustainability Officer
justsalad.com


Featured in [Forbes](#) | [New York Times](#) | [Sustainable Brands](#) | [GreenBiz](#)
Read our Sustainability Report [here](#)

**Testimony of Brian Langloss
New York Field Representative, Oceana
December 7, 2021**

Good morning. Thank you, Chair Ayala and committee members for the opportunity to testify in support of the “Skip the Stuff” ordinance, INT 1775-2019, to allow utensils and condiment packets to be given by request only. My name is Brian Langloss and I am the New York field representative at Oceana. Oceana is the largest international advocacy organization dedicated solely to ocean conservation. We work toward science-based policies that will restore the ocean’s abundance and biodiversity.

Plastic Pollution Is a Growing Problem for Ocean Health

Plastic pollution is a growing threat to the world’s oceans, as well as our food, health and climate. Each year, an estimated 33 billion pounds of plastic enter the marine environment. This is roughly equivalent to two garbage trucks full of plastic being dumped into the oceans every minute.¹

Single-use plastics are profoundly flawed by design. They are created from a material made to last forever but are designed to be thrown away after one use, and are sometimes only used for a few moments before polluting the Earth for years to come.

Plastic pollution is everywhere. Scientists have found plastic floating on the surface of the ocean, washing up on the world’s most remote coastlines, melting in Arctic Sea ice, raining onto the Rocky Mountains and even sitting at the deepest part of the ocean floor.^{2,3,4}

As plastics continue to flood into our oceans and other waterways, the list of species affected by plastic pollution expands. A piece of plastic can look like food to a fish, turtle, dolphin, whale or bird. Tens of thousands of individual marine animals have been observed suffering from entanglement or ingestion of plastic. Scientists estimate that 90% of seabird species have ingested plastic, and a 2019 study investigating plastic in 102 sea turtles found plastic in every individual.^{5,6,7} Plastic ingestion and entanglements can lead animals to die from starvation or

¹ Forrest A, Giacobazzi L, Dunlop S, *et al.* (2019) Eliminating Plastic Pollution: How a Voluntary Contribution From Industry Will Drive the Circular Plastics Economy. *Frontiers in Marine Science* 6: 627.

² Lavers JL and Bond JL (2017) Exceptional and rapid accumulation of anthropogenic debris on one of the world’s most remote and pristine islands. *Proceedings of the National Academy of Sciences* 114: 6052-6055. doi: 10.1073/pnas.1619818114

³ Chiba S, Saito H, Fletcher R, *et al.* (2018) Human footprint in the abyss: 30 year records of deep-sea plastic debris. *Marine Policy* 96: 204-212. doi: 10.1016/j.marpol.2018.03.022

⁴ Peeken I, Primpke S, Beyer B, *et al.* (2018) Arctic sea ice is an important temporal sink and means of transport for microplastic. *Nature Communications* 9 doi: 10.1038/s41467-018-03825-5

⁵ Wilcox C, Van Sebille E and Hardesty BD (2015) Threat of plastic pollution to seabirds is global, pervasive, and increasing. *Proceedings of the National Academy of Sciences* 112: 11899–11904. doi: 10.1073/pnas.1502108112

⁶ Duncan, EM, Broderick, AC, Fuller, WJ, *et al.* Microplastic ingestion ubiquitous in marine turtles. *Glob Change Biol.* 2019; 25: 744–752. <https://doi.org/10.1111/gcb.14519>

⁷ Warner K, Linske E, Mustain P, Valliant M, Leavitt C. November 2020. "Choked, Strangled, Drowned: The Plastics Crisis Unfolding in Our Oceans." Oceana. Washington, D.C. <https://mdcoastdispatch.com/2019/05/29/assateague-horse-incident-highlights-balloon-dangers/>. Accessed Feb 19, 2020.

suffocation. Ingested plastic may also cause ulcers or punctures and impair feeding, growth, mobility, reproduction and behavior.^{8,9}

Everything from salt to water to beer has been found to contain plastics.¹⁰ Scientists are still studying how humans might be affected by the plastics that are making their way into our food, water and air.

While we begin to realize the extent of plastic pollution's effects, plastic production continues to increase at a rapid rate. The plastics industry expects annual production will more than triple by 2050.^{11,12,13} As plastic production increases, so will the amount of plastic entering into the ocean.

Solution: Reduce single-use plastics by making plastic utensils and condiment packets available by request only.

Recycling is not enough to solve the plastic pollution crisis. Waste-management solutions have not adequately dealt with plastic pollution in the past and cannot realistically keep up with the rising rates of plastic production. Only 9% of all the plastic waste ever produced has been recycled.¹⁴ The rest of it ends up either in an incinerator, a landfill or the environment.

Policies governing the production and use of single-use plastic are the most effective way to stem the flow of it into our oceans, rivers and lakes, and these policies are becoming more common all around the world. While multiple countries have taken national action, the United States has so far failed to implement a nationwide policy that comprehensively addresses the plastics crisis threatening our future.

