



**Testimony to the CGA Environment Committee
By Louis Rosado Burch
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Hartford, CT**

Senators Cohen and Miner, Chairwoman Borer, distinguished vice chairs, ranking members and esteemed rank & file members of the CGA Environment Committee, thank you for the opportunity to offer testimony today.

My name is Louis Rosado Burch, Connecticut Program Director for Citizens Campaign for the Environment (CCE). Supported by over 120,000 members in Connecticut and New York State, CCE advocates for policy solutions that protect public health and the natural environment. CCE appreciates the opportunity to offer testimony in support of SB 927 and HB 6502.

S.B. 927- AN ACT CONCERNING REVISIONS TO THE SEWAGE SPILL RIGHT-TO-KNOW STATUTE

CCE strongly supports updating and strengthening Connecticut's Sewage Right-to-Know law to protect our surface waters and public health. Our state continues to suffer from raw and partially treated sewage overflows as a result of aging and outdated sewage treatment infrastructure. In July of 2020, a sewer line failure in Hamden resulted in a 2.3-million-gallon sewage spill into the Mill River and New Haven Harbor. Unfortunately, despite existing requirements under the law, downstream communities were not notified in a timely manner, leaving the public unaware of potential health hazards for several days after the spill.

The sewage right-to-know law was established to inform and protect the public from sewage spills as they happen, so that individuals who use our water resources for recreation and other purposes may take the necessary precautions. Unfortunately, the law has fallen short on this important goal and needs improvements. CCE offers the following recommendations to strengthen this important program:

Allow for Electronic Public Notification

The CT Department of Energy and Environmental Protection (DEEP) is currently working on a series of updates to the existing sewage right-to-know portal to create a more user-friendly experience. This includes leveraging existing social media tools such as Twitter or other available electronic means to push messages regarding unanticipated sewage spills to the public. This will enhance the program's ability to transmit timely notice of sewage spills to the public, while providing the agency with the flexibility it needs to disseminate sewage spill data using available resources.

Eliminate the 5,000 Gallon Threshold for Reporting

In the previous 2018 revision, an arbitrary limit of 5,000 gallons was placed on the public reporting requirement for a raw or partially treated sewage spill. Unfortunately, an operator may find themselves in violation if he/she underestimates the size of a spill that has breached a nearby waterbody and fails to submit an accurate report. Removing the 5,000-gallon threshold for reporting eliminates this issue and better reflects the reality that even a hundred-gallon raw sewage spill into a small stream or waterway can create a significant public health risk.

Provide Adequate, Consistent Signage in the Event of a Sewage Spill

In lieu of a real-time electronic alert system that members of the public can access via personal electronic device; clear, consistent signage is needed in areas where the public is likely to interact with waterbodies that have been contaminated during a spill. Such signage needs to be conspicuous with clear directions, and must offer advisories in English and Spanish, at a minimum.

DEEP has been engaged with advocates throughout this process and will be submitting substitute language to the committee that is consistent with the recommendations. CCE is supportive of these changes that will further enhance the program and its ability to protect against health risks associated with coming in contact with untreated sewage.

H.B. 6502- AN ACT CONCERNING THE USE OF CERTAIN POLYSTYRENE PRODUCTS, THE AVAILABILITY OF SINGLE-USE STRAWS, THE RELEASE OF CERTAIN BALLOONS AND THE COMPOSTABLE NATURE OF SINGLE-USE PRODUCE BAGS

CCE remains supportive of State and local efforts to eliminate food packaging made from polystyrene, to promote the use of reusable straws and tableware, and prohibit the release of helium balloons that end up in our waterways. These materials contribute to plastic ocean pollution, threaten aquatic wildlife, and take up unnecessary space in the solid waste stream. CCE strongly supports the intent of this bill, with recommendations to strengthen and allow for local efforts to further eliminate plastic waste in our communities.

EPS Foam Containers and Food Service Packaging

Expanded Polystyrene (EPS) foam is a type of synthetic plastic which does not break down in the natural environment.¹ Instead, polystyrene waste breaks up into “microplastics” which pollute our waterways and threaten aquatic wildlife.

EPS recycling is not currently offered by any municipal recycling program in Connecticut. New EPS must, therefore, be continuously manufactured from virgin materials. Polystyrene is derived from fossil fuels, which generates greenhouse gases, and contributes to the climate crisis. EPS garbage is almost universally disposed of as Municipal Solid Waste (MSW), which contributes to growing waste management costs for cash-strapped municipalities.

