LEAGUE OF WOMEN VOTERS® OF NEW YORK

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TESTIMONY OF THE LEAGUE OF WOMEN VOTERS OF NEW YORK STATE

JOINT HEARING OF THE SENATE ENVIRONMENTAL CONSERVATION & ASSEMBLY ENVIRONMENTAL CONSERVATION COMMITTEES

TO EXAMINE LEGISLATIVE SOLUTIONS TO REDUCE PACKAGING

October 24, 2023

Albany, N.Y.

Thank you for the opportunity to submit testimony. My name is Elisabeth Radow. I chair the committee on Energy, Agriculture and the Environment for the League of Women Voters of New York State. The League is a nonpartisan, grassroots organization with a mission to educate the public to become engaged and informed voters, particularly on issues that further the public good.

The League has a long history of education and advocacy in policy making to preserve the environment, natural resources, human health and the right of women and their partners to decide whether and when to create a family, all of which are threatened by the proliferation of product packaging. Approximately 6% of the world's oil and gas resources are used by the plastic industry with most used for packaging. [1] The volume of product packaging, which will continue to proliferate unless addressed, is often infused with hazardous substances, including endocrine disrupting chemicals (EDCs),[2] posing an immediate and escalating threat to the environment,

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[1] *Plastics, EDCs & Health: A Guide for Public Interest Organizations and Policy-Makers on Endocrine Disrupting Chemicals & Plastics*, Endocrine Society, December 2020-reference to Forum WEThe new plastics economy-rethinking the future of plastics. 2016.

[2] **The Endocrine System** is a network of glands and organs that produce, store, and secrete hormones. When functioning normally, the endocrine system works with other systems to regulate the body's healthy development and function throughout life.

Endocrine-Disrupting Chemicals (EDCs) are substances in the environment (air, soil, or water supply), food sources and packaging, personal care products and packaging, and manufactured products and packaging that interfere with the normal function of the body's endocrine system. EDCs can enter the body through ingestion and the skin, and as fat-soluble substances become stored in body tissue, passed along to gestating fetuses and fed to infants through breast milk.

Endocrine Connection EDCs are chemicals or mixtures of chemicals that interfere with the way the body's hormones work. Some EDCs act like "hormone mimics" and trick the body into thinking that they are hormones, while other EDCs block natural hormones from doing their job. Other EDCs can increase or decrease the levels of hormones in the blood by affecting how they are made, broken down, stored or interact in our body.

EDCs can disrupt many different hormones, which is why they have been linked to numerous adverse human health outcomes including alterations in sperm quality and fertility, abnormalities in sex organs, endometriosis, early puberty, altered nervous system function, immune function, certain cancers, respiratory problems, metabolic issues, diabetes, obesity, cardiovascular problems, growth, neurological and learning disabilities, and more.
https://www.endocrine.org/patient-engagement/endocrine-library/edcs

natural resources, such as our constitutionally guaranteed clean air and water, soil, crops, animal life, human health and the fertility of women and men of child-bearing years. These chemicals persist through the waste treatment and recycling process and can end up in "new" recycled-plastic products. Simply put, once produced, these chemicals do not go away. In humans, they bioaccumulate. A study performed in 2016 concluded that "EDC exposure in the USA contribute[s] to disease and dysfunction, with annual costs taking up to more than 2% of the GDP."[3]

To properly place responsibility where it belongs, the League fully supports shifting the end-of-life fiscal responsibility for packaging materials management away from taxpayer-funded municipalities and to product producers by establishing a comprehensive statewide Extended Producer Responsibility (EPR) program. To this end, the League supports the passage by the New York State legislature of The Packaging Reduction & Recycling Infrastructure Act (S4246-A/A5322-A).

Climate and Waste Crisis

New York State's Climate Leadership and Community Protection Act (CLCPA) of 2019 seeks to address climate change by reducing greenhouse gas emissions to 40% below 1990 levels by 2030 and then to 85% below 1990 levels by 2050. This includes reducing solid waste, which as of 2019 contributed to 11% of all greenhouse gas emissions in New York.[4] Reducing the formidable and otherwise escalating volume of product packaging through the EPR program will have a direct positive impact on the effects of climate change and assist New York in meeting the goals of the CLCPA.

Health Impacts from Product Packaging

The current presence in product packaging of such toxic substances and EDCs as phthalates, bisphenols, polyvinyl chloride and per and polyfluoroalkyl substances (known as "PFAS" or *forever chemicals*) among others, is correctly addressed in the EPR legislation by requiring that packaging exclude the list of fifteen (15) classes of toxic substances within two years following promulgation of the rules and regulations, followed by other toxic substances designated in future years by the EPR legislation's mandated toxic substances committee.

Cost Allocation

To ensure the cost allocation shifts effectively to producers under the EPR program, the League recommends further clarity in the enforcement sections of the bill (or regulations derived therefrom); specifically, Sections 27-3425.2 through 4. and 27-3435.[5] Clarifying (i) the time frame (daily, weekly, monthly, annually?) within which each violation occurs for failure to

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[3] *Plastics, EDCs & Health: A Guide for Public Interest Organizations and Policy-Makers on Endocrine Disrupting Chemicals & Plastics,* Endocrine Society, December 2020-reference to Attina TM, Hauser R, Sathyanarayana S, Hunt PA, Bourguignon JP, Myers JP, DiGangi J, Zoeller RT, Trasande L. *Exposure to endocrine-disrupting chemicals in the USA: a population-based disease burden and cost analysis.* Lancet Diabetes & Endocrinology. 2016; 4(12):996-1003.

[4] https://www.dec.ny.gov/docs/administration_pdf/ghgwaste22.pdf

[5] https://www.nysenate.gov/legislation/bills/2023/S4246/amendment/A

eliminate toxic substances across a so-called “product line” and (ii) whether each product-line violation pertains to (a) all sales platforms or (b) individual platforms, will determine the seriousness with which producers take the legislative mandate to remove toxic substances from the packaging. For example, a single, annual penalty of $10,000 for a violation under Section 27-3425 across an expansive product line spanning *all* sale platforms will be so negligible a sum as to disincentivize producer compliance, while a more granular definition will more likely incentivize compliance. Further, clarity of the penalties imposed by Sections 27-3425.4 and 27-3435.3, respectively, and reconciling any potential conflict between penalties imposed by these two sections will further assist to ensure compliance.

In addition, the League supports clarity through the EPR rules and regulations of the identity of professionals tasked to analyze and verify that the mandated toxic substances have in fact been removed from packaging; and designation of a sufficient number of personnel to enforce and collect the penalties imposed for non-compliance with the law.

The League further supports a direct, common-sense application of the penalties collected for failure to comply with the law to further improvement of environmental and human health conditions currently exacerbated by the proliferation of producer packaging.

Given the gravity of this legislation, the League submits that holding two (2) public hearings after promulgation of the rules and regulations (one upstate hearing and one downstate hearing) would be preferable to the single hearing currently provided for in Section 27-3437.2.

Respectfully submitted on behalf of,
The League of Women Voters of New York State