

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING**  
**APRIL 23, 2014**

A Public Hearing was held by the Board of Trustees on Wednesday, April 23, 2014 at 7:45 p.m. in the Orr Room, Hastings Public Library, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobels, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto.

**CITIZENS:** Thirty (30).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the March 28, 2014 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 4 of 2014 as attached amending Chapter 244 (Solid Waste) of the Code of the Village of Hastings-on-Hudson to Ban Plastic Checkout Bags and Styrofoam Containers.

**Mayor Swiderski:** There has been a tweak or two to the law since it was published several weeks ago. I would like to have a member of the Conservation Commission to describe what is in the law and what things were tweaked. The Conservation Commission carries out initiatives, sometimes started by the Board and sometimes on their own recognizance. This project comes to us; it has been raised before. The Board of Trustees expressed interest and the Conservation Commission has pursued it and come up with a draft.

**Jean Hamerman, Conservation Commission:** The ban would only extend to single-use plastic bags. It does not include produce or include garment bags. The ban would go into effect six months from the time it is voted on. Retailers would have a 10-day cure period to comply after that six-month period. Small fines would be levied on them. The retailers would be encouraged to sell reusable bags.

We have added language to ban what is called Styrofoam or expanded polystyrene, following language that was developed by New York City. That means that, primarily, delis and takeout restaurants would not be able to use Styrofoam cups, plates or takeout containers or could not pack goods for shipment with polystyrene little peanuts. It does not mean that the supermarket could not continue to sell polyurethane or Styrofoam cups and plates. From the law that was distributed several weeks ago with the counsel of Linda Whitehouse, and we appreciate very much your input, we have made some minor changes, clarifying what was included, i.e. just the single-use bags, not the produce or garment bags; we loosened the definition of a paper bag; the ban was expanded to include not-for-profit organizations; we

added the cure period; and we clarified that stores can continue to sell Styrofoam products, that that would not be included in the Styrofoam ban. The language is similar to other legislation in effect in Westchester, in Rye and Mamaroneck, and Westport, and many other communities around the country. Did I miss anything, Linda?

**Village Attorney Whitehead:** The language on the plastic bag ban is similar to the others. The polystyrene, I believe, is not. As you said, you developed it from New York City law.

**Ms. Hamerman:** Right. We would be the first village in Westchester to enact that legislation.

**Village Attorney Whitehead:** Correct. And as Jean said, the changes that we made were some clarifications and also adding the 10-day notice/warning before the first fine. After the six-month period, if someone was found to violate it, they would not automatically be fined; the first time they would get a warning, and a 10-day period to cure.

**Mayor Swiderski:** This is a public hearing. It is the Board's opportunity to hear what you have to say. It is not a question and answer period. You do not have to be a resident of Hastings to speak. Please state your name and where you are from; you have three minutes. If you want a couple more minutes, and you have a prepared statement, please indicate that and we will make an accommodation. To introduce your thoughts and ideas into the record you can also send us a letter or an e-mail. The ability to do that will be open for two weeks.

**John Gonder, 153 James Street:** I am for it, but I do have a couple of questions. One was with the checkout bag. You mentioned dimensions. This bag has three dimensions and you say 28 by 36. You should check that because if I open it up and you go across this it will be about 27 inches or so. So the height and the breadth, and the bottom, and the other height, it increases by 30-some inches. You need a new definition. It is not two-dimensional. That is just a minor problem.

You should include these bags that newspapers come in. They fling them. And Wednesday they give you a free one, and they are all over the place. At my house they throw two. Then we have competitors outside the Village, and I will mention their name, Walgreens, puts this my gate and everybody else's. On a windy day like this, what do they do? They blow, and a lot of them are up in Pulvers Woods. Maybe the newspapers can give us boxes to put them in. Because they just fling them, and they go on my garage roof, sun porch roof, in my driveway. The other question I had is the deadline. You have got to send this to the state once it is approved. That takes maybe a month. Instead of saying six months after, why not make it January 1, February 1, 2015? Let the merchants have that extra Christmas and holiday use of the bags.

**Gretchen Bogan, 72 Pinecrest Parkway:** I am Gretchen Bogan.

**Sofia Zordan, 1 Zinsser Way:** We are both seniors at Hastings High School. We are pro-ban, and we wanted to show you some stuff that we have done.

**Ms. Bogan:** Sofia worked on this awesome project this year, starting in August. It is called "One" ...

**Ms. Zordan:** "One Camera, Two Hours," but I did it in one hour. Me and my mom, my mom is my inspiration, we went around Hastings and started taking pictures of plastic bags. We did not have to go that far away from home to realize how many there were buried under leaves and near trees, and instead of flowers there are plastic bags on the branches, all over the Aqueduct and especially around the A&P, the majority of them lying around on the streets. The thing that is appalling is that a lot of people are unaware of how much plastic Hastings has. We think of Hastings as a very green community, and I agree. But people have become accustomed to completely blocking the plastic bags from their vision.

**Ms. Bogan:** Sofia brought this poster in and she presented it to the Environmental Club, of which I am the secretary. I personally did not pay very much attention to the amount of trash that was in our town. I did not notice it, and I kind of assumed it was not there. But once she brought it in, and you found how many? Sixty bags in one hour?

**Ms. S. Zordan:** More than 60.

**Ms. Bogan:** Yes, more than 60 bags in one hour, just walking around Hastings. I started paying more attention when I went outside, and they are everywhere. It is very concerning to me. Plastic bags are not biodegradable. They just break down, at which point they continue to pollute the environment.

**Ms. S. Zordan:** Which is harder to remove.

**Ms. Bogan:** Yes, so in a way it just becomes a bigger problem. You cannot just pick it up and put it in a trash can. It has gotten lost in the dirt. The plastic bags get into the river, they are in the trees, they are buried under leaves. As someone who is 17 years old and is wondering what the world is going to look like when I am the age of the majority of the people in the room, it is very scary.