Instead, U.S. cities, counties and states have been leading the way. This is your chance to take an important step to reduce single-use plastic. Efforts to reduce these items are crucial to protect our environment.

The Skip the Stuff ordinance will reduce plastic pollution, help local businesses save money, and give New York City consumers the ability to choose to avoid unnecessary single-use plastic. We urge you to pass this ordinance to truly make an impact and help protect our oceans and rivers.

Thank you again for the opportunity to testify on this critical issue threatening the future of our oceans.

⁸ Cole M, Lindeque P, Fileman E, Halsband C and Galloway TS (2015) The Impact of Polystyrene Microplastics on Feeding, Function and Fecundity in the Marine Copepod *Calanus helgolandicus*. *Environmental Science & Technology* 49: 1130–1137. doi: 10.1021/es504525u

⁹ Watts AJR, Urbina MA, Corr S, Lewis C and Galloway TS (2015) Ingestion of Plastic Microfibers by the Crab *Carcinus maenas* and Its Effect on Food Consumption and Energy Balance. *Environmental Science & Technology* 49: 14597–14604. doi: 10.1021/acs.est.5b04026

¹⁰ Kosuth M, Mason SA and Wattenberg EV (2018) Anthropogenic contamination of tap water, beer, and sea salt. *PLOS ONE* 13. doi: 10.1371/journal.pone.0194970

¹¹ Geyer, R. Jambeck, J.R. & Law, K.L. (2017). Production, use, and fate of all plastics ever made. *Science Advances*

¹² -- (2020) Plastics — the Facts 2020. Plastics Europe, Association of Plastics Manufacturers. Available:

<https://www.plasticseurope.org/en/resources/publications/4312-plastics-facts-2020>

¹³ -- (2021) C&EN's World Chemical Outlook 2021. Available: <https://cen.acs.org/business/CENs-World-Chemical-Outlook-2021/99/i2>

¹⁴ Ibid.

Talking points:

- My name is Cassia Patel, I am the Program Director of Oceanic Global.
- Oceanic Global (OG) is an ocean conservation nonprofit that inspires us to care deeply for the ocean and provides solutions to protect it. We drive scalable behavior change at the grassroots & individual level, with businesses and industry, as well as support the policy reform needed to support transformation at all scales.
- Through our program the Blue Standard, we help businesses (primarily in the hospitality industry) eliminate single-use plastics and improve waste management. We have a history of working with the hospitality industry to support the Straw Bill in partnership with the WCS Give-A-Sip campaign and Lonely Whale.
 - Through that collaboration, we were able to get more than 100 restaurants in NYC to shift away from using single-use plastic straws to show that it was possible and could be cost-effective, therefore giving confidence for the legislation.
- In that mission and as an active member of the ReusableNYC coalition, OG is supportive of [COUNCIL MEMBER VAN BRAMER'S "SKIP THE STUFF" BILL INT. 1775-2019 B.](#)
- The production and consumption of single-use plastics is harmful to our communities and to our shared blue planet at every stage along the value chain from the point of fossil fuel extraction to waste disposal.
 - Processes and facilities that are highly polluting to our air and water, such as petrochemical production facilities, landfills and waste incinerators, are disproportionately sited in low-income and minority communities.
 - Studies have now found microplastics our air, our water, produce, beer, salt! By some estimates, we eat up to a credit card's worth of microplastics every week.
 - Shanna Swan's recent book "Count Down" alerts us to the concern that consumption of plastic and associated chemicals can decrease sperm counts in men, thus impacting the next generation in more ways than one.
- As such, the banning of single-use plastic items has been an effective mechanism to shift the market towards regenerative materials compatible with waste management infrastructure as well as towards communities and systems centered around reuse. And we are already seeing many innovative entrepreneurs and pilot programs arising here in NYC to meet that demand.
- Takeout has long been an NYC staple, but this was severely magnified with COVID-19, lockdowns, and restrictions on on-site dining. A vast majority of takeout and delivery food is being delivered to a home or place of business where people have access to a kitchen with utensils.
 - We now know that reusables can be just as safe as single-use. Through a cross-disciplinary think tank including the hospitality industry and food safety experts here in NYC, we put together guidelines showing that reusables can be safe backed by science from the WHO, CDC and FDA.
- Compassionate to the challenges COVID has created for the restaurant industry, this legislation would give businesses the opportunity to reduce spending on unnecessary single-use items thus supporting the sector in a difficult time.

- Restaurants in the US spend about \$20 billion every year on items such as condiments, napkins, and takeaway utensils.
- This proposed legislation dictates that restaurants and the online ordering platforms they use should default to providing no single-use accessories for orders unless the customer specifically requests them. Some platforms and restaurants have already switched to an accessories upon request model, but with an ever-changing landscape of delivery companies and restaurants, we need a legislative solution to ensure that the accessories on request model becomes permanent and normalized behavior in NYC.
 - As such, the choice is still up to the consumer whether they would like accessories or which accessories. This legislation just offers a standardized approach to reduce unnecessary waste and to make it easier for the businesses that are already pioneering this movement and taking action.

