

Model Comments on the Waste Chapter of the NYS Climate Scoping Plan draft.

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1. Products are responsible for a huge fraction of greenhouse gas emissions. The greenhouse gases released as a result of our waste represent just the tip of the iceberg. Therefore, in assessing the climate impacts of managing our wastes, we must keep in mind that these impacts occur at multiple points in the life cycle of industrial products -- first, when products are produced, and second, when they are discarded and “wasted.” **To reduce the climate impacts of production and waste management, the Climate Scoping Plan should call for reducing overconsumption/unnecessary consumption and improving the way we manage the stuff we throw away. Repair, reuse, and recycling are three ways to help mitigate the climate impacts of industrial production, as well as of wasting.**

The Waste chapter of the Climate Scoping Plan states that industry worldwide uses more than 50 percent of the energy humans consume. The consumer products we throw away contain much of that as embodied energy. Thus, the greenhouse gases released in the management of waste are only part of the story. Wasting also squanders all of the energy and the associated greenhouse gases that went into making these products and materials, starting with mining, oil and gas extraction, logging, and agriculture all the way to manufacturing the products and transporting them to distribution centers and retail outlets.

2. The Climate Action Plan must call for the closure of all 10 municipal solid waste incinerators in New York and recommend that no new incinerators (or gasification or pyrolysis facilities) be permitted in the state. (NY has the most trash incinerators of any state, except for Florida, which now has the same number.)

Waste incineration is incompatible with climate action. While trash incinerators are considered waste-to-energy facilities, incineration is the most expensive way to produce electricity and the amount of electricity they produce is quite modest, relative to the harms caused by the air pollutants released. New York’s waste incinerators perform significantly worse in terms of cancer causing hazardous air

pollutants, compared to other power plants in the state. Local pollutant emissions and greenhouse gas emissions from waste incineration are generally worse than those from coal-fired power plants. Most trash incinerators are located in marginalized communities, where the median income is depressed and the proportion of people of color is often relatively high. Burning waste perpetrates environmental injustice and is a false solution to the problem of waste.

3. The CLCPA seeks to address environmental racism and other forms of environmental injustice. **In order to correct past wrongs, the Climate Scoping Plan must take into account the pollution and toxicity associated with different waste management methods.** Otherwise, low income and people of color communities will continue to be over-burdened by waste facilities and their health and environmental impacts.

4. **The Climate Scoping Plan must call for the elimination of toxic substances from products and packaging in order to facilitate recycling.** (Toxic additives in plastics can get recycled into new products or they may impede recycling altogether.) Since industrial production is responsible for such a large portion of greenhouse gases, the Climate Action Plan must prioritize recycling for its climate benefits, in place of disposal.

5. **The Climate Scoping Plan should delete the recommendation to use de-packing machines to mechanically remove food from its packaging so it can be more easily composted or anaerobically digested.** In Vermont, it has been documented that these multimillion-dollar de-packing machines leave behind large amounts of microplastics in the food waste they de-package. Contaminating farm soils with significant amounts of microplastics will have negative consequences that scientists are just beginning to investigate. The Climate Plan must protect our soil from harm and err on the side of caution.

6. **The Climate Action Plan should acknowledge that some wastes cannot have any “beneficial use,” due to toxicity issues.** We oppose the Climate Scoping Plan Draft recommendations for the beneficial use of biosolids (municipal sewage sludge and industrial sludges), due to their contamination with harmful substances, notably with PFAS. We also oppose the recommendation that the state operate co-digestion programs at anaerobic digesters (presumably at wastewater treatment plants) with existing capacity for organics deemed difficult to compost, such as post-consumer food scraps, and fats, oils, and grease.

Biosolids (sewage sludge or industrial sludges such as paper sludges) must not be managed with the intention of creating a beneficial product (soil

amendment, fertilizer, or potting soil), due to the widespread contamination of this material with PFAS forever chemicals. Other than anaerobic digestion to capture biogas (methane), there are no beneficial uses for biosolids, because hazardous levels of PFAS “forever chemicals” have been found whenever sewage sludge (“biosolids”) has been tested.

We also strongly oppose allowing (let alone encouraging) food wastes of any kind to be co-digested with sewage sludge, due to the toxicity of this sludge. Doing so would render a larger volume of materials unsuitable for land application than anaerobically digesting sewage sludge alone. (PFAS compounds have also been found in paper sludge.)

On April 15, 2022, the Maine state legislature passed a law to ban the use of sewage sludge and industrial biosolids as fertilizer, as this sludge has been the source of widespread PFAS contamination of soil and water, forcing family farms to discontinue sales of crops and livestock products. In New York, these biosolids continue to be applied to farmland and made into fertilizer, so we will likely have a crisis, once the contamination is discovered. Unfortunately, neither farmland nor aquifers can be remediated from PFAS contamination. And neither composting nor anaerobic digestion are capable of detoxifying this material.

7. We enthusiastically endorse the Waste Reduction, Reuse and Recycling strategy section of the Climate Scoping Plan.

We support a per-ton surcharge on waste as a tried and true approach to creating a funding stream for waste reduction, reuse, and recycling infrastructure and programs. These fees should be deposited in a dedicated fund, to be managed by designated state employees, who would be responsible for funding waste reduction, reuse and recycling programs and whose salaries it would fund.