**Peter Rockwood, 51 Buena Vista Drive:** I am the owner of Rockwood & Perry Fine Wine and Spirits. A ban on plastic bags creates some serious issues for my business, and I thank you for the opportunity to bring it to your attention. The bags that we use in the store and have used for 25 years are heavy bags. They do not fly through the air. I have not ever seen one hanging in a tree. They are reusable and, very importantly, are recyclable. These bags are needed by people who are picking up 10, 15, 20, even 30 pounds of glass and liquid in my store. They have handles. We put a paper bag inside for safety, and people can tote these out the door and get them to their vehicle. If people are limited to paper bags, the paper bags do not gather these bottles. Things become loose, the bags can tear. There is going to be a safety issue. It is going to cut down what people are willing to buy in my store. Where they might have come in and bought six bottles they might go out the door with three, because you cannot load six bottles into paper bags and get them out the door safely. Especially older people, like me.

The matter of recycling is a key issue. We were at the store 20, 25 years ago, when somebody came in from the Village and said you have to recycle your cardboard cartons. I said that makes work for me. He says yes, it does, and you're going to do it. And I did it. And I have been recycling cardboard, glass, metal at my home and at my store for 25 years. People can be trained just like we were trained to recycle all these other things to recycle plastic bags. Every plastic bag that comes into my house from the A&P I recycle. I bring it down to the A&P, they recycle it. We can train people to recycle these products so the convenience and safety of using them is not eliminated.

Lastly, my competitors, and I have two heavy competitors, Stew Leonard's and Costco. These people have eaten into my business since they opened up. Costco is the largest retailer of wine in the world, and they are not going to be limited to paper bags. They are going to be using plastic bags, so I am going to lose more business to these tough competitors of mine. It is hard enough to make a living. I thank you for the opportunity to present my case.

**Brian Allen, 101 Southside Avenue:** This law does not say that it operates only within Hastings. I am familiar with the laws you mentioned, in Rye and Mamaroneck. This law appears to be identical to the Rye ban except for the tweaks. There are large bans in Los Angeles. New York City is proposing a ban. San Francisco, Mateo County, they all specify that the ban applies within the village. So if I order food from Lemon Tree and it comes to me in a plastic bag, is that driver breaking a law in Hastings? If Corey Glass, which has a location on Main Street and a location in Yonkers, sends a box with glass or framing materials with peanuts that they got from China to a customer in Hastings, are they breaking the law? If they send it to Main Street and open it and give it to a customer, are they breaking the law? It does not seem to be clear. All the other laws I have seen, except for the ones you mentioned, say "business within the Village of Hastings." Makes sense to do that.

I also wonder why restaurants are being included. The New York City proposed ban does not apply to restaurants. Los Angeles exempts restaurants, it allows them to fee it out. It is exempted, I believe, in San Francisco as well. I do not want to get my Chinese food in a paper bag. I am unlikely to continue to order food from Sakura Garden if it is spilling in the bag. As Mr. Rockwood was saying about liquor stores, the same is going to apply to fast food restaurants and restaurants that depend on delivery. Most of the other major areas that are doing this, like the city of New York, which may be the take-out restaurant capitol of the world, is exempting those establishments because it sees it as a burden on them. I think you ought to exempt them for us, as well.

**Brayden Cohen, Edgemont:** I am not a resident of Hastings, but I live in neighboring Edgemont. I am a sustainability educator and specialist. I helped organize the "One Camera, Two Hours: How Many Plastic Bags" projects that is on display at the Greenburgh Nature Center. What is cool about that project is that it is not just isolated to Hastings. We had students from five different schools. That is just a snippet of what is going on in the world. Over 46 percent of countries have plastic bag bans. Even less developed countries recognize this as an extreme issue and have gone as far as banning the distribution of plastic bags.

This is a public health concern. It is also a concern of food security. If you isolate the problem to just land you forget about 70 percent of the planet. And what feeds 70 percent of this planet is plankton. Unfortunately, plastic particulate matter, because it does not break down, it photodegrades, is being found in concentrations 46 percent higher in plankton, the number one most consumed food source on this planet. So the actions we take as individual communities have repercussions on a global scale. I would like to be able to eat fish in the future. I am sure every supermarket would like to continue to be able to sell fish that can be eaten and is not too highly contaminated with toxins that attach themselves to plastic.

You are absolutely right. People can be trained. There have been education efforts to encourage recycling of plastic bags, but those voluntary measures are not enough. Two percent to 15 percent of plastic bags are recycled. Over 100 billion plastic bags are used annually. Five-hundred-seventy-five plastic bags are distributed in Westchester County every single minute. That is an astronomical number even on a monthly basis. Plastic bags are not nearly as strong as the alternative. No one is saying you have to use paper bags. Paper bags and every product produced has an impact. Just like the production of plastic, the production of paper has an impact, which is why people need to use reusable bags, and this is what we are trying to encourage.

We have taught people to recycle, we have taught to separate recycling. Recycling is a part of every child's education in the public schools, so why can this simple behavior not change of just using a reusable bag. Voluntary measures are not enough. In every county, city, state

and country that has enacted some form of plastic bag legislation there have been astronomical results. Washington, D.C., in the matter of a year, reduced their plastic bag consumption by 60 percent. The entire country of Ireland reduced their plastic bag consumption by 90 percent. We can do it here, too. New York City is doing it. I have had the pleasure of working with Bag It NYC and doing public outreach. Everyone I talk to, and I was just in the Bronx, we gave away every single reusable bag that we came there with. People, if you make it accessible, will do it. I think this is a great way to incentivize it.

**Nicholas Mottern, 38 Jefferson Avenue:** I want to support the ban on plastic bags. I come at from a different perspective, looking more at the idea of keeping oil in the ground. I have been very active in trying oppose drone warfare. These drones are being used largely in parts of the world where there are contests over oil and minerals. There is a lot of killing that has gone on, and goes on, so oil can be exploited and plundered, and used in a limitless way. Part of the byproduct of that is plastic bags, and the encouragement of any industry that uses oil or oil byproducts is something that not only contributes to environmental damage, but is also a great factor in war, and has been and will continue to be. This is an inconvenience for us who are used to, like me, being lazy and wandering down to the A&P almost every day with no bag and gladly taking a plastic bag, and being a pretty big moron about it. This is something where public policy can encourage people like me to be more thoughtful.

