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Gale A. Brewer, Borough President

MEMORANDUM IN OPPOSITION

LEGISLATIVE REFERENCE A. 9904 (Cusick)
 S. 7336 (Felder)

TITLE

An act to amend the general city law, in relation to prohibiting the imposition of any tax, fee or local charge on carry out merchandise bags

SUMMARY OF PROVISIONS

This bill would prohibit the imposition of any tax, fee, or local charge on carryout merchandise bags by any city, including New York City. This bill defines carryout merchandise bags as paper bags, plastic bags, and any carrying container that a retail store provides for its customers to transport lawfully obtained merchandise from that store.

This bill would preempt and nullify Intro 209-A of 2014 in New York City, which imposes a minimum five-cent fee on plastic and paper carryout bags at retail, convenience, and grocery stores (with exceptions). Intro 209-A exempts recipients of SNAP and WIC from paying the fee.

REASONS FOR OPPOSITION

By preempting Intro 209-A and similar legislation, this bill prevents cities throughout the state from implementing proven policies to cut down on a pollution source, a driver of municipal costs, and a nuisance in dense, urban areas. The bill will therefore have a negative effect on the environment, remove a tool the City of New York and other cities could use to reduce waste management costs, and perpetuate environmental inequities affecting low-income and vulnerable populations.

New York City throws away 9.37 million single-use plastic bags each year. That's 100,000 tons of bags that require transportation to waste facilities and then out of the city into landfills, at a cost of more than \$12 million annually. If Intro 209-A produces bag-reduction results in line with similar policies in Washington, D.C. (60% reduction), Los Angeles County (95% reduction), and San Jose (single-bag use reduced from 3 bags to 0.3 bags per store visit), it would represent a drastic reduction in this municipal cost. As such, passage of S. 7336 / A. 9904 and the resulting state preemption of Intro 209-A could be described as a new unfunded mandate that would fiscally burden the City of New York and other municipalities considering similar policies.

Plastic bags in the waste stream clog drains, get caught in trees, and enter into waterways where fish, turtles, birds and other marine life mistake them for food. Even when bitten off into smaller pieces, plastic bags do not biodegrade. Animals with plastics in their systems can starve to death.

Humans, too, can introduce plastics into our systems when we eat seafood with plastic particles inside them, which can have negative health ramifications.

Plastic bags hinder existing recycling efforts, becoming caught in recycling machines and contaminating other recyclable materials if they get into processing stations, according to SIMS Municipal Recycling, which processes New York City's rigid plastic, metal, and glass recycling.

Additionally, transporting single-use bags in trucks adds to the air and noise pollution of a neighborhood. This disproportionately impacts vulnerable populations, as New York City's waste transfer stations are predominately located in low-income communities. Low-income neighborhoods already suffer from higher rates of child asthma and hospitalization, making them communities with "a more negative measure of health," according to profiles compiled by the NYC Department of Health and Mental Hygiene. New York City has a real opportunity to make community health outcomes more equitable across all neighborhoods by reducing the number of trucks needed to transport millions of discarded bags into waste transfer stations. Unfortunately, the proposed bill would further environmental injustice and halt the city's progress in this area.

Accordingly, the Manhattan Borough President strongly urges disapproval of A. 9904 and S. 7336.

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Office of Manhattan Borough President
Gale A. Brewer