



MEMORANDUM OF OPPOSITION

A Wolf in Sheep's Clothing – Industry-backed “Chemical or Advanced Recycling”

S.7891 (Mannion);A9495(Hyndman)

TITLE: *AN ACT to amend the environmental conservation law, in relation to advanced recycling and advanced recycling facilities*

SUMMARY: This industry-drafted bill would, under the guise of “chemical or advanced recycling,” exempt industrial processes that would convert plastic waste to fuel or to chemical components from laws applicable to other solid waste facilities and designed to protect New York’s environment and public health.

STATEMENT OF OPPOSITION: In traditional recycling operations, materials like plastic soda bottles and detergent jugs are sent to recycling centers, sorted by type, cleaned, shredded, processed into plastic pellets used to make new products. But now the plastics industry has come up with a new idea that they euphemistically call “chemical recycling” or “advanced recycling.” But in contrast to conventional recycling, these industrial processes would convert plastics to fuel or to chemical components. Both approaches raise serious health, environmental, economic, and equity concerns.

For one thing, these so called “advanced recycling” technologies are unproven at commercial scale. [A 2022 report from the National Academies of Sciences](#), Engineering and Medicine concluded that chemical recycling processes “are in early research and development stages. Such processes remain unproven to handle the current plastics waste stream and existing high production plastics.” And [a 2021 Reuters investigation](#) of advanced recycling was headlined “The Recycling Myth: Big Oil’s Solution for Plastic Waste Littered with Failure.” In fact, the oil and gas industry, which is pushing this technology and would benefit financially from its expansion, cannot point to a single American city or state that has a successful “advanced or chemical recycling” program currently handling its municipal plastic waste.

Second, these technologies raise serious environmental and public health concerns. [An NRDC analysis](#) of industrial operations that have been testing these chemical recycling technologies uncovered worrisome information. Eight “chemical recycling” facilities for which data are available turned out to be generating large quantities of hazardous waste and hazardous air pollutants, according to the U.S. EPA and other government sources.

Third, if new plastics “recycling” industrial facilities are to be constructed, it is more likely than not that they would be built mostly in Black and brown communities given zoning restrictions and who lives near manufacturing areas. And these neighborhoods already have more than their fair share of environmental burdens from waste facilities and other pollution sources.

The real solution to the problems associated with ever-growing amounts of throw-away plastics are to produce less of them. That would be consistent with the New York State policy since passage of the 1988 Solid Waste Management Act, which sets forth a solid waste hierarchy that prioritizes “reduction” and “reuse” ahead of recycling, incineration and landfilling. Enacting a strong Extended Producers Responsibility law that incentivizes waste-prevention and passing laws that prohibit problematic single-use plastics for which more sustainable substitutes are readily available are good alternatives to the proposed “chemical recycling” legislation. Finally, 99% of throw-away plastics are manufactured from fossil fuels. Thus, taking steps to reduce single-use plastics would also help achieve the ambitious goals of the Climate Leadership and Community Protection Act that was enacted by the Legislature in 2019.

The industry-backed Mannion and Hyndman bills, in contrast, would give the green light to these problematic plastic processing industrial operations by exempting such operations from environmental protection laws and permitting requirements that apply to other, and in many cases less troublesome, solid waste management facilities.

The New York City Environmental Justice Alliance and the Natural Resources Defense Council strongly oppose this legislation.

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