**Zamir Iosepovici, Owner, Taiim Falafel Shack:** I reside in Hastings-on-Hudson. I am also a merchant in Hastings this will affect, but I am in favor of this measure. I just came back from Austin, Texas, which is one of the cities that does have a ban on plastic, and it seemed to work there quite well. I do know, however, that this will initially have if not an adverse, but certainly an annoying effect upon my customers. I would like to ask for two things if you can because there is going to be a negative effect on business, initially. Consider perhaps working with the merchants, those who want to do this, in perhaps creating a Hastings-on-Hudson reusable bag. Make the folks coming in say, wow, I'm doing something for my community. When we're buying this, maybe we will spend the extra \$2 or whatever it may be. But it could be a shared experience, where a lot of us merchants who are interested and not only in favor of it, but also interested in sort of getting on board positively, to contribute to that effort. This would be a uniform reusable bag that we will all have.

The second thing, given the fact that this will take effect months after its passage, the education part is quite important. We need to send out, either through *The Enterprise* or through e-mail blasts, positive messages to the community saying we are doing this, we understand this may make it a bit more annoying or difficult for you when you go into a shop and you are carrying wine and food and other items that you normally would carry in two bags, but we are doing this because of this, this and this. Work with our merchants, and reinforce that over and over. I would like to think most people understand the bigger picture.

I do. It is not, to me at least, about that possible loss in short-term sales, let us say. Long-term it will be a better environment to do business in. Those two elements, the Hastings-on-Hudson reusable bag and the education part, while this is pending going into effect, will go a long way towards helping us merchants get a leg up on other competitors: takeout places in Dobbs Ferry who are not going to be subject to this, for me, and the big boys Costco and Stew Leonard's.

**Joseph Madden, attorney:** I am from the law firm of Shamberg Marwell Hollis Andreycak & Laidlaw. We represent the Food Industry Alliance. I am going to be speaking about a submission I have handed to the Clerk. We would make that package available to anybody who wants it.

**Mayor Swiderski:** We will put a copy in the library.

**Mr. Madden:** I would ask that everything in there be considered part of the record of this public hearing in the consideration of this law. The submission is exhaustive, but I am going to hit some of the major points which have to do with the technical and legal problems that we see with this law.

The first one is the preemption doctrine: where the state has decided to act in an area, local municipalities do not have the authority to act in that area. The state has enacted a state-wide recycling program and scheme that requires certain retailers to take in bags and recycle them. If you read that law, and again it is quoted in my submission and particularly the legislative intent of the law, it identifies almost exactly the same concerns that the Village has identified. The state has also considered the economic impacts and the impacts on various community and various interests. In weighing all of those various competing interests it has determined that a ban is not appropriate, but that a recycling and an education program is the appropriate way to address this issue.

We would submit that where the state has decided to institute such a scheme the village does not have the authority to undermine that or to thwart that by a ban. That rolls the second issue that we have with this proposed local law, which is that as drafted we feel it is arbitrary and therefore unconstitutional. The main feature of its arbitrariness is that it treats exactly the same thing differently depending on who is selling. It identified non-biodegradable plastic bags as the culprit, if you will, and then sets out to exempt whole classes of them based on arbitrary distinctions. Some people may use them, some people may still sell them and other people may not. We feel this is an unfair targeting of certain retailers and that it also invalidates the law by thwarting its stated purpose by arbitrarily deciding some classes of bags are going to continue to be permitted, and other classes will not. We think that is a legal deficiency.

The second thing would be that whether or not the law actually will accomplish its stated goal. There are a lot of intuitive things people seem to know and believe about plastic bags and about what a ban will accomplish. We feel that the Board needs to establish that by rigorous and intensive scientific and statistical examination of these issues. It is not something that can just be asserted that this ban will lead to positive environmental results. It is not established. We think in order for such a law to take such a drastic measure as a ban, it needs to be able to justify such action. So that is the second problem.

The third issue we would have is not really so much an issue. It is maybe premature because I do not know what the Board intends to do. But we think that a full environmental review should be conducted under the State Environmental Quality Review Act, SEQRA, and a full EIS should be prepared; again, all of the many competing interests. While SEQRA is known as an environmental law, environment as defined under law is a very broad term, and includes impacts on economics and businesses and all sorts of things. A law that is this drastic has to withstand the scrutiny of an environmental review, and all the issues need to be weighed and a hard look taken before any legislation such as this should be adopted.

**Jay Peltz, Counsel, Food Industry Alliance NYS:** I have got a statement and accompanying photo. Thank you for the opportunity to testify at tonight's public hearing. I am the general counsel vice president of government relations for the Food Industry Alliance of New York State. We do government relations on behalf of supermarkets across the state. I would ask, since the law was revised since the last posted law, that this public hearing be kept open so we could be given an opportunity to review the changes, and comment.

**Mayor Swiderski:** We did extend it for two weeks. Is that adequate for your needs, or would you like it extended further?

**Mr. Peltz:** If we could extend it further that would be great. We have a lot of members to canvas and talk to.

**Village Attorney Whitehead:** You can decide that when you are done.

**Mr. Peltz:** I would like to begin by noting that grocery stores have taken the lead in the retail community in pursuing environmentally sustainable solutions. Every year our members recycle tons of plastic film, bags and hard plastic, as well as waxed and unwaxed corrugated cardboard, newspaper, office paper, metal, fat and bones from beef, pork and chicken, and cooking oil. Our members also recycle millions of beverage containers every year. In addition, our policy is to encourage consumers to make choices that will make the environment more sustainable. That is why our members have implemented a range of



successful practices, and representatives of A&P will elaborate on this later on tonight, designed to reduce the use of plastic bags, recycle plastic bags that have been used, and encourage the use of reusable bags. As my testimony will make clear, paper bags have significant environmental impacts. Therefore, the last thing we want to do is increase their use. However, this law, if enacted, will do just that. Accordingly we welcome the opportunity to partner with the Village to develop an alternative to the proposed plastic bag ban that is a better solution for the environment. Do I have to formally request that?

