



**TESTIMONY OF THE MANHATTAN**  
**SOLID WASTE ADVISORY BOARD**

*City Council Committee on Sanitation and Solid Waste Management*  
*Hearing on Intro 1480*  
*Friday May 12, 2017*

Good afternoon, my name is Brendan Sexton and I am a former Commissioner of the NYC Department of Sanitation and was privileged to be Commissioner when we instituted curbside residential recycling, with the strong and invaluable support of the City Council. Today, however, I am here representing the Manhattan Solid Waste Advisory Board (the Manhattan SWAB). Thank you, Chair Reynoso and Committee members and staff for the chance to speak **against the idea of the recyclability of polystyrene foam from the residential waste stream.** This happens to be a priority for the Manhattan SWAB and has been for some time.

We are, as the Council knows, enthusiastic advocates of recycling. We have testified over the years in favor of NYC's recycling efforts, including our strong support for the recently expanded organics composting program. But we must speak strongly in opposition to the bill before the committee today, Intro 1480, in relation to designating expanded polystyrene as recyclable.

It might be a surprise to find the Manhattan SWAB opposing the bill's extension of the definition of recyclable materials to cover polystyrene foam. However, **polystyrene 'recycling' is, we have good reason to believe, a fake, wish-fulfillment slogan advanced by the chemical industry to obscure the truly disruptive role this material plays in the waste management process.** That is why the Manhattan SWAB is thrilled that a bill to ban polystyrene in NYC, Intro 1596, was introduced by Council Members Lander and six of your colleagues (including Chair Reynoso- thank you Chairman) just two days ago.

We have two separate concerns about Intro 1480—first, styrene is a bad

material for food or drink service. The single most concerning thing about styrene is that it presents a health risk, *especially* when it comes in contact with food. There have been many studies documenting the migration of styrene molecules from foam cups and other packaging—foamed or not—into food and drinks.

The second concern, fundamental to the legislation being debated today, is that despite the claims of some in the industry, the “business” of recycling plastic foam—simply does not exist. In 2016 I completed a review of Dart’s list of plastic foam ‘recyclers’ and found it useless. Of the 100+ companies or municipalities I contacted, **none had managed to create AND maintain an ongoing polystyrene foam recycling program.**

Los Angeles, the industry’s favorite example, indeed had started a foam recycling program and tried to keep it going for some time, but has now largely abandoned the effort. In 2016, when I interviewed LA City Sanitation officials, they were very negative on the experiment--Miguel Zermeno of the LA Bureau of Sanitation (of the LADPW) reported that “It costs twice as much as other plastics to clean and prepare” for recycling, and then after that work and expense “there’s still no market” for the material. Their materials recovery handler, Burrtec, reported that they only pick up Styrofoam with the trash, and do not claim to recycle it. In fact, staff there said that they just sort EPS out from the rest of the recyclables stream and landfill it. So even if it were reported to be a material collected for recycling, **it is in no way being recycled.**

In my vast experience in waste management and recycling, the mildest comments I usually hear in reference to polystyrene foam are that it is an operational irritant since it is so hard to manage, and that it is *of no value* as a reclaimed material. **Polystyrene foam is like asbestos** in that it is highly friable and in the recycling plant the material breaks up, flies around, and requires ventilation and OSHA compliance measures to prevent or reduce inhalation. Even with OSHA measure it still flies everywhere, contaminating other recycled commodities and reducing their salability. Most commonly, recyclers and waste managers just call polystyrene ‘garbage’ and send it to the landfill.

In New York City, some of the polystyrene currently collected does not even get landfilled, it is burned in Essex County, NJ, immediately upwind of Harlem

and the West Side of Manhattan, then on to Brooklyn and over to Queens. **There is no obvious purpose to subjecting our residents to this health hazard**, and complicating the operations of our recycling partners with this unmanageable, unrecyclable contaminant.

There are polystyrene food container bans in effect in over 100 municipalities nationwide, including Washington D.C. **The Manhattan SWAB urges the Council to take swift action and pass Intro 1596 to ban polystyrene and let's make New York City the next on that list.**

Respectfully submitted on behalf of the Manhattan Solid Waste Advisory Board, and thanks for the opportunity.

**The Manhattan Solid Waste Advisory Board**

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The Manhattan SWAB – a non-profit, non-governmental organization – is a joint creation of the City Council and the Borough President, dedicated to increasing recycling, reducing solid waste, and advancing solid waste policy in New York City. The Board is composed of waste and recycling industry experts and concerned citizens, nominated by sitting Board members or Council Members and appointed by the Manhattan Borough President's Office.