



**We Advocate Thorough Environmental Review**

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Senator Tom Udall  
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Representative Alan Lowenthal  
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Submitted via email

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Board Member  
**Diane Lowe**  
Board Member

Dear Honorable Senator Udall and Representative Lowenthal:

We Advocate Thorough Environmental Review is a grassroots 501(c)(3) organization of concerned citizens working on water-related environmental issues in the Northern California communities surrounding Mount Shasta. Specifically, our focus has been to raise awareness in our community about, and to legally contest, the threat to our local water resources posed by Crystal Geyser Water Company in their plan to extract our much-needed water for beverage production, thereby generating vast quantities of plastic bottle waste, all for private profit.

We have become more keenly aware of the exploding global plastics pollution catastrophe, and its devastating effects on all life on the planet. The small steps taken at the state and local levels will be significantly enhanced when supported by a national policy relating to plastic manufacturing, distribution and recycling. We are grateful to you for showing a path forward in response to this crisis and we appreciate the opportunity to comment regarding this critically important draft federal legislation.

The draft legislation proposes to address plastic pollution issues by implementing measures demanding that corporations take greater responsibility for designing and implementing clean up and waste management efforts, improving recycling infrastructure, increasing minimum recycled content, and enacting bottle deposit programs nationwide. These provisions are excellent steps, and must be implemented along with the necessary ban on carry out bags and other forms of single-use plastic pollution that you have included.

However, as an essential first step, we see the absolute necessity to divest from and STOP manufacturing petroleum based plastics. In addition to the global plastic pollution crisis, plastic

manufacturing and disposal are contributing to the growing climate crisis while there is a documented urgent need to reduce our national carbon footprint. Thus the need to divest wholly and quickly from our current petroleum-based economy could not be more urgent. To this end we strongly urge **adding to the legislation provisions to stop all federal subsidies, tax breaks, and tax loop holes that effectively subsidize the petroleum extraction and plastic production industries.**

As a corollary, the legislation could create programs that support companies working to create and manufacture alternative materials and products that are sustainable, non-petroleum based, and carry little carbon footprint. Thus, we strongly urge **adding provisions to this legislation that offer an incentive for companies to utilize innovative, non-petroleum based alternatives currently becoming more widely available.** These materials could even be required to be US manufactured, supporting an exciting new sector of our economy. We should look to the example of the European Union as they subsidize companies that are moving beyond plastics, investing 110 million euros into manufacturing plastic alternatives for wide use and distribution in their Horizon 2020 Programme (<https://sciencebusiness.net/news/eu-invest-eu100m-search-alternatives-plastic>).

We have additional concerns about the legislation, and believe it will be significantly stronger if these issues are addressed:

- **Mandates in the legislation must make it clear that convenience, expediency, and cheaper cost to manufacturers are not reasons for exemptions.** Otherwise, the many exemptions could undermine the positive impacts of the legislations. Much judgment is left to the EPA and Department of Public Health, agencies that could be a heavily politically influenced by corporate pressure.

- **The legislation must mandate that producers bear the burden of funding the programs, not the public.** The legislation will create 501c3 “Organizations” to carry out the requirements for the producers. These non-profits could simply become “non-profit greenwashing fronts” for big corporations. In addition, these “Organizations” would be eligible to apply for grants (from public or private funders) to cover costs for which the producers should be responsible (again, the net result is public subsidies for corporate profits).

- **The penalties imposed for non-compliance must be significantly greater than the cost of participating in the program.** There are insignificant penalties to producers for not complying with the requirement to establish/affiliate with an “Organization”. “Up to \$37,000” is barely a “slap on the wrist” for a company like Coca Cola or Crystal Geyser. It seems unlikely that the fee to participating producers for setting up the ambitious recycling infrastructure/programs mandated by the legislation will be less than that penalty. Most companies will be more likely to pay the less expensive penalty for not complying than the fee to comply.