Bans are drastic. They are the most extreme form of regulation that government can impose. Legislation adopting a ban should meet the highest policy standards. A ban should not be based on an arbitrary case, one that springs from false, exaggerated and uncorroborated claims. Unfortunately, the case to ban plastic bags rests on such claims and will have myriad negative environmental impacts, as described below. Environmental claims: it is commonly argued that plastic bags fill up landfills at an alarming rate. However, to our knowledge no studies have been cited to corroborate that assertion. According to the National Center for Policy Analysis, a non-profit, nonpartisan public policy research organization, plastic bags amounted to less than one half of one percent of landfill space. Plastic bags placed in a residential garbage can in Hastings do not wind up in a landfill. That is because I have been told that for the villages within the Westchester County refuse district all solid waste picked up within the refuse district goes to the Charles Point resource recovery facility, where it is converted to energy. That means less waste in landfills, less energy produced by burning fossil fuels, and zero plastic bags that are processed through the district going from residents to a landfill.

Countywide, based on a review of annual reports submitted by the county's 43 municipalities and licensed haulers to the Department of Environmental Facilities, over 90 percent of the total solid waste, measured in tons, generated in the county, excluding construction and demolition debris, is disposed of at the Charles Point waste energy facility or otherwise recycled. Some portion of the remaining 10 percent is sent to alternate waste energy facilities in Dutchess or Bridgeport, Connecticut. This data is unavailable to the county. Accordingly, since plastic bags make up a tiny fraction of the low share of county solid waste actually being landfilled, the vast majority of plastic bags disposed of in the county each year do not wind up in a landfill. An even wider perspective is provided by a 2011 study released by the U. K.'s Environment Agency. The study evaluated nine categories of environmental impacts caused by different types of supermarket bags. The study found that paper bags have a worse effect on the environment than plastic bags in all nine impact categories, including global warming potential, abiotic depletion, acidification, eutrophication, human toxicity, fresh water aquatic ecotoxicity, marine aquatic ecotoxicity, terrestrial ecotoxicity and photochemical oxidation.

Critics of plastic bags frequently assert that they take hundreds of years to decompose. But that can also be true of biodegradable bags. That is because to biodegrade, organic materials require air, water, light or a combination of these elements that materials can be broken down by microorganisms into organic matter. Any interference with exposure to these elements makes it less likely that decomposition will occur. For example, a study of landfills sponsored by the University of Arizona found that the tightly-compacted contents of landfills create low-oxygen environments that inhibit decomposition. Accordingly, biodegrading is far from assured and may not occur for a very long time, sometimes for hundreds of years. It is just a capability, it is not an automatic. They have recovered items in landfills that have been there, they assume, for centuries in some cases.

In addition, when materials are broken down by microorganisms into organic matter, that matter is largely composed of common elements such as carbon, nitrogen, oxygen, methane and so on. As an example, paper bags biodegrade into methane. However, according to a July, 2013 briefing note from the British Columbia Environment Ministry staff, methane emissions are a particular concern since they have a global warming impact 21 times higher than carbon dioxide. In fact, according to the EPA, methane, CH<sub>4</sub>, is the second most prevalent greenhouse gas emitted in the United States from human activities, accounting for about nine percent of all U.S. greenhouse gas emissions from those activities in 2012. Accordingly, a local law that will increase paper bag use seems likely to harm rather than help the environment because of practical limitations on the use of reusable bags. For example, customers have to pay for them. They are not free. There are only so many reusable bags people will take with them to a grocery store. So you have a \$200 order, that is a lot of reusable bags. So you have to fill in somehow. Customers forget them at home. They are high maintenance. They have to be washed and they cannot be left in your car.

A plastic bag ban usually leads to a surge in the use of paper rather than reusable bags. In fact, according to an environmental impact report by L.A. County in response to a plastic bag ban, 85 percent of consumers will switch to paper bags instead of reusable bags. A surge in paper bag use has occurred in places where plastic bags have been eliminated, including San Francisco and Whole Foods. And what would this switch to paper bags mean for global warming? According to that same report, 85 percent of Californians switching to paper bags would be the equivalent greenhouse gas emissions of between 250,000 and 550,000 more cars on the roads every year. That is because life cycle analysis calculates that paper bags result in more than three times the greenhouse gas emissions of plastic bags.

Finally, regarding environmental claims, paper bags are approximately five times heavier than plastic bags and take up 10 times more space. That is what this picture is all about. This is a stack of 1,000 plastic bags and a stack of 1,000 paper bags. Accordingly, they are more expensive to truck to stores and to dispose of, and use up more landfill space. For

example, for every seven trucks needed to deliver paper bags only one truck is needed for the same number of plastic bags. Thus, any shift to paper bags caused by this proposed local law will wind up hurting the environment and will increase disposal and transportation costs.

I am going to pick out a few highlights from what is left, and then other people can speak. Recycling efforts, under A: as you probably know, under a law enacted in 2008 and effective in 2009, most retailers have to recycle plastic, any kind of plastic essentially. Not technically, but we take back any kind of plastic. If you give out free plastic at checkout, which we do. So those efforts have been extremely successful to date, contrary to popular knowledge or popular perception. We have one member that recycled 3,187 tons of plastic film bags and hard plastic last year: one member, one year. In the aggregate, our members are recycling tons upon tons of this stuff every year. And that mirrors a national trend. According to a 2011 national post consumer plastic bag and film recycling report, which is part of the record now because it is part of our counsel's attachment, in 2011 half a million tons of plastic bags and product wrap were recycled, and recycling of polyethylene bags, sacks and wraps has grown in nine out of the last 10 years.

The widespread failure to corroborate other claims by ban proponents: our counsel has outlined what we believe are the Village's obligations under SEQRA to do a fully compliant SEQRA study, scientific study, including an EIS, et cetera. On top of that, in all the localities, to our knowledge, that have considered a plastic bag ban to date none of them have produced specific credible evidence that the alleged environmental impacts and other problems associated with plastic bags have occurred in their localities. Nothing, no evidence. That means there is no rational basis for the law.