We support allowing retail outlets and food service to give single-use disposable products to their customers “by request only” as a sound way to reduce the proliferation of unwanted, unneeded plastic stuff. Such a policy is also called “Skip the Stuff.” As recommended by the Scoping Plan, all eateries and retail outlets should be required to provide reusable and refillable options (such as for tableware in eateries and in place of disposable bottles for beverages).

We support the phase-out of single-use packaged items. And we strongly support the expansion and update of the 1982 Bottle Bill.

Financial support for local reuse enterprises, repair cafes and businesses, and materials exchanges, as recommended in the Scoping Plan, would be of immense value. As one social entrepreneur working in the reuse space stated in a recent workshop, to meet the need, retail reuse facilities will need to be the same size as big box stores. Otherwise, many reusable goods will continue to be wasted.

Workforce development, from basic job training to skilled trades for repair, deconstruction, etc. is an essential component of developing the reduction, reuse, and recycling sectors. We are pleased to see this recommendation.

We agree that recycling opportunities need to be expanded to cover many types of products that have been overlooked, such as textiles.

We are pleased to see attention on the need for better access to recycling services for residents of multi-unit buildings and public housing.

We agree that creative approaches to educational outreach must be supported.

We agree that coordination between local and regional municipalities can help improve recycling in a variety of ways, including through cooperative marketing of recyclable commodities. In many or maybe most municipalities, oversight of waste haulers and enforcement of source separation is absent. When residents see waste companies dumping recyclables in with the garbage, they lose confidence in recycling.

State procurement standards should require products to contain recycled content as well as recyclability.

The research and evaluation of current standards holds great promise for reducing waste in various applications.

8. In addition to all of these excellent recommendations, we are add a few others:

The state should provide support to all municipally owned or operated recycling facilities, collection services and transfer stations for residents in finding and accessing recycling end-markets. Even though market demand has grown and prices are much higher than they were in the aftermath of the China Sword policy, many municipal programs do not have knowledge about the many good recycling markets in the state and wider region and are unaware of the strong demand for recyclables and these opportunities to sell them.

The Climate Scoping Plan should recommend that the State commission a study comparing single-stream and dual-stream recycling systems, documenting contamination rates, marketability of different types of recyclables, and the economics of curbside collection, sorting at the MRFs, and sales of recyclables. In all the research that I am aware of, dual stream systems are much less costly, have significantly lower contamination rates, and are able to access more numerous and better paying markets for their recyclables, compared to single stream systems. The state should provide incentives for public and private sector MRFs (materials recovery facilities that sort recyclables) to switch to dual stream. This would result in lower contamination rates and more materials being successfully recycled into new products.

In conformity with the waste hierarchy, repair and reuse should always be considered the preferred method for managing discarded products, rather than recycling. For e-waste, where repair/reuse is not feasible, computers and other electronic devices should be disassembled to recover their working parts for resale and/or reuse. Mass shredding of e-waste is wasteful and should not be incentivized or allowed.

9. Recommendations regarding Extended Producer Responsibility (EPR) policies must be nuanced if EPR is to have the desired outcomes. EPR policies are not appropriate for all materials and situations. Policymakers must distinguish between hard-to-recycle materials and products versus traditional recyclables such as paper, glass, metal and #1 and #2 plastic containers. **For traditional recyclables, EPR is superfluous and could result in unintended consequences for existing recycling programs.**

After 18 years in effect, the EPR for packaging program in British Columbia has not increased the recycling rate, nor has it resulted in robust plastic recycling – rather, plastics are incinerated. **EPR programs should exclude incineration and chemical recycling from allowable “recycling” methods.**

Existing EPR programs in Europe and Canada provide no evidence that EPR “encourages sustainable product design and waste prevention measures higher up the product chain.” While that is the promise of EPR, programs have not delivered. In addition, while EPR has the appearance of shifting responsibility for end-of-the-life management onto the producers and manufacturers of consumer goods, studies of EPR in British Columbia and Ontario show that EPR fees for producers are simply passed on to consumers in the form of higher consumer prices.

10. The Climate Scoping Plan missed the mark by not recommending a ban on landfilling (or incinerating) food waste and yard waste. Such a recommended must be included. However, **exceptions will need to be allowed** in cases for loads of food or yard waste that are too contaminated with plastic and other contaminants to meet a compost facility's standards.

However, **we do not support banning sewage sludge from landfills, given the toxicity of this material and the documented harms caused by land application.** We do support a ban on the use of sewage sludge in any form (including compost and biochar) as a fertilizer, soil amendment or ingredient in potting soil.

The Climate Scoping Plan should not downgrade the importance of landfill biogas (methane) capture as a tool for minimizing the climate impacts of disposal. Landfill biogas (methane) capture cannot be done while a landfill is still operating. However most of the methane is generated while a landfill is operating, not post-closure. Landfills only produce marketable volumes of methane under anaerobic conditions. Moisture may need to be added to create the appropriate conditions, but then more methane may be produced and more of it may be released into the atmosphere. The IPCC has estimated that, under some circumstances, lifetime landfill methane capture could be 20 percent in some cases.