Testimony of Madeleine MacGillivray Wallace

For the Committee on Consumer Affairs and Business Licensing virtual hearing for the **Skip the Stuff bill 1775B**

Tuesday Dec. 7, 2021

Good morning Madam Chair, council member van bramer, Committee Members, and fellow panelists.

Thank you for this opportunity to be heard. My name is Madeleine MacGillivray Wallace and I am a native New Yorker born and raised. I am an Ambassador of the 5Gyres Institute, a prominent plastic and microplastics research and education organization. My research background is in microplastics, and I have witnessed devastating plastic pollution around the globe. I am also the climate science and policy fellow for Seeding Sovereignty, an Indigenous rights organization, where I focus on plastics and climate. But above all, I am a New Yorker who gets takeout and, like most of us, has a pile of completely unnecessary plastic utensils sitting in their home.

I was so excited to hear about this bill thanks to tireless work by Raine Manley. So much so that I knew I had to testify. This is my first public hearing testimony.

The reasons for the passing of this bill are seemingly endless. Most takeout is delivered to homes and workplaces, where, especially during COVID, consumers have plenty of silverware and in fact prefer eating with silverware. Restaurants are allocating a considerable chunk of their spending on purchasing, storing, packing, and delivering plastic utensils that will never be touched. All these unused plastic utensils place unnecessary burden on both the consumer and the city with how to recycle them. And finally, these plastic utensils will ultimately burden our environment because they break down into microplastics which also impact our health. So this bill is really a win-win-win-win. And I know that myself and probably millions of New Yorkers will let out a big sigh of relief if this bill passes. Delivery is, as we all know, convenient. What to do with these utensils is extremely inconvenient. For me and many others, the guilt is real.

As both a scientist and a New Yorker, I know that these local legislative measures are the first step in moving toward a sustainable future and showcasing our city as a global leader. This one couldn't be easier. Let's skip the stuff! Thank you very much.



December 9, 2021

NYC Council Member Diana Ayala, Chair,
Committee on Consumer Affairs and Business Licensing
New York City Council

RE: Introduction 1775B-2019 "Skip the Stuff"

Chair Ayala and Council Members of the Committee,

The New York City Chapter of the Surfrider Foundation supports proposed legislation Introduction 1775B-2019, known as the "Skip the Stuff" bill. This bill allows restaurants to save money, reduces waste and pollution, and honors customer choice. We thank you for holding a hearing, and ask for quick passage of the Skip the Stuff bill.

The Surfrider Foundation is a grassroots environmental organization dedicated to the protection and enjoyment of the world's ocean, waves, and beaches for all people. We submit these comments on behalf of our 80 chapters, 90 youth clubs, and more than 500,000 supporters, activists, and members in the United States, including our local chapter most affected by this proposed project, our New York City Chapter.

The Surfrider Foundation organizes about 1000 beach cleanups annually in the United States.¹ In 2021, our local NYC Chapter hosted 10 cleanups in the Rockaways, supporting 175 volunteers and collecting 425 pounds of litter, most of it plastic. In those 10 cleanups we collected 533 plastic straws, 350 plastic lids, 118 plastic utensils, and 247 paper napkins. The Skip the Stuff bill will reduce the usage of these items, and the litter and pollution that follow when they are not properly disposed of.

The Skip the Stuff bill is pretty straightforward: it seeks to change the expectations of takeout and delivery food customers. Instead of expecting to receive extra items like napkins, utensils, and condiments, under Skip the Stuff, customers will expect to *not* receive those items unless they specifically request them. This will save restaurants

¹ Surfrider Foundation. Better Beach Alliance. *Available at:* cleanups.surfrider.org

money, as nationally, restaurants spend about \$20 billion per year on such items.² For that and other reasons, Skip the Stuff has the support of the NYC Hospitality Alliance, the main group representing restaurants in NYC.

Reducing plastic usage is an environmental justice issue. Nearly 80% of plastic incinerators are located in low-income communities and/or communities of color and the pollutant fumes produced by incinerating plastic have toxic effects when inhaled.³ Waste management infrastructure is also disproportionately located in these communities.

This bill honors customer choice. 98% of takeout and delivery orders are eaten at home or in an office, where reusable utensils are available, and preferred.⁴ Every New Yorker has a drawer crammed with plastic utensils, chopsticks, and ketchup and soy sauce packets, which are often included with a meal even when specifically requested not to be. It will also save NYC taxpayer dollars, as less waste will need to be managed by the city.

Lastly, Skip the Stuff helps combat the plastic pollution crisis. Plastic particles are now found in our air, drinking water, soil, oceans, lakes, rivers and our bodies. This is a health crisis for our planet and everything that lives here, including humans. We need to reduce our usage of plastic to protect human health.