Regarding the litter allegations, numerous studies show that the allegations are not true. According to the federal EPA, plastic bags account for less than one-half of 1 percent of the U.S. municipal solid waste stream. That is not on the record, sorry. According to a report by the Environmental Resources Planning Group, and this is in the record, a study using random sampling methodologies, it found that retail plastic bags comprise a minor portion of litter, usually less than one percent, according to a California state-wide waste characterization study of plastic bags, including grocery and other merchandise bags. So grocery bags are only a part of the total bag pool, and that is the point of this ban. It is to mostly get grocery bags. So plastic bags account for just 3/10 of 1 percent of the waste stream in the entire state. That is a huge state, right? It is a tiny share. In comparison, organic waste makes up 32 percent in that state, while construction debris comprises about 30 percent. In addition, even that small amount of litter does not necessarily decline when bans are enacted. In San Francisco, for example, plastic bags comprise 6/10 of 1 percent of litter before the city banned plastic bags, and 0.64 percent a year after the ban took effect. So it went up a little bit.

Business and local impacts: paper bags are triple the cost of recyclable bags. This can result in offsetting actions that hurt customers and workers, including price increases, job cuts and cuts to hours. In fact, John T. Niccollai, and this is part of the record, who is president of the United Food and Commercial Workers Local 464-A, which is the union representing employees at the A&P store, sent an e-mail to Mayor Swiderski.

**Mayor Swiderski:** The Board is in receipt.

**Mr. Peltz:** We submit it as part of the public record, again. This expressed the union's serious concerns regarding the bill. In the e-mail, Mr. Niccollai stated, "The implementation of your pending legislation will, without question, raise the operating costs and place encumbrances on the business," meaning the A&P, "thus making it more difficult to achieve our goal of profitability." A&P is a company that emerged from bankruptcy in March of 2012, and is still in turnaround phase. But our A&P people will speak to that. "In addition, to the extent that prices increase and plastic bags are barred, shoppers will be encouraged to shop outside the Village." Our A&P people will talk about their experience in the Village of Mamaroneck.

Suffice it to say that there is a study, also part of the public record, called A Survey on the Economic Effects of L.A. County's Plastic Bag Ban, that noted that in the unincorporated areas of the county when the ban was in effect sales and employment went down. In the incorporated areas they went up. So the inference is that business migrated, together with sales tax revenues.

In conclusion, for the foregoing reasons there is no rational basis to enact a plastic bag ban. This is because the case to ban plastic bags is based on false, exaggerated and uncorroborated claims, including the assertion that plastic bags are worse for the environment than paper or reusable bags. In addition, there is no rational basis to believe that any of the environmental impacts or other problems associated with plastic bag use have occurred in this village. Accordingly, we respectfully request that the plastic bag provisions of the proposed local law number four be stricken. In lieu of a ban, we respectfully request that the Village establish a dialogue with the Food Industry Alliance and A&P, as other New York localities have done to date, with the goal of establishing a collaborative approach focused on education, outreach and collection to accelerate ongoing successful efforts to reduce, reuse and recycle plastic bags and increase the use of reusable bags.

**John Ryan, District Manager, A&P Supermarkets:** I am manager for the Hastings location, as well as all the A&P supermarkets in Westchester and Connecticut. I have been with the company since 1972. I have been a district manager for 25 years, and have worked

throughout the tri-state area. I started my career as a store manager of the Hastings A&P. So I know the area very well, and I would like to talk to the fact that A&P is not in favor of a plastic ban. We are much more in favor of recycling and education of customers, children and everything. In our recycling efforts, we have a two cent bag rebate. For every bag a customer brings in we give the customer back two cents. This week is Earth Week, and we are promoting reusable bags to the public at 67 cents each, which is a third of the price off. We have probably sold over 4,000 reusable bags this week in Westchester. And A&P is very concerned about plastic, the environment. We would much rather focus on education and recycling.

Every day, every week we send back plastic to our warehouses. We collect them from the town. We package them, put them back on our trucks, and send them back for recycling every week, 52 weeks a year. In the training of our associates we try to limit the amount of bags we use by getting our associates to strive for five; that is, putting five items in a bag. We have a program in place at the company where we measure items per bag usage for each location in the company weekly and monthly. From time to time we have contests to promote that.

As Jay said, in our union, Local 464, which is throughout Westchester, we have 70 associates that work in the Hastings location. We just recently, a year ago, had a plastic ban in the Village of Mamaroneck, which Linda was the lawyer for that law enactment. Our Mamaroneck store was impacted significantly with revenue and sales. The gentleman from the liquor store was voicing that concern. It is a real concern, and it is not talked about a lot. When I say significant, it is significant. The problem is there if there are no plastic bags in the A&P then they are going to go right down the street to Dobbs Ferry to the Stop & Shop because it is easier. And that does happen. Stew Leonard's has plastic bags. They are right down the street, a quarter of the mile.

So there are different things you have to consider. And really what that impact is. We would much rather partner with consumer education. We charge for paper bags in our Mamaroneck location. Plastic bags are one-third the cost of paper bags. So there are just a lot of operating expenses that focus on that, and then coupled with the revenue loss it really hurts a store's profitability. For A&P, coming out of bankruptcy, we are trying to rebuild ourselves as a company.

**Costanza Zordan, 1 Zinsser Way:** I am going to go backward from the last comment of the gentleman from A&P. He said he is starting in 1972 being a manager of the supermarket. We all love A&P and we want that it stays in business. But if you started this in 1972, probably you did not use any plastic bags at the time. At that time, there were no plastic bags and there were supermarkets, there were grocery stores, there were any kind of store they did

not use any plastic bags. They either used paper bags or reusable bags. The plastic bag has been introduced recently, in the mid-'80s. So it is a recent phenomenon, and in just a few decades has caused so much problem, dramatic changes to our environment that we cannot deny. We can maybe hide ourselves statistics and figures, and do the magic with the numbers, but still if we go outside and walk in the A&P parking lot you see a lot of plastic bags. My daughter took the pictures. They are still there. If you do not pick them up I will pick them up.

