

Barry Commoner Center for Health and the Environment
Cafeteria Culture
Citizens Campaign for the Environment
Citizens Committee for New York City
CIVITAS
Earth Day New York
Empire Dragon Boat Team
Environmental Advocates of New York
Environmental Defense Fund
Global Kids Youth Climate Justice Activists
Gowanus Canal Conservancy
Green Education and Legal Fund
Green Guerrillas
Green Map System
Green Schools Alliance
Guardians of Flushing Bay
Hazon
Hell's Kitchen Neighborhood Association
Human Impacts Institute
Lower East Side Ecology Center
Manhattan Solid Waste Advisory Board
National Parks Conservation Association
National Wildlife Federation – Eco-Schools USA
Natural Resources Defense Council
Neighbors Allied for Good Growth

NYC Council Member Brad Lander

New York City Environmental Justice Alliance
New York Lawyers for the Public Interest
New Yorkers for Parks
No Impact Project
North Shore Waterfront Conservancy of Staten Island
NY/NJ Baykeeper
NYC Audubon
NYC Friends of Clearwater
Plastic Pollution Coalition
Plasticbaglaws.com
Producers Guild of America
Project for Public Spaces
Sierra Club Atlantic Chapter
Surfrider Foundation
TerraMar Project
The Center for Oceanic Awareness, Research, & Education
The Story of Stuff Project
United for Action
Upper Green Side
UPROSE
Waterfront Alliance
WE ACT For Environmental Justice
Wellness in the Schools
West 80s Neighborhood Association
Wildlife Conservation Society

NYC Council Member Antonio Reynoso

February 29, 2016

The Honorable Bill de Blasio
Mayor of the City of New York
City Hall
New York, New York 10007

The Honorable Melissa Mark-Viverito
Speaker of the New York City Council
City Hall
New York, New York 10007

Dear Mayor de Blasio and Speaker Mark-Viverito:

We are writing to urge that you take action one last time to rid New York City of one of the most problematic products in the city's municipal waste stream – polystyrene foam food and beverage containers.

Mr. Mayor, you have long recognized the disproportionate litter and environmental pollution associated with the widespread use of these containers, and we appreciate those efforts. Indeed, as far back as 2007, when you were in the Council and working with public school parents, you sought to end the Department of Education's daily use and waste-generating disposal of hundreds of thousands of polystyrene trays from the school lunch program.

And the City Council has, over the years, taken reasonable steps in the hope of curtailing the unnecessary use of these environmentally troublesome containers by restaurant operators, food vendors, etc. Among other things, it passed what became Local Law 142 of 2013, which directed the Sanitation Commissioner to assess the problem and take remedial action.

In January 2015, Sanitation Commissioner Kathryn Garcia, after carefully analyzing the facts, concluded that dirty polystyrene foam food and beverage containers could not be recycled in a manner that was environmentally effective and economically feasible, as required by Local Law 142. She concluded that the use of such containers by restaurants and other food service providers should be prohibited.

Nevertheless, the polystyrene foam industry, led by the Michigan-based Dart Container Corporation, challenged the Commissioner's determination in court. And a poorly reasoned lower court ruling this past September overturned the Commissioner's determination. While the Department is continuing with its administrative processes, the time has come for legislative action.

The case for a ban on dirty polystyrene foam food and beverage containers is clear. Polystyrene foam is brittle and often breaks into tiny pieces. It ends up as difficult-to-collect litter on our streets, in our parks and along our beaches. It finds its way into storm drains and is flushed into local waterways where fish and other wildlife can confuse the foam particles with food. Because it is very light weight, is frequently contaminated with food or other trash, and has little if any value as a raw material, it cannot be cost-effectively recycled.

For these reasons, more than 100 communities around the nation have taken action to ban the use of food and beverage containers made of polystyrene foam. They include: Seattle, San Francisco, Portland, San Jose, Miami Beach and Washington D.C. Even Albany County recently enacted a ban on polystyrene food and beverage containers, applicable to all of its chain stores. In contrast, not a single big city in the country has successfully implemented a recycling program for dirty polystyrene foam. Not one.

Under these circumstances, we urge you to advance legislation that would end the use of polystyrene foam food and beverage containers by restaurants and other food service establishments by a date certain. (This legislation could be modelled on Intro. 1060 – the original bill introduced in the City Council in 2013, which would have also phased out the sale or use by retail stores of polystyrene ‘packing peanuts,’ for which more sustainable alternatives, such as recycled paper, are readily available.)

Our organizations, with members in all neighborhoods throughout New York City, are ready to stand up to the plastics foam industry and to work with your Administration and your Councilmembers to advance this sensible legislation in the weeks and months ahead.

Sincerely,



John Calvelli
Executive Vice President of Public Affairs
Wildlife Conservation Society

Melissa Elstein



Melissa Elstein
Secretary and Founding Member
West 80s Neighborhood Association



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United for Action

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Campaigns Director
The Story Of Stuff Project

Christopher Chin



Christopher Chin
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Ghislaine Maxwell



Ghislaine Maxwell
President and Founder
The TerraMar Project

Nick Lynn



Nick Lynn
Chair of NYC Chapter
Surfrider Foundation



Roger Downs
Conservation Director
Sierra Club Atlantic Chapter



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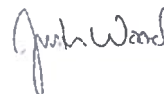
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Kevin Murungi
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Nigel Savage
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Finding the ways that work

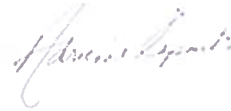
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WORKING FOR QUALITY
IN URBAN LIFE

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Brad Lander
NYC Council Member, 39th District
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Antonio Reynoso
NYC Council Member, 34th District
Chair, Committee on Sanitation & Solid Waste
Management

CC: DSNY Commissioner Kathryn Garcia
New York City Council Members