Thank you for considering our comments, please pass Introduction 1775B-2019, the Skip the Stuff bill, as soon as possible.

Nikita Scott, Chair
New York City Chapter of the Surfrider Foundation
Chair@nyc.surfrider.org

² Moss and Grousset. The Dirty Truth about Disposable Foodware. The Overbrook Foundation. February 2020.

³ Global Alliance for Incinerator Alternatives (GAIA) and the New School. US Municipal Solid Waste Incinerators: An Industry in Decline. May 2019.

⁴ McKinsey & Company. The changing market for food delivery. 2016.



December 6, 2021

New York City Council Speaker Corey Johnson
City Hall Office
New York, NY 10007

Dear Speaker Johnson,

We write to you as constituents who cherish the ocean, beaches, and waterways of New York City. We serve on the New York Leadership Council of the Surfrider Foundation, a national not-for-profit with members in New York City that is dedicated to the protection and enjoyment of our ocean, waves, and beaches, for all people. We are ocean users who recognize the epidemic of plastic pollution in our waters and communities. As such, we are pleased that you have brought local law 1775 (known as the “Skip the Stuff” bill) to a hearing so that the City Council can listen to stakeholders about this common sense, plastic waste reduction legislation and move the bill forward to a vote. Moreover, we look forward to passage of this bill.

As you know, this bill would require restaurants to provide plastic utensils, condiments, chopsticks, napkins and other foodware to take-out customers only upon request, rather than as a default. In doing so, the bill would cut back on the approximately 20,000 tons of (unrecyclable) plastic foodware in New York City’s waste stream,¹ and save money for restaurant operators.

This legislation now has majority support on the City Council due to its benefits to the natural environment, the savings it promises to restaurant owners, and the potential relief it would deliver to the City’s waste management burden. The city’s leading restaurant trade association, the New York City Hospitality Alliance, has also endorsed the bill.

We applaud the City’s efforts in recent years to reduce needless pollution from single-use plastics. The bill earlier this year requiring that straws and stirrers be given only on request is an important step in the right direction. In order to reduce the burden on our natural and economic resources meaningfully, we

¹ [Surfrider Foundation Comprehensive Foodware Policy Toolkit](#), p. 11 (July 23, 2020).

need to address a broader range of products that go largely unused and yet persist in the waste stream, leaving their mark permanently on our waters and coasts. This legislation preserves the ability of consumers to request items that they intend to use, but saves the environment, our communities, and restaurant owners from bearing the costs of wasted products.

Thank you again for acting on this bill before the end of the year. Its time has come.

Yours sincerely,

Christina Blaustein, Founder and Executive Coach, FlowCoach

Steven Dubb, Principal, Beechwood Homes

Charles Fisher, Chief Financial Officer, Turo

Dr. Natalie Hubbard, General Surgeon; Medical Consultant, Corpus Alchemy, LLC; Board of Directors, Surfrider Foundation

Denise Leonhard, Chief Commercial Officer, Venmo; Board of Directors, Surfrider Foundation

Jud Traphagen, Founder and Partner, Plough Penny Advisors



**Testimony by the Manhattan Solid Waste Advisory Board to the NYC Council
Committee on Consumer Affairs Hearing
December 7, 2021 on Intro 1775**

Good morning, Acting Chairwoman Chin and members of the committee. I am Kathy Nizzari of the Manhattan Solid Waste Advisory Board {MSWAB} speaking to you in support of [Intro 1775](#), known as “Skip the Stuff.” MSWAB, along with our coalition partners: Brooklyn Solid Waste Advisory Board, Big Reuse, Cafeteria Culture, Citizens Campaign For The Environment, Food & Water Watch, It’s Easy Being Green, Oceanic Global, Surfrider Foundation, 350NYC, and Upstream thank you for today’s hearing and urge you to support and call for passage of this vital bill that requires restaurants, food delivery apps, and online delivery platforms to provide single use utensils, condiments, and napkins **only if** requested by the customer. This legislation is simple, saves restaurants money, and reduces unnecessary waste, most of which makes its way into landfills or incinerators.

Every year, billions of utensils, napkins, condiment packets, and other accessories are included in take-out and delivery food orders even if customers don’t want or need them. Almost every New Yorker has that drawer in their kitchen that is chock full of plastic utensils and soy sauce packets! According to an Overbrook Foundation report, restaurants in the US spend about \$20 billion every year on such items that often get thrown out.¹

Plastic pollution is inextricably linked to the climate crisis and threatens human health.² Much of Manhattan’s waste is incinerated in Newark, significantly impacting public health and quality of life of Newark's lower income communities of color, where the childhood asthma rate of 25% is

¹ E. Moss, R. Grousset, The Dirty Truth about Disposable Foodware. The Overbrook Foundation. Feb. 2020.

https://uploads-ssl.webflow.com/5d696bc69fa6c2515873360a/5e618b692785ae55f96072f7_The%20Dirty%20Truth%20About%20Disposable%20Foodware_vF.pdf

² <https://yaleclimateconnections.org/2019/08/how-plastics-contribute-to-climate-change/>

three times higher than the national average.³ This public health and environmental justice issue cannot be ignored.