I agree that education is absolutely needed, and that is our goal with the Conservation Commission and with the transition on Hastings that I represent. But so far, the voluntary efforts have proven to be insufficient to reduce the volume of plastic consumed. To ban the plastic bags, the carryout plastic bags, it is just a minimum reduction of the entire plastic bags used globally in the world. I agree with that. It is a very little change. But we must start from somewhere. We are using too much plastic. And it is something we have been living without before so I guess we can start living without again, or just to reduce it, or try to use it in a different way.

We go to the supermarket, we get bagged, double bagged just for maybe something small that we just can carry out with our hands without any bag. You go to Costco, because somebody mentioned Costco before, do they give you plastic bags? They give you nothing. You just carry out your stuff, you put it in a box and you put it directly in your car. So if they do it, we can do it. You go to Ikea you buy your reusable bag or you just put it in your cart and you go outside. They do it in Italy, they do it in Ireland. They do not want to pay 30 cents for a plastic bag so they started to use a reusable bag. Is it possible? Yes. It has been done? Yes. Let us start doing it.

**Andrea Gabarini, Pleasantville:** I was not going to speak. I was here to support the meeting, but I would like to say that Pleasantville, right now, and I am on the recycling committee, we are working towards some kind of legislation. I cannot say that yet because it has not been done. We are kind of in the same stage you are in, but we are hopeful. It is a simple fact that single-use plastic bags are a chronic litter and pollution problem. While bags are for a few minutes of convenience, most are only used for 12 minutes. We take a bag that takes 1,000 years to break down and we use it for 12 minutes. They cause lasting damage in our environment. They often end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter. Plastic bags take thousands of years to break down. And they do not break down, they just break into little, little particles and end up in the soil and the waterways.

Plastic is a commodity, so if it is ripped, if it is very thin, if it is broken down they cannot do anything to it. They used to sell them in bulk to China. That is where most of it went.

China has stopped it now. They are not accepting it anymore. We have so much plastic, I know there is a recycling law in New York. What is it, over 10,000 square foot stores or 5,000 have to have the recycling bin there? It is obviously not working. Have you driven down 9A recently or anywhere near Pleasantville? There is plastic everywhere. Fifty-four percent of the world has a ban in place or are limiting the plastic.

The European Union, by 2020, is hopefully going to enact an entire ban on a lot of plastics, not just bags. They are going to do it across the board. If the European Union can do it I know Hastings can do it and I know Pleasantville can do it. Westport has done it, Rye, Mamaroneck. There is no store in Westport that has gone out of business because of this ban. I went to the Westport Stop & Shop. I sat there. I have done research. I talk to the managers. Of course it is a change and of course it takes awhile to get used to. But no person shopping in the Westport Stop & Shop was hysterical crying while they were checking out their foods because they were not given a plastic bag. Everyone had reusable bags. They also had a thing you have in Costco. The woman there, the manager, set up a table with cardboard boxes that came from all the produce area. She says I ask people if they do not have their bag and they do not want to get the paper bags take a box. Everybody was able to do it, and they were walking out of the store and they were able to function at this level. So I know we can do it. And Rye is doing fine. There is not any problem in Rye because of the ban. Not that I know of. So I am feeling very confident

**Catherine Parker, Westchester County Legislator:** You gave me a perfect segue. I am from the Westchester County Board of Legislators. Before that, I was a Rye city councilwoman for the last six years. I was very happy that during my tenure on the Rye city council we passed our plastic bag ban. It was in December of 2011 when we passed the law. We had a six-month period where we worked very closely with the retail community so it did not go into effect until June, 2012. I also should mention, by the way, I am a small businesswoman. I am a retailer. I have been a past president of the Rye Chamber of Commerce. I helped reestablish the Rye Merchants Association. And I was very instrumental in getting the merchant community on board for this ban. I did so because I saw the environmental implications and realized we needed to move and do something.

We all need to do what we can, small things, big things to reduce our reliance on petroleum products and to protect our environment. I come from a Sound Shore environment. You are on the river. These plastic bags end up going into our water, our environment. It is why people come to live along the river. It is our environment, and this is one of the ways we can protect it. This has been a tremendous success in Rye. June, 2012 will be our two-year anniversary. I understand the gentleman that has the wine shop. You should come to Rye and speak with our wine merchants. They have managed quite nicely. With large purchases, if you present them with the cardboard boxes that your wine is delivered in they may turn

their six-bottle purchase into a 12-bottle purchase. There is some upside to that. Come to Rye. I would be happy to give you a tour of our downtown community. Outreach is critical, and I would highly recommend you doing that. It is great that the A&P is here and I am glad they support recycling efforts of the plastic bags. I hear Mr. Ryan's concern about what was going on in Mamaroneck, and I think there are many factors, because certainly our other grocery stores in the Sound Shore, and we have Whole Foods, we have Trader Joes, use paper products. They do not use plastic bags. So there may be some other things that are a factor there.

I would like to talk about why you, as creators of law, should consider doing this and not just do an educational outreach. From time to time, it is our responsibility as elected officials to take it to the next step, to try to enact a change of habit. Many years ago we had a seat belt law that was created. I am sure there were people that said, it is my life, I am an adult, I should be able to make that choice for myself. I think we all thank our lucky stars, years later, that we have a seat belt law. Picking up dog litter. That is another thing that we have created law for. It is a good public law. The plastic bag ban is a good public law. As elected officials you should not lose sight of what you can do for your community. We have not done a polystyrene ban I would love to see Hastings get the moniker of the first community in Westchester County. As a Rye elected official I was very proud that we were first in Westchester to enact the plastic bag ban. So I would say do take it to the next level. Let us keep challenging ourselves to be more environmentally friendly.

I want to correct a couple of things. New York State law, Plastic Bag Reduction, Reuse and Recycling Act, that was done in 2008. So again, City of Rye, we created our law in December, 2011. I would say do not let that deter you. Also, Mr. Peltz, I think you gave a really interesting picture of what happens to plastic bags after their 12-minute average lifespan. But the truth is, he is correct. They do not go to landfills. We do not use landfills anymore. But I only wish we had the cogeneration that Mr. Peltz presented as the fact that it would get burned and used for energy. No, it gets burned. It just gets burned. If you go and visit the MRF, the municipal recycling facility in Yonkers, you can get a great tour there and see all the plastic bags. They are all getting burned. So I would highly recommend you consider that. It is a real environmental hazard. I am here to support you. I thank you for looking at this.

