



## 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

Re: Break Free From Plastic Pollution Act of 2020 - an amendment to the Solid Waste Disposal Act

Dear Honorable Senator Udall and Representative Lowenthal:

We are a non-profit, community based 5013c organization located in the Mount Shasta region of Northern California. We have been working hard for the past seven years to prevent many multi-national corporations, such as Crystal Geysers, from bottling our locally needed water resources into single use plastic bottles, for individual consumption. It is through this lens that we have become familiar with the issue of plastic pollution. We welcome this opportunity to respond to your extensively detailed and ambitious plastics legislation, Break Free From Plastic Pollution Act, introduced into both houses of Congress in February 2020, and deeply appreciate your continued commitment to this critically important issue. Below, please find our comments.

### **Place Limits on Plastics Manufacturing and Provide Support for Non-Plastic Alternatives:**

The development of a national recycling program, emphasis on the reuse of materials and the inclusion of compostable alternatives to plastic are strong points of the legislation. However, NOW is the time for a ***commitment to the reduction of petrochemical-based plastics production overall, on the part of manufacturers.*** While the legislation mandates responsible parties increase the percentage of manufactured reusable content to 80% by 2040, with the grave urgency of the plastic pollution crisis we recommend the target date be moved from 2040 to 2030, if not sooner. Plastics are not infinitely recyclable, rather the quality degrades with multiple generations of recycling. Ultimately, they will end up in the environment in garbage dumps or as pollution. This makes the need for non-petroleum based alternatives to plastic essential.

***We strongly recommend that the legislation include the elimination of subsidies to the petroleum extraction industry.*** Plastic has become popular for single-use items because it is so inexpensive, and it is inexpensive because of the subsidies that are given to the petroleum industries. Oil subsidies continue to be a terrible investment of our hard-earned revenues, in effect promoting runaway climate change and the continued flow of toxic plastics into the environment and the global waste stream.

In order to expedite the transition from petrochemical-based plastic packaging to compostable/environmentally safe materials, we recommend a move toward subsidizing alternative materials in a way that provides the increased investment necessary to make sustainable, non-plastic materials more widely available for use by responsible parties.

#### **Penalties for Violations:**

We note that the civil penalties for violating provisions regarding distribution of plastic beverages and other products has been increased to \$70,117 PER DAY and that plastic bag distribution penalties have been doubled: ***Please add that penalties should increase with the Consumer Price Index.*** Nevertheless, “smaller” businesses (earning less than \$1,000,000 annually) are exempt from these provisions, in effect allowing the free flow of plastics into the environment from these smaller stores to continue unabated. We believe this is too large of a loophole, and that it severely impedes the effectiveness of the legislation.

#### **Reducing Single Use Plastic Items:**

It is critical that plastic beverage containers have been included in the legislation, these being one of the most prevalent forms of plastics pollution. However, we do feel strongly that ***a provision should be included that discourages the rampant ongoing manufacture and consumption of beverages in single-use plastic bottles, especially single-serving sized bottles.*** Without taking the difficult but necessary steps to dramatically limit the initial production of single use plastic beverage bottles, we would again be allowing one of the largest sources of plastic pollution to continue unabated. This is unacceptable. Again, investing in providing alternatives to single use plastic bottles seems paramount (see also comments below under “Clean Water and Environmental Justice”).

Including in the legislation a ban on the automatic distribution of straws and other plastic utensils is appreciated, but it allows retailers to distribute these items by request. Retailers should be required to begin to phase in the use of alternatives to these items. Thank you for being proactive in adding section 12203 regarding plastic tobacco filters and e-cigarettes, likely to be increasingly problematic if not immediately addressed.

#### **Community Outreach and Education Program:**

In addition to educating the public about recycling, it is vitally important that the community outreach and education program ***also include education and public awareness about how to reduce consumption of single use plastic products (whether or not they are recyclable).*** We note that before plastics were widely available, many strategies were available for packaging functions. We would very much like to encourage a return to these more sustainable materials and practices.

We are gratified to see that language in the beverage deposit program for which unredeemed deposits will be used for collection and recycling has been amended to include REUSE infrastructure, and that nationwide curbside collection program language has been added.

**End Plastic Waste Exports:**

We are very pleased to see that language has been added clarifying the ban on the export of plastic waste to other countries.

**Clean Water and Environmental Justice:**

Section 4, “Clean Air, Clean Water, and Environmental Justice” tackles the serious problem of air and water pollution caused by plastic processing and manufacturing plants and the environmental injustice of this pollution being released near economically disadvantaged communities and communities of color.

There is an additional, urgent environmental injustice issue that must be tackled, that of disadvantaged communities not having access to reliable clean water from their municipal water sources; they are thus essentially forced to use bottled water. We have seen this in disadvantaged communities across this country, from the Warm Springs Reservation, OR, to the San Joaquin Valley and Tooleville, CA, to Flint, MI. Moreover, the responsible agencies rely on bottled water, often supplied in single use, single serving sized bottles, instead of doing the necessary work of fixing the water infrastructure, which in the long run would be more cost-effective for the communities. Meanwhile, the citizens must deal with the difficulty of picking up and rationing the bottled water for consumption, and the many millions of single-use plastic bottles add to the plastic pollution problem. Most egregiously, the water bottling industry then uses this fabricated “need” for bottled water as a rationale to continue their environmentally destructive practices (both in terms of plastic pollution and water resource degradation). We ask you to address this serious plastic pollution/environmental injustice issue by adding language to the legislation that provides programming and funds to support municipalities in upgrading municipal water supplies to provide clean safe water to all citizens.

We are grateful for your commitment to and continued work on the critically important issue of the growing plastics pollution crisis. We will continue to follow the legislative development.

Sincerely,



Nina Hyatt  
Volunteer  
We Advocate Thorough Environmental Review



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