The solution is simple and elegant. Customers need to ask for these items ONLY if they truly need them.

Delivery and take out food has become even more popular during the COVID pandemic. As New York City restaurants continue to struggle financially, this bill would allow them to save money on foodware supplies. Passing Intro 1775 would be a win for consumers, restaurants, and the environment.

Please show your support for this bill by passing it in your committee and urging the Speaker to schedule it for a floor vote before the current Council session ends.

Thank you for your time. And thank you, Councilman Van Bramer, for this important bill.

###

Members of the Manhattan Solid Waste Advisory Board: Matt Civello, chair; Lorial Crowder, vice chair; Rona Banai, vice chair; John Reali, co-secretary; Kim Davis, co-secretary; Diane Orr, treasurer. Members: Margot Becker, Joyce Bialik, Diana Blackwell, Maggie Clarke, Debby Lee Cohen, Peter Cohen, Ellen Cooper, DeNeile Cooper, Ann Marie Cunningham, Meredith Danberg-Ficarelli, Lisa Denby, Wendy Frank, Katie Hanner, Cullen Howe, Sophia Huda, Melissa Iachan, Christine Johnson, Sarah Lehrich, Kate Mikuliak, Kathy Nizzari, Alexis Obernauer, Ushma Pandya, Kristi Parson, Tinia Pina, Martin Robertson, Rick Schulman, Brendan Sexton, Marc Shifflett, Amy Uong, Aditi Varshneya, Chana Widawski

HOW AND WHY NEW YORK CITY SHOULD GET TO ZERO WASTE

BY LISA DICAPRIO AND MELISSA ELSTEIN

As New Yorkers, we are too often confronted by overflowing curbside trash bins, mounds of plastic garbage bags lining and blocking the sidewalks, litter (including cigarette butts) collecting on streets, in curbs, within tree beds, and plastic bags in trees and storm drains. Clearly, the city has a trash problem. It's unsightly, certainly, and unsanitary. It also helps breed the rodent population.

Indeed, garbage issues are some of the most common complaints received by Councilwoman Helen Rosenthal's office, as she said during our recent "Recycling and Zero Waste" forum, which we hosted at the West-Park Presbyterian Church, an Upper West Side landmark and cultural center. More than 100 residents from throughout the city attended the Nov. 10 event.

We organized the forum to provide information about the city's new recycling and waste-reduction initiatives and to discuss how residents can help achieve Mayor de Blasio's OneNYC goal of diverting zero waste to landfill by 2030.

City residents produce an average of 12,000 tons of waste every day, which amounts to 3 million tons each year. The average New Yorker throws away 868 pounds of waste a year. Commercial establishments create 7,000 tons of waste daily. Annually, New Yorkers use 5.2 billion plastic bags — most of which end up in landfills, trees and waterways. The city's Department of Sanitation collects 800 million water bottles per year.

Currently, the city's overall recycling rate is just 17 per-

cent. The largest categories of recyclables New Yorkers throw out are organic materials, such as food scraps, but also paper, cardboard, plastic, cans, bottles and metal. Instead of obtaining revenue from these recyclables, the city spends \$350 million a year for waste disposal.

And of course, sending garbage to landfills and incinerators increases greenhouse gas emissions. More than one-third — 36 percent — of all methane emissions (which contribute to global warming) in the U.S. are from landfills.

Our current reliance on plastics has local and global implications. Plastic, manufactured from fossil fuels and chemicals, is not biodegradable. In oceans, plastics photodegrade into progressively smaller pieces creating a "plastic soup" that contaminates the oceanic food chain.

OneNYC's goal to divert zero waste to landfill by 2030 requires new legislation, collective and individual involvement, and money.

Our recommendations:

- Increase funding for the Sanitation and Parks Department for purchase and installation of trash and recycling bins on streets and in parks. And, for recycling to become habitual, ensuring that trash bins are always complemented by recycling options. Funding should also be provided for additional pickup trucks necessary for recycling in parks. Replace sidewalk wire-mesh trash cans with enclosed trash bins to deter rats.

- Increase funding for a city-wide public education campaign, including public service announcements and subway ads about recycling and waste



reduction, such as to use refillable water bottles. (See www.nyc.gov/greenyc)

- Support City Council Bill Intro. 209-2014, which would place 10-cent fees on plastic and paper single-use bags (with certain exemptions). It costs city taxpayers annually \$10 million to send 100,000 tons of plastic bags to landfills. Currently, 20 Council members, including Rosenthal, support the bag-law bill. See www.bagitnyc.org to sign petitions and for more information. Similar laws have been enacted throughout the U.S. and in other countries, and have helped reduce plastic waste.

