

Thank you for this opportunity to provide comments on the draft Climate scoping plan. My name is Judith Myerson and I live in Pine Bush, New York, in the town of Mamakating. I am asking that you meet the goals set by the Climate Leadership and Community Protection Act, insure that our state has an effective and realistic plan in place to meet climate goals. By doing so we can serve as a model for other states and the world for a just transition to renewable energy and insure a future for humans and other species on Earth. While I am 72, and will not be here to see the results if we do not quickly shift our path, my grandchildren and their children will reap the consequences of our actions or inactions. We owe it to them to act ethically, morally, and comprehensively now, and do all that is possible to create a livable, sustainable, safe and equitable world for all.

WASTE SECTOR:

Please include the following comments and recommendations in the Waste Sector of the plan. This will insure that the outcomes of this plan are driven by both climate and environmental justice, as required by, the Climate Leadership and Community Protection Act (CLCPA).

The waste section of the scoping plan promotes problematic strategies opposed by the Climate Justice Working Group, various environmental organizations, and some green groups. These include capturing and “beneficially” reusing fugitive biogas, creating markets for biogas utilization, and increasing utilization of biogas via large-scale, industrial anaerobic digestion. These recommendations are not consistent with the Climate Leadership and Community Protection Act (CLCPA) or the principles of environmental justice.

New York’s mismanagement of generated waste accounts for approximately 12% of statewide emissions with landfills accounting for the vast majority. Reduction and increased management of waste in disadvantaged and other environmental justice communities will be key in reducing disproportionate exposure to emissions safety risks. Rethinking and redesigning waste systems is vital to a transformative outcome.

WASTE MANAGEMENT COMMENTS AND RECOMMENDATIONS:

Plastics and Textiles, Recycling:

Beyond Plastics, found that the U.S. plastics industry was responsible for at least 232 million tons of carbon dioxide-equivalent (CO₂e) gas emissions per year as of 2020, and is on track to surpass the coal industry's impact on climate in the next eight years. As the Scoping Plan notes, "the most significant GHG emissions impact during the lifecycle of products and packaging result not from disposal, but production of products and packaging that become waste." Plastics recycling is a particularly notorious problem: Half of the plastic items produced are single-use--things like packaging, straws, and utensils that are used once and thrown away. From there, this waste is either incinerated, landfilled, or littered, polluting air and water as well as the human body. Less than 9% of plastics worldwide are actually recycled, and much of

the waste bound for recycling is exported to developing countries that lack the resources and safeguards to manage it safely.

A comprehensive plan to prevent the plastics (and textiles) from entering the waste stream system needs to be enacted should be prioritized.

- **Enact an Extended Producer Responsibility (EPR) program for packaging** that:
 - Requires companies to cut production of plastic packaging by 50% by 2030;
 - prohibits toxics in packaging and requires use of safer alternatives;
 - provides strong oversight and accountability by the NYS Department of Environmental Conservation;
 - requires that companies pay fees based on the degree of difficulty of packaging recycling and the extent of recycled content. Fees can help compensate communities for recycling costs and support reuse and recycling programs.
- **Develop EPR programs for other products**, including solar panels and wind turbines, all batteries, appliances, and household items like mattresses and carpets.
- **Immediately enact "By Request Only" legislation** for plastic straws, stirrers, utensils, and individually packaged condiments, and **require reusable/refillable** options in retail outlets.
- **Enact legislation to reduce and phase out single-use packaging.**
- **Prohibit incineration of plastics waste and all types of plastic burning (including "chemical recycling").**
- **Implement comprehensive textile waste reduction and recycling.**
- **Update, strengthen and expand recycling laws, regulations and incentives.**
 - **Extend the "Bottle Bill" to wine, spirits and non-carbonated beverages, and increase the deposit from five cents to a dime.** Create other container deposit programs to encourage recycling/reuse.
 - Require a **minimum level of recycled content** in packaging and in certain products.
 - Develop and enact **state procurement standards** for recyclable products.
 - Enact a **production tax credit** to encourage companies turning recyclable materials into intermediate products to locate facilities in New York.
 - Provide support and financial assistance to municipalities/counties to improve code enforcement for recycling programs, and for the development of local reuse centers, material exchanges, and repair shops.

Waste Incineration:

New York burns almost as much waste as it recycles. Waste incineration (including waste-to-energy, or WTE) is highly polluting and can harm human health. It is also the most expensive means of managing waste. The environmental and health burden of incinerators disproportionately affects low-income communities and communities of color, where waste incineration facilities are typically sited. For these reasons, the Climate Act prohibits WTE as an allowable technology to offset GHG emissions.

The Scoping Plan should:

- **Develop a target date and timetable for phasing down waste incineration, and end renewal of 20-year permits for existing facilities.**
- **Prohibit incineration of plastics waste and all types of plastic burning (including "chemical recycling").** The combustion of plastics not only contributes GHG emissions but also generates many other types of harmful emissions damaging to public health--particularly in disadvantaged communities, where incinerators tend to be sited.

Organic Waste:

Organic waste, much of it food waste, accounts for nearly a quarter of solid waste. Most ends up in the landfill, and as it breaks down, generates methane.—The Integration Analysis for the Scoping Plan shows that New York must divert 100% of organic waste from landfills by 2030 to meet emissions targets of the Climate Act.