**Noah Prisament, 50 Clarewood Drive:** I know there are recycling stations in front of stores, as previous people have said, that have a certain size, they are required to have that, and that there are initiatives that have been set out to have people recycle these. However, every time that I have gone to the A&P, which is a store that has this, I do not think I have ever seen somebody recycling bags there. Frequently we go and recycle multiple gigantic bags full of plastic bags from. Or we have just collected bags we find and recycle them.



It is a small container, and I do not see people recycling there. There are initiatives right now to have people recycling them, but they do not seem to be working as well as they should be if we want to keep using plastic bags. Also, it was said that plastic bags take a couple hundred years to biodegrade. They take thousands of years to biodegrade. That is in perfect conditions. Usually they will be broken up into smaller pieces while they are biodegrading, which can hurt the environment on an even larger scale. Whereas with biodegradable materials, they can biodegrade. Plastic bags will never fully biodegrade; at least other materials have a chance at biodegrading.

Also, when you burn a plastic bag, that releases toxic fumes into the air that are not good for the health of any living organism. So even disposing of them properly, when you are not recycling them which many are not, the disposing of them can cause great harm. The last thing I want to say is that it was pointed out that there might not be a big cause of damage in this community per se from plastic bags; however just the idea that we are trying to get rid of the harm that is caused by plastic bags as a whole is a great help to everybody. It shows people who are learning about this that it is a serious problem, and sets up for a longer-term help. In the future we do not want plastic bags littered throughout our environment. In the future, we would want plastic bags to no longer be used. So right now it might be harmful to people who currently use them or might be annoying to those people or even hurt their businesses, in the long term it could have serious negative effects on the environment that could extend past those who are sitting here debating this today. And our choice to do this right now could help many people in the future.

**Haven Colgate, 16 Crossbar Road:** I am also a member of the Conservation Commission, and I came prepared to present a little background to some of the assertions from the Food Industry Association, particularly with the economic study of L.A. County, which described that all the stores had tremendous economic impacts. I read the study and I read all the footnotes, and communicated with the author of the study, and found that they actually only had a three percent response rate for their entire study. They wished for more, but they only had three percent. So in the end, they canvassed 27 stores, 19 of which were small convenience stores and eight major retailers.

Right there, you cannot draw conclusions from your study. And the author herself said we consider it more of a qualitative study because we did not have the numbers. Meanwhile, L.A. County itself, all those stores are in the incorporated and unincorporated zones in L.A. County, they had to do mandatory reporting to the county of L.A. In their own analysis, they found that consumers adapted very quickly to reusing reusable bags, and that the major retailers on average which would use 2.2 million plastic bags a year, got that down to 195,000 paper bags. So yes, plastic bags take up less room. But when you are using 11

times as many plastic bags you are not saving any space. And environmental impacts of one versus the other are different when there is a difference in volume. I would like to point out that they required stores to charge 10 cents for paper bags, and found that on average stores netted \$6,400 a year in income from the charge on the paper bags.

The second thing I wanted to raise was the question of litter. I read the Keep America Beautiful litter analysis from 2009, and did find that plastic bags were, in fact, less than one percent of litter. However, all the waste unit they measured by weight. Some of the components they measured in that pie chart were automobile litter, like car crashes where they do not clean up all the car parts. Those were included. So 18 percent of that pie chart is cars. Six percent of that pie chart was mud, rocks and sticks. So yes, paper bags are a very small percentage. But alcoholic beverages were 18 percent of that pie chart, and one empty beer bottle weighs 7 ounces, a 12-ounce beer bottle, whereas that is the equivalent of anywhere from 20 to 35 plastic bags. So if you are talking acreage of landscape that is covered by a piece of litter, plastic bags do outweigh some of those other things, when you are considering how they are measured.

I understand that plastic and paper both have environmental impacts. For me, the real question is the impact of the litter on the environment. It is not only an eyesore and a nuisance because it is so big, but the fact that it is so light that it blows around and blows into the water. Plastic molecules do absorb organic pollutants like PCBs, oily pollutants. We may find out, in 15 years, they have biomagnified up the food chain, because they are being absorbed by plankton, and the plankton are being eaten by fish. And all of that, we do not really know the consequences.

So plastic bags are one small portion of the tsunami of plastic waste that is flowing into our river. I would encourage this to be the beginning of trying to keep plastic out of the environment and disposing of it properly, all plastics, not just plastic bags.

**Elisa Zazzera, Conservation Commission:** Lots of facts and figures flying around. Recycling is not a fix. Plastic bags, plastic bottles, we are finding out that recycling is not really the answer to our waste problems. We need to stop making so much waste. Banning plastic bags is a tiny, tiny part of what we can do to reduce our waste stream.

A little background so you know we did not go into this blindly and just make legislation. Costanza and I and other members of the Conservation Commission canvassed 46 merchants in town, giving them the ordinance and a fact sheet, and getting some of their feedback. We found that 15 of them did not use plastic bags at all, and 38 of them did not use any Styrofoam. So no impact there. Fourteen of the folks we canvassed approved the ban on plastic bags, and four were against it. Granted, it is not an entire 100 percent, but we

captured it and did put some effort in. We are not just bulldozing in here. I also just read before I got here that 20 million Americans currently live within an area that plastic bags are banned, and I think they are doing OK. Paper, if people forget their reusable ones and get that bag, they can compost it. It does not have to wind up in the waste stream. We know we have a good many composters in Hastings. The environmental impact of these, we cannot know all of it. We see the litter, we know that it goes into the water. There is an economic impact to creating these plastic bags. There is energy put into recycling them. Again, it is not an answer to say we can recycle all these bags. As far as I understand, again statistics flying around, 2 to 15 percent of them are recycled. You put one bag that is filled with dirt into that big box of bags to be recycled, and likely the whole thing will not get recycled. So, again, it is not the answer.