- Encourage businesses to reward customers who bring reusable containers for take-away items. Businesses that rely on single-use, non-environmentally friendly throw-

away containers externalize their costs to taxpayers.

- Enforce anti-littering laws and provide funding for street sweeping. Create incentives for restaurants and bars to provide sidewalk cigarette collection containers, as cigarette butts are the largest source of ocean trash.

- A City Council resolution proclaiming a city recycling awareness day that would correspond with the National Recycling Day every November 15. See www.doonothing.org/calendar/recyclingday.htm and www.americarecyclesday.org/

- Promote purchases by individuals, institutions and government of products manufactured with recycled materials.

To confront the enormous societal and economic costs of our waste problem, we need a cultural shift to acknowledge and reduce our trash footprint. While supporting new recycling policy measures, we must also reduce waste and consumption. It really is true that when we throw things away, there is no away.

For more information on the city's ZeroWaste Initiative, as well as resources, visit www1.nyc.gov/assets/dsny/zerowaste/residents.shtml

Lisa DiCaprio is a professor of social sciences at New York University and a member of several environmental organizations, including the Sierra Club and 350NYC.

Melissa Elstein is a co-founding member of the West 80s Neighborhood Association (www.west80s.org) and the NYC Coalition of Block and Community Leaders.

Resources:

For the video of our November 10th forum, see www.heleensorenthal.com/video/

To enroll your building in or request a consultation for various recycling programs available to apartment buildings with 10+ units, see: nyc.gov/organics, www.nyc.gov/etrcycle and www.nyc.gov/refashion

For Greenmarkets where GrowNYC collects food scraps for composting: grownyc.org/compost/locations

To donate reusable materials: www.reusenyc.info

For hazardous materials safe disposal: www.nyc.gov/safedisposal

www.grownyc.org/recycling/facts

www.sims-municipal.com/NYC/Sunset-Park-MRF

www1.nyc.gov/html/onenyc/visions/sustainability/goal-2.html

www.webatetowaste.com

Acknowledgements:

In addition to Councilwoman Helen Rosenthal, panelists at the Nov. 10 forum included Manhattan Borough President Gale Brewer, Sims Municipal Recycling Education Coordinator Eadaoin Quinn, The Nature Conservancy's New York City Program Director Emily Nobel Maxwell; the city Department of Health's Director of Neighborhood Interventions Pest Control Services' Caroline Bragdon; the city Department of Sanitation's Senior Commercial Program Manager Brett Mons (Bureau of Recycling and Sustainability); GrowNYC representatives Ermin Siljkovic (recycling outreach coordinator) and Thaddeus Copeland (recycling champions program manager).

Reusable shopping and produce bags were donated by Citizens Committee for NYC, Mothering Mother, and The Nature Conservancy and distributed during a free raffle at the Nov. 10 event.

The Spirit|Westsider westsidespirit.com

NOVEMBER 26-DECEMBER 2, 2015

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I am Dr. Judith Weis, Professor Emerita from Rutgers University. I am a marine biologist and my studies have been primarily in estuaries and coastal areas with one focus on pollution. Plastic waste was initially found on beaches and ocean environments but now has been found worldwide in freshwater, the air, soil and our own bodies. Beaches in NY and NJ (and most other places) are contaminated with plastic waste that may take centuries to break down. Aquatic and some terrestrial animals often mistake plastic for food and consumes it, which may lead to starvation. Numerous dead beached whales, for example, have been found with stomachs full of plastic bags and other plastic material.

Single use plastic is one of the most common items found during beach clean-ups and numbers have been increasing. Some of the top items include plastic utensils, foodware, and straws. One of the easily solved groups of single use plastics are these utensils that are automatically included in take-out orders, even when they are delivered to people's homes or businesses, where far better reusable utensils are available. Take-out food has risen greatly during the COVID pandemic. This bill will prevent all this unnecessary distribution of single use plastic, unless the customer asks for it. Since many people will not ask for it, this will also save money for the restaurant or other take-out food provider. It is a win-win situation.

Dear Councilmembers,

I strongly urge you to pass INT 1775B Skip The Stuff.

This bill would require food service establishments to only provide single-use utensils for take-out or delivery by request only. This legislation is simple, saves restaurants money, and reduces unnecessary waste! Read the Fact Sheet [here](#). Single-use plastics are profoundly flawed by design: They use a material made to last forever but are designed to be thrown away and are sometimes only used for a few moments before polluting the Earth for years to come. The increasing use of single-use plastic is having obvious destructive effects on our environment.

In addition to the environmental benefits INT 1775 would provide in terms of reducing waste, landfilling, and incineration, it would also reduce the City's fiscal burden of managing litter and solid waste. It would also save money for foodservice establishments by cutting the cost of doing business.

This is a sensible bill that addresses the plastic pollution crisis, please pass Skip The Stuff now.