- **Reduced consumption of plastics must be a goal of the legislation and its education programs.** The emphasis of the “Organizations” clearly is about collection and cleanup, not about reducing production of plastics. Required consumer education programs appear to be about recycling, not reduced consumption. This legislation needs to incorporate a strong education program about how we all can reduce our plastic consumption. Advertising has indoctrinated us to believe “convenience” is a suitable reason for buying a product that will pollute the environment (and ultimately our bodies). Before plastics existed (not so long ago), many, many functions they currently serve were suitably and economically fulfilled by non-plastic alternatives. We need to revisit and implement these strategies.

• **The list of prohibited plastics must include single use, single serving-sized water and beverage bottles.** A variety of single-use plastic products will be banned (including single-use plastic carry-out bags, plastic straws, stirrers, plates, cutlery; polystyrene for food ware, drink ware, disposable consumer coolers, and shipping packaging; a variety of small items such as cotton buds made with plastic, single use personal care products distributed in hotels/motels/hospitality businesses, plastic produce stickers, etc). While we agree these are all good waste products to eliminate, we would like to highlight one glaring omission that must be added to the list of prohibited products--single-use, single-serving sized water and beverage bottles. These bottles create a huge source of plastic pollution documented in almost every country in the world; they cannot be ignored if progress is to be made in eliminating plastic pollution and the inherent carbon footprint of its production. Also, penalties to retailers who violate these plastic product prohibitions are \$100-500 range. We believe these penalties must be significantly higher to be effective.

• **The legislation must have a mandate for implementing Environmental Design features.** The legislation has a section on Designing for the Environment—where producers are to think about the environment when they design products. The legislation says the producer “shall consider” a number of things (a list is given) when designing products. This is problematic since, whereas the producer is required to “consider,” there is no mandate to actually create environmentally sound products.

• **The legislation must mandate that producers bear the burden of funding the programs, not the tax-payer.** A tax on carryout bags is proposed. The income from the tax will go to a Recycling and Litter Clean Up Trust. This trust can be used to give grants for recycling programs and infrastructure. This tax and associated uses undermine the mandate for the producers to fund cleanup of the plastic waste they produce (which is supposed to be the purpose of the legislation). That is, we, the tax payers, pay the tax that goes into the fund that funds recycling programs for which the producers should pay—effectively subsidizing the plastic production industry. We believe this financial burden should be borne by the plastics manufacturers, not the taxpayer.

• **The legislation must achieve true zero-emission energy goals for the industry.** The last sections of the legislation deal with clean air, clean water, and environmental justice. According to the legislation, there would be a moratorium on any new permits (water and air) to any producer until a study can be done to assess air and water impacts and environmental impacts of the industry and provide a basis for modifying existing regulations to be presumably more protective of the environment and impacted communities. We fully support these critically important studies, and insist they be funded adequately and carried out effectively. A target goal of the legislation is to have the plastic industry utilize zero-emission energy for production (although with some exemptions). While this is a worthwhile goal, we note that plastic production will NEVER truly be a zero-emission energy process because of the tremendous amount of emissions generated in petroleum extraction and refining to make the petrochemical stocks from which plastic is made. Thus the importance of significantly reducing all plastic production and eliminating subsidies and tax breaks for petroleum extraction (as noted above).

• **Keep protections for local governments to enact more stringent requirements.** A very positive mandate of the legislation is that states and local governments will be allowed to create more stringent requirements to protect the environment from plastic pollution. This is extremely important and must be included in the final legislation. Local agencies are already proving to be useful testing grounds for innovative approaches to solving the plastic pollution problem and their hands should not be tied by prohibitive federal legislation.

Thank you again for taking on this urgent issue, and we support your efforts to get strong legislation enacted to save our planet from the scourge of plastic pollution. This is a critical time, with so much at stake for our global environment, but therein lays an exciting opportunity to integrate the well-established environmentally sound strategies from the recent (non-plastic) past and the ingenuity and technological prowess of those who are working on the forward edge of innovation.

In solidarity for the future,

A handwritten signature in black ink that reads "Bruce Hillman". The signature is written in a cursive, flowing style.

Bruce Hillman  
President, Board of Directors  
We Advocate Thorough Environmental Review