



Memorandum of Opposition to S.3583 (Senator Mannion), Anticipated sponsorship by Assemblywoman Hyndman

“Chemical Recycling” of Plastic Waste Harms Environmental Justice Communities, Releases Toxic Air Pollution, Greenhouse Gas Emissions, and Will Not Reduce Plastic Pollution

The above organizations oppose S.3583, introduced by Senator Manion, which would weaken regulations for polluting chemical “recycling” facilities by exempting them from the state’s solid waste and recycling laws. If this bill were to pass, it would put the Legislature on record as supporting facilities that generate hazardous waste and air pollution that are often sited in environmental justice communities. It would also undermine the state’s waste reduction initiatives.

“Advanced” or “chemical” recycling technologies (which we refer to as false recycling) do not typically turn plastic waste into new plastic, but turn plastics into fossil fuels to be burned. This bill is very similar to a slew of bills championed by the chemical and plastics industry that promote false recycling and deregulate polluting facilities that have been introduced or passed in other states¹. Meanwhile, these expensive, polluting false recycling facilities have resulted in a series of significant failures which should serve as a cautionary tale for us.² False recycling must not be welcomed in New York State.

The Climate Action Council’s (CAC) Final Scoping Plan specifically states that “No new solid waste combustion facilities are envisioned³”, or needed. Two of the most common technologies used in false recycling, pyrolysis and gasification, are considered incineration under the Clean Air Act, a classification that Congress has recently reaffirmed. On December 23, 2022, the \$1.7 trillion spending plan that passed Congress included regulatory language on chemical recycling that formally urges the EPA to continue regulating pyrolysis and gasification as municipal waste combustion operations. In its budget bill, Congress wrote, “These chemical recycling technologies do not result in the recovery of plastic materials to advance a circular economy and the facilities contribute to climate change and impose disproportionate health burdens on the communities where they are located.”⁴

¹ <https://www.no-burn.org/resources/advanced-recycling-legislative-alert>

² <https://www.reuters.com/investigates/special-report/environment-plastic-oil-recycling/>

³ <https://climate.ny.gov/-/media/project/climate/files/NYS-Climate-Action-Council-Final-Scoping-Plan-2022.pdf>; page 323

⁴ <https://www.congress.gov/117/crpt/hrpt400/CRPT-117hrpt400.pdf>; page 93

A March 2022 report from the well-respected Natural Resources Defense Council titled *Recycling Lies: “Chemical Recycling” of Plastics is Greenwashing Incineration* found that false recycling technologies release toxic air pollutants, generate greenhouse gas emissions, create massive amounts of hazardous waste, and are sited in environmental justice communities⁵. Of great concern are the thousands of chemicals added to plastics: carcinogens, endocrine disruptors, and reproductive toxins including vinyl chloride, PFAS, benzene, heavy metals, and many more. Unfortunately, these toxins will not magically disappear during the false recycling process—they must go somewhere, whether they are released into the air, as hazardous waste by-products, or into the resulting fuels that will then be burned.

With an anemic U.S. recycling rate of just 5%-6%,⁶ it is clear that conventional plastics recycling is not a viable mechanism to effectively reduce plastic pollution. However, the same is true of so-called “advanced” or “chemical” recycling, which does not create a product of equal value that can replace virgin plastic, but instead perpetuates our reliance on single-use plastics. Meanwhile, the production of new plastics made from fossil fuels is projected to triple by 2050 if we do not move quickly to adopt new laws to reduce the production of plastics.

As an alternative approach, Senator May and Senator Harckham have introduced S.1064 and S.4246, respectively, both of which would require a 50% reduction in consumer packaging in accordance with the CAC Plan’s solid waste sector recommendations.⁷ These bills represent a true solution to the intertwined crises of plastic pollution and climate change that we face. We urge the Senate and Assembly to abandon this dangerous and false “recycling” bill. Instead, we encourage you to combine the best aspects of the two Senate bills and work with the Assembly to adopt the strongest and most effective Packaging Reduction and Recycling program possible this legislative session.

⁵ <https://www.nrdc.org/resources/recycling-lies-chemical-recycling-plastic-just-greenwashing-incineration>

⁶ <https://www.sciencedirect.com/science/article/abs/pii/S0921344922002087>;
<https://www.greenpeace.org/usa/news/new-greenpeace-report-plastic-recycling-is-a-dead-end-street-year-after-year-plastic-recycling-declines-even-as-plastic-waste-increases/>;
<https://www.beyondplastics.org/press-releases/the-real-truth-about-plastics-recycling>

⁷ <https://climate.ny.gov/-/media/project/climate/files/NYS-Climate-Action-Council-Final-Scoping-Plan-2022.pdf>;
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