Thank you,
Kathy Malone
Brooklyn, NY
11215

Patrick Houston
Bedford Ave
Brooklyn, NY 11225

Tuesday, December 7, 2021

Testimony to NYC City Council Re: Intro 1775-B, Stop the Stuff Bill
Prime Sponsor: Councilmember Van Bramer

My name is Patrick Houston and I'm a resident of Brooklyn, New York concerned about plastic waste and environmental sustainability.

Thank you for reading this testimony and for the opportunity to testify at the December 7th hearing on this important bill.

Intro 1775-B is an important and common-sense measure to help fight the plastics crisis, cut costs for restaurants and New York City waste management, and environmental pollution to communities, and likely mitigate the negative health impacts of plastic.

I urge Speaker Corey Johnson to hold a vote on Intro 1775-B, and I urge the City Council to pass the bill, this year.

Plastics are infiltrating nearly every part of our world. This toxic substance has been found not only in our oceans and wildlands, but also in our food, water, air, rain, and our bodies. According to a study by the World Wildlife Fund for Nature, each human on earth is consuming nearly 5 grams of plastic per week. (1)

In the last 18 years, since 2002, we have produced more than half of the plastics ever created. (1) If we continue apace with our plastic production and consumption patterns, it is predicted that the tonnage of plastics created annually by 2030 will be roughly half the tonnage of all fish caught annually. (2)

Plastics are dangerously and unsustainably altering our environment.

Plastic also has significant financial costs: NYC spends an estimated \$42 million a year on processing plastic waste. (3) Individual businesses spend lots of money on plastic cutlery and condiment packages that many customers do not use.

As for plastics recycling, we know that is more of a myth than a reality.

According to the journal Science Advances, only 9% of the 6.3 trillion kilograms of plastic created since 1950 has been recycled. (1) Of the limited selection of plastics that can be recycled at all, most cannot be and is not recycled more than once. (1)

While I now live in Brooklyn, I'm originally from Pennsylvania: a hot zone of plastics related pollution on the production and the disposal ends.

In 2016, I toured the Covanta Waste-to-Energy plant in Chester County, PA. This incineration plant spews harmful emissions into the environmental justice Chester community in which it is located. It was cited as one of the largest polluters of its kind in the US. From where are tons of the waste received at the Covanta Incinerator shipped? New York City. (4)

There is another indirect though notable way that Intro 1775-B will help protect communities from environmental pollution. Reducing plastic use reduces the demand for dirty fossil fuel plants that manufacture petrochemicals and plastics.

As the fossil fuel industry rightfully comes under increased pressure for cooking the planet with their carbon emissions, they are shifting to increase their petrochemical and plastics production. (1) In Pennsylvania, this looks like the massive ethane cracker plant that Royal Dutch Shell is building in Beaver County, PA to produce plastics and plastics ingredients.

Intro 1775-B, if passed, can help stem these legacies of dirty emissions from waste processing and fossil fuel manufacturing. The bill, quite simply, requires customers ordering food to *opt in* for plasticware. This move would make protection rather than destruction of our environment and health the default.

Passing this bill is a necessary move full of wins for all stakeholders: lower costs for businesses and for the City, and reduced damage to our environment and public health.

I urge Speaker Corey Johnson and the NYC City Council to move 1775-B forward for a vote this year, and to pass it.

Thank You.

SOURCES

1 <https://www.rollingstone.com/culture/culture-features/plastic-problem-recycling-myth-big-oil-950957/?fbclid=IwAR30IEmS-2zdxQnpULRyT8bUuNcd4tHWTE7sE9rxp-7NQohoZoWsBvMD1cA>

2 https://www.theguardian.com/environment/2021/dec/01/deluge-of-plastic-waste-us-is-worlds-biggest-plastic-polluter?CMP=Share_iOSApp_Other

3 https://uploads-ssl.webflow.com/5d696bc69fa6c2515873360a/5e618b692785ae55f96072f7_The%20Dirty%20Ruth%20About%20Disposable%20Foodware_vF.pdf

4 <https://why.org/articles/public-pressure-mounts-against-chester-incinerator-as-environmental-racism-claims-pile-up/>

Rachel Nuwer
Berry St.
Brooklyn, NY 11249

Dear New York City Council,

I am writing in support of the Skip the Stuff bill. This bill is long overdue. Restaurants produce egregious amounts of waste. Even if you ask them not to include single-use utensils, they still throw them in. NYC should be a leader in taking a stance against unnecessary waste. I hope you chose to pass this bill.

Rachel Nuwer

**Testimony for INT 1775B - the “Skip The Stuff” bill from Raine Manley Robertson,
Reusable NYC Coalition**

My name is Raine Manley Robertson, and I'm here on behalf of the Reusable NYC coalition. Thank you to the committee for scheduling this hearing and for engaging with us on this issue. What you see in front of me is the reason I joined the coalition. Hundreds of single-use utensils that I tried to refuse. A day is coming incredibly soon where all of this ends up in the only place it can - the trash, then to a landfill where NYC will store it forever. None of this can or will be recycled. So we'll just have to hold on to it.