Policies to end landfilling and incineration of organic waste will have other important benefits. Much edible food now thrown away can be used to feed food insecure people including children. Inedible organic waste also can be composted and used to amend agricultural soils and improve soil health and the productivity of New York farms.

1) Set a target of 2030 to end combustion and landfilling of municipal organic waste, with timetables for phase-down. To help reach this target:

- **Strengthen the Food Donation & Food Scraps Recycling Law.** Under current law, businesses and institutions that generate two tons of waste or more per week are required to donate the edible portion of their waste and recycle the rest if within 25 miles of an organics recycling facility. The two-ton threshold should be reduced to one ton by 2024 and a half ton by 2026. (Massachusetts has had a one-ton threshold in place for years, and is reducing it to a half ton in November 2022.) Broaden the law to apply to hospitals, nursing homes, and K-12 schools.
- **Require a per/ton surcharge on all waste** to fund reduction, reuse and recycling programs, as recommended by the Scoping Plan, while also

expanding policies and programs to encourage backyard residential composting and on-site composting at institutions and large generators.

- **Expand local financial assistance** for organics recycling infrastructure and successful models of organics collection programs, especially for multifamily and public housing.
- **Require local solid waste management planning to incorporate food scraps recovery** for food pantries and programs to feed the food insecure. The Municipal Waste Reduction and Recycling Program must be funded at a level adequate to support composting programs and recovery of food scraps.
- **Develop a plan to support markets for compost and encouraged its use by farms** as an alternative to synthetic fertilizers.
- **Support the development of appropriately-scaled organic recycling facilities on farms**, which could provide a revenue stream for farmers while encouraging the use of compost.

ZERO-WASTE SOLUTIONS

Proximity to waste incineration increase the risk of cancers, birth defects, and other adverse health impacts. Often, low-income and communities of color are sacrificed to withstand living near these toxic facilities; in the U.S. nearly 80% of municipal solid waste incinerators are situated in areas that are considered communities of color, low-income communities, or both.

There are still ten municipal waste incinerators operating in NYS; five of the ten are concentrated downstate and overlap with already overburdened disadvantaged communities. Communities resist these incinerators that pose high risks to their health and wellbeing.

Long Island has four incinerators owned by Covanta. There is also the reoccurring issue of toxic ash from incineration which then must be disposed of carefully. On Long Island, there is an active whistleblower case, in Covanta Hempstead, of over a decade of egregious violations of state and federal law after the company knowingly risked the exposure of Long Island residents and Covanta workers to highly toxic ash. The facility produces 500-750 tons of toxic ash per day, including heavy metals, dioxins, furans, and polycyclic aromatic hydrocarbons (PAHs) that pose serious threats to human health. Because of the damage done by these facilities to surrounding communities and beyond, advocates are currently fighting against incinerator ash dumping on Long Island.

The incinerator industry is in decline because of its inherently bad business model for waste management: it is expensive, polluting technology with unjust siting due to

unanimous undesirability. Not only does waste-to-energy produce minuscule amounts of energy, the industry attempts—and sometimes succeeds at—being considered “renewable energy” in certain states.

While the draft scoping plan sets out to reduce combustion in virtually every other polluting sector, the Waste Advisory Panel recommendations, on which the draft Scoping Plan is largely based, plan for the use of combustion to stay the same through at least 2050.

The final scoping plan needs to set the goal of no organics to landfills or incinerators, with a goal of ending shipment of all waste to incinerators and landfills by 2050 and converting these facilities to sustainable uses. New York State must become far less reliant on plastic recycling in general and reduce the production of all non-essential plastics drastically. FURTHERMORE:

1. The final scoping plan should explicitly recommend decommissioning NYS incinerators and ending contracts with out-of-state incinerators by 2030, as well as removing subsidies and rejecting permits for any new incinerators, or incineration facilities by any other names.
2. The final scoping plan should ban organics to landfills and incinerators, with a goal of ending the shipment of all waste to landfills and incinerators by 2050 and converting these facilities to sustainable uses.
3. As an alternative to landfills and incinerators, the final scoping plan’s waste section should expand local-scale composting and recycling in equitably geographically distributed, well-run sites and facilities. This should include the conversion of some local transfer stations into composting, sorting, and processing sites.
4. The final scoping plan’s waste section must include zero waste strategies to address the waste crisis in DACs, communities overburdened by waste transfer stations, incinerators, landfills, etc. Zero-waste strategies include re-use, upcycling, recycling, composting (on-site, community, and commercial), and re-fill systems and collection infrastructure, etc.
5. The final scoping plan must explicitly state that the use of anaerobic digestion includes the pre-condition that, to the greatest degree possible, the energy generated from AD facilities be used on-site (for example, providing power to the wastewater treatment plant that is home to the digester). The use of anaerobic digestion must not lead to the construction of new pipelines that can become part of the fossil fuel distribution infrastructure.
6. Recycling throughout the final scoping should not include any form of combusting waste, including plastics. This means no “advanced recycling,” “chemical recycling,” or pyrolysis. The alternative to burning difficult-to-recycle plastics is to stop producing

plastics that are difficult to recycle and reduce, and eventually eliminate, the production of these plastics (typically low-value, flexible, resin types 3-7).