Memorandum of Support

March 30, 2018

S.7760 (Krueger)/A.9953 (Englebright)

Title: An act to amend the environmental conservation law, the alcoholic beverage control law and the state finance law, in relation to establishing guidelines for single-use plastic bag waste reduction.

Purpose: To reduce plastic waste and pollution by banning the provision of single-use plastic bags and placing a ten-cent fee on paper carryout bags and reusable grocery bags, with the revenue directed to the state Environmental Protection Fund.

Statement of Support: One of the most discouraging events of the 2017 legislative session was the legislative override of NYC’s fee based solution to plastic bag pollution, with no remedy offered by either the Senate or Assembly as an alternative. The New York State Plastic Bag Task Force, created in the Governor’s approval of that override, did not make a specific recommendation but provided a menu of options which we believe was imperative for the legislature to resolve in the 2018-19 budget. One clear conclusion of the report is that fee-based strategies work better to reduce plastic bag use than bans alone and the higher the fee the more successful the program. The Sierra Club was disappointed that the final 2018-19 budget did not include legislation that curtails plastic bag pollution and we believe it is imperative to find a legislative solution by the end of session. S.7760/A.9953, introduced by Senator Liz Krueger and Assemblyman Steve Englebright is an excellent framework for the legislature to forge a final agreement.

Single-use plastic bags are an environmental menace – littering our parks, despoiling our communities and clogging our waterways; all with the potential to strangle and poison wildlife. As cited in the task force report, by 2050, in terms of sheer weight, there will be more plastic in our oceans than fish. With the popularity, availability, and affordability of reusable bags today, the State of New York and its municipalities now have the tools to address this unnecessary blight through deposit programs, bag fees and prohibitions, which could eventually put an end to this unnecessary pollution.
Of all the options before the legislature, the Sierra Club advocates for a fee-based approach to plastic bag reduction, coupled with a ban of thin film carryout bags (single-use), because this waste reduction tactic has worked in other countries, states and municipalities where outright bans without fees have largely failed. A fee on any single-use bag provided by a merchant creates a record of sale that can help enforce the law and properly track revenue. The slight increase in consumer cost – over bringing one’s own reusable bag – has been demonstrated to change public behavior.

We support the provisions of the bill that will:

- Prohibit the distribution of thin film plastic, single-use, carryout bags to consumers
- Impose a 10-cent fee on all reusable bags and paper bags distributed to the consumer in NY
- Provide an exemption for those making purchases under state programs benefiting the economically disadvantaged such as exemptions for individuals and families in the SNAP program and/or on Medicaid.
- Direct 4/5ths of the revenue to the Environmental Protection Fund and 1/5th of the revenue to retailers as an administrative fee to pay for tracking and reporting income from fees.
- Create a structure to fairly address violations of the law

Beyond the external threat of bags littering our environment – the oil and gas consumption required to make disposable plastic bags can be quite staggering. The petroleum in 14 plastic bags alone supplies enough fuel to drive the average car one mile. Americans can use and dispose of an estimated 100 billion plastic bags each year, and this many bags use at least 12 million barrels of oil in their manufacture. The needless waste these bags generate can cause flooding issues (when stuck in storm drains), are the fourth most commonly found type of litter on U.S. beaches, and in New York City alone, an estimated 91,000 tons of plastic and paper single-use bags in landfills cost the City an estimated $12.5 million each year. The Sierra Club urges the legislature to take action by the end of the 2018 legislative session to finally put an end to this unnecessary source of pollution.

The Sierra Club Strongly Urges Your Support of S.7760/A.9953