I am just one New Yorker so I ask the committee to think about the millions of us with drawers stuffed with all this stuff that we don't need and didn't ask for. We order take out to our homes where we already have what we need: reusable forks and knives, cloth napkins, bottles of ketchup.

Beyond the residents, I ask the committee to think about the owners of our restaurants. As CM Van Bramer has cited, In LA they passed similar legislation and are reporting that restaurants who have made the switch are saving approximately \$3000 per year, money which could make a huge difference for companies operating on razor thin margins.

Beyond the restaurants, I ask the committee to think about the city itself. Think of our streets, our parks, our rivers, our ocean, our wildlife and all the single-use waste that is bound to pollute them if we don't divert it.

Beyond our city, I ask the committee to think about our planet. Plastic production is a huge contributor to greenhouse gas emissions and NYC must continue to invest in climate solutions as we have done with the plastic bag ban.

With all this in mind - the solution is simple and elegant. Skip The Stuff: Don't give it to us, unless we ask for it. Thank you to the committee for your commitment to our great city and for making space for us to make our voices heard about why this is so important.

Testimony of SUSAN WERMAN LEVY
in support of
“Skip the Stuff” Bill No. 1775B

My name is Susan Werman Levy. I live near Lincoln Center. I present this testimony in support of the “Skip the Stuff Bill.” I had hoped to present my testimony via Zoom, in which case I would have shown those attending the hearing my bags full of plastic cutlery and condiment packages that have arrived unsolicited (and sometimes in spite of my specific instructions to the contrary) with my delivery and take-out meals over the past several years. I am not a hoarder. However, I am an alumna of an online course taught by Judith Enck, the former Regional Administrator of the U.S. Environmental Protection Agency for the NY area, at Bennington College. The class entitled Beyond Plastic Pollution explored the production, use, and disposal of plastics. As a result of what I learned in the course, I cannot in good conscience dump my plastic utensils and condiments (which are packaged in plastic) into the waste stream because I know what will happen to them.

Here are some the things I learned in the class:

1. Recycling is largely a myth. Only 9% of all the plastic waste ever produced has been recycled. About 12% has been incinerated, while the rest — 79% — has accumulated in landfills, dumps or the natural environment.
2. Plastic does not biodegrade. This means that all the plastic that has ever been produced has ended up in the environment and is still present in one form or another. Instead of decomposing, plastic breaks down into ever smaller units of plastic called “micro-plastics” which infiltrate our oceans, our drinking water, our soil and our bodies, and cause harm to living things.
3. Because of the ubiquity of plastic in our environment, the average person consumes approximately 5 grams or 1 credit card’s worth of plastic per week, 21 grams or 1 lego brick’s worth of plastic per month, 250 grams or the weight of one dinner plate per year, 2.5 kg or one lifesaving ring every 10 years, and 40 pounds or 2 large recycling bins worth of plastic in a lifetime. While scientists have yet to determine the specific consequences of ingesting this much plastic, studies indicate that plastic likely has a role in declining human fertility and genital deformation.
4. 32% of the 78 million tons of plastic packaging produced annually is left to flow into our oceans; the equivalent of pouring one garbage truck of plastic into the ocean every minute. This is expected to increase to two garbage trucks per minute by 2030 and four per minute by 2050. By 2050, this could mean there will be more plastic than fish in the world’s oceans.

5. Plastic pollution perpetuates racial injustice. Plastic production and disposal facilities are situated near neighborhoods with poorer people and more people of color. As a result, those communities suffer the most from the harm associated with plastic pollution.

In light of the above, there is a clear need for plastic use to be reduced. New Yorkers have already adjusted to the ban on plastic bags, we have learned to drink without straws and we will happily cope without having bags of unnecessary plastic utensils and condiments stuffed in our kitchen drawers and closets. I urge you to pass the “Skip the Stuff” Bill No. 1775B. Thank you for the opportunity to address you on this issue.

I would like to testify in favor of Skip the Stuff 1775B. I want to support local restaurants but continually get plastic cutlery in my takeout orders and have no use for them. I already have plenty of reusable cutlery in my drawers at home, as many people getting takeout do. Reusable items are proven to be as safe as single use.

Restaurants in the US spend about \$20 billion every year on items such as condiments, napkins, and takeaway utensils. Not only that, but plastic has now been found in our air, water, soil, and bodies. Plastic litter is found in all of our beautiful natural areas such as parks, rivers, beaches and oceans. Animal life mistakes plastic for food and can choke or starve once ingested. Our oceans are becoming landfills.

It's time to make a change.

Please consider this item. My drawer is full of plastic knives, spoons and forks. It is unnecessary as most food is delivered to the home. These items are literally produced and become waste with zero use. It is a “no brainer” businesses save money and we reduce plastic.

Plastic has now been found in our air, water, soil, and bodies. As a society we must move away from all unnecessary plastic
NOW