So we have lots of studies and data in support of the ban and in support of the continued use of these plastic bags and Styrofoam. What is not debatable is that our climate is in crisis. That means life on this planet, including us and all life, is in danger. Not dramatic, this is happening. We are creating this crisis, we have got to act fast to try and turn it around. One thing we can do is reduce the amount of stuff we dispose of. This legislation is a very small attempt to tread more lightly upon the Earth. These materials, as we have seen and heard, are convenient for some merchants and some of their customers. There is no question that these conveniences have costs, the total cost of which is not calculated in the balance sheet of our economy. These are costs that many of us do not see. The externalities of the manufacture, use, disposal or recycling of these materials are large and are devastating to our environment. Hastings is not breaking new ground by passage of this legislation. We have seen other places do this, and they have been faring quite nicely. Thanks for hearing us all.

**Jordan Christensen, Citizens Campaign for the Environment:** We have worked with Larchmont and Mamaroneck and Rye, and we are working with New York City on their legislation. CC strongly supports your proposed legislation. As we have seen, from Bangladesh to Los Angeles to the city of Rye, banning single-use bags saves natural resources, reduces litter and prevents plastic pollution in our waterways. As we have heard several times, the average plastic bag is used for 12 minutes but the damage it does lasts decades. Plastic bags remain in our environment, littering open spaces, clogging our storm drains and causing localized flooding, polluting waterways and killing wildlife. Marine and avian life become ensnared in, and strangled by, discarded bags and die from consuming the plastic, which mimics aquatic food and attracts toxins as bags begin to break down. As we have also heard, there is now more plastic than plankton in the oceans, with 46,000 pieces of plastic for every square mile of ocean. Single-use plastic and paper bags also waste money and natural resources. And, of course, paper bags are bad, as well. Manufacturing paper bags uses 14 million trees every year. As for plastic bags, in the U.S. most are manufactured from natural gas. To produce the 100 billion plastic bags that are thrown away in the U.S.

each year requires 2.2 billion pounds of fossil fuels and 3.9 billion gallons of fresh water, and produces a billion pounds of solid waste and 2.7 million tons of carbon dioxide.

Due to the high shipping and manufacturing costs, U.S. retailers spend about \$4 billion every year on disposable bags, the cost of which then gets passed on to consumers. But the solution is simple. It is to bring your own bag, to use reusable bags. Hundreds of municipalities have already done so with overwhelming success. In L.A. County a 2010 study showed little to no economic impact on consumers or on retailers due to the ban, and found that as reusable bag use increased stores were able to go without even the 100 recyclable paper bags because so many people were bringing their own. In San Jose, California, which has similar legislation to L.A. County but also banned EPS foam, a 2012 study found that litter in the area decreased, reusable bag use increased from four percent to 62 percent, and, especially, local waste and recycling facilities ran more efficiently, since plastic bags and EPS foam are no longer clogging the machines.

In addition to the disposable bag ban, we also support the ban on EPS foam, since many of the problems with EPS foam as the ones with plastic bags. EPS foam is also made from fossil fuels, does not fully break down, remains in waterways and kills wildlife. In addition, styrene, a chemical used on polystyrene, is a suspected carcinogen. It is known to leach from food packaging containers into food and drink, especially when exposed to heat, posing a public health risk. Because of these negative impacts, hundreds of cities have already banned EPS foam, including retailers like Wendy's, McDonald's and Dunkin Donuts. Because there are more sustainable alternatives, just like there are with single-use bags, as more cities ban EPS foam the alternatives are becoming cheaper and more popular.

Over the last 20 years, the public has become more aware of the environmental damage from both Styrofoam and single-use bags, have begun to reduce their consumption of these products, and started to bring reusable alternatives. However, public education, in this case, is not enough. Despite numerous public education campaigns and mandatory plastic bag recycling options in New York, less than 10 percent of plastic bags are recycled in the state, five percent recycled nationally. Although there are more people using reusable bags, the average American still uses over 300 plastic bags a year. So legislation is the only proven way to switch consumer behavior and do effective public education on the issue.

Plastic bags are costly, while reusable bags save money. Plastic bags and EPS foam are remnants of past, throwaway society practices, while sustainable, reusable alternatives are the future. Hastings-on-Hudson now has the opportunity to stand out as a leader in sustainability, particularly on the EPS foam issue, while protecting our precious marine resources, conserving natural resources and reducing unsightly litter.

**Ms. Hamerman:** Over the past year and a half the Conservation Commission and people from Transition Hastings and others have conducted outreach and education of residents. We have obtained over 200 signatures in support of the ban. I was very gratified to see in *The Enterprise*, in the In Your View column they this week they asked what do you think about the idea of banning retailers from using plastic bags. Four out of the four people interviewed were in favor. So I ask you to take a look at this. It includes young Jonah Ballard, who is eight. He says, "I think it's a pretty good idea. Sometimes plastic gets into the ocean and gets stuck on fish and harms them. In general, it's not very good for the environment. I think if one town does it, it might influence the next small town to do it in another town." So we are very proud of your young man there.

It was our intention, moving forward, to work with the merchants around education to create posters and stickers that have been very effective. We do have experience from Westport and communities around the country on best practices, so continue to work with them to put up signage and to make sure people know to bring their reusable bags, the goal being, of course, not to convert to paper, but to move towards reusable bags.

We have talked a lot about the goals of the ban. Obviously, changing habits is important, but we also understand the Village has an expense related to controlling and alleviating stormwater clogs related to the plastic, picking up litter and unclogging the recycling machinery. So there are other ancillary benefits, we think, to reducing the amount of plastic that gets into our water streams and pollutes our town.

**Mayor Swiderski:** Does anyone who has already spoken want to say anything to finalize the evening?

**Mr. Gonder:** I am 100 percent in favor of this ordinance. I hope the Board does not take years, such as the deer, or the cleanup of property on our waterfront. I hope you can do it in several months because it is one of the most important issues you will have.

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### **CONTINUATION OF PUBLIC HEARING**

**Village Attorney Whitehead:** You want to continue the public hearing until your next meeting on May 6. Because there have been changes in the law, we want to give the public the opportunity to review and comment on the changes. What you do on May 6 you are going to decide on May 6.

On MOTION of Trustee Jennings, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski continued the Public Hearing to May 6, 2014.