CCE supports phasing out the use of EPS foam lunch trays by school districts and institutions of higher education but recommends that the requirements of Section 1 be accelerated to implement such phaseout sooner than July of 2023. Additionally, we recommend moving the effective date of Section 2 to prohibit the distribution of single-use EPS food containers at food service establishments no later than January of 2023.

¹ <https://pubs.acs.org/doi/10.1021/acssuschemeng.9b06635>

Cost effective alternatives to EPS food packaging exist and are already widely available.² While it may be necessary to provide academic institutions with some time to discontinue existing contracts with EPS vendors, there is precedent for the phase-out and replacement of EPS products and the State need not delay this process longer than necessary. New York State passed a comprehensive ban on EPS food service packaging in April of 2020, with phase-out requirements scheduled to go into effect in January of 2022.

We must respond to Connecticut's waste crisis with urgency and determination. In 2016, Connecticut established a goal of diverting 60% of our MSW by the year 2024.³ With just three years left to meet that goal, Connecticut's recycling rate remains stagnant at around 30% or less.⁴

The closure of the Materials Recovery and Innovation (MIRA) incinerator in Hartford underscores the urgent need to implement workable solutions to reduce waste and increase recycling in our State, as soon as possible. MIRA currently manages roughly 1/3 of Connecticut's MSW. With MIRA expected to retire by July of 2022, lawmakers must act quickly to identify and eliminate products and packaging that create unwanted waste and/or cannot easily be recycled. Eliminating wasteful EPS waste is a common-sense step towards achieving this important goal.

Multiple CT municipalities have taken steps to reduce EPS waste, including local ordinances prohibiting EPS food service containers in Groton, Norwalk, Stamford, and Westport. A statewide ban on EPS food packaging will accelerate efforts to reduce plastic pollution in our waters and relieve the financial burden on MSW systems. With that said, ***any statewide ban must not preempt municipalities from passing or implementing policies regarding EPS foam that are stricter than what the State prescribes. When putting measures in place to prevent wasteful plastic pollution, the State should provide a baseline of environmental protection, not a ceiling.***

Single Use Plastic Straws and Tableware

CCE strongly supports Section 3 of this bill, which prohibits the proprietor of a food-service establishment from providing single-use plastic straws, unless specifically requested by a patron. This is a reasonable measure which would result in a meaningful reduction of plastic waste, while still allowing businesses to keep them on hand in the event one is requested by a person with disabilities or similar considerations.

This approach offers flexibility to business owners, while significantly cutting down on plastic garbage that threatens our environment and takes up space in our waste stream. ***CCE recommends the bill be amended to apply the same requirements to plastic tableware, and that the language be clarified to apply to take-out and delivery orders in addition to "dine-in" patrons.***

Further, the bill makes no mention of plastic stirrers, which are infamously used only for a few moments and are not easily recycled. ***CCE recommends amending the language to; include plastic stirrers in the definition of "single-use plastic straws," or to prohibit the distribution of plastic stirrers altogether.*** The City of Norwalk recently passed a local ordinance establishing a "soft ban" on plastic straws, which contains an outright prohibition on plastic stirrers.

² https://energycenter.org/sites/default/files/Guide_for_Polystyrene_Reduction_Policies.pdf
<http://www.massgreen.org/polystyrene-alternatives.html>

³ <https://portal.ct.gov/DEEP/Waste-Management-and-Disposal/Solid-Waste-Management-Plan/Comprehensive-Materials-Management-Strategy>

⁴ https://nerc.org/documents/town_business/ct/ct_fact_sheet_sharon_salisbury.pdf

Helium Balloons

Helium balloons that escape into the atmosphere eventually return to the surface, where they can pollute our environment and threaten marine wildlife. Latex and mylar balloons do not biodegrade in our environment, but instead break up into tiny microplastics, which disrupt aquatic ecosystems and contaminate the food chain.

The States of California and New Hampshire have laws on the books prohibiting the intentional release of any number of helium balloons into the atmosphere. While Connecticut already prohibits the release of 10 or more helium balloons in a 24-hour period, the law does nothing to guarantee that individually sold or distributed balloons will not create a pollution hazard. *CCE supports a total prohibition on the release of helium balloons and recommends including a public education component at the point of sale, to inform consumers about the new policy and their responsibilities under the law.*

Compostable Produce Bags

Bioplastics have become increasingly common in recent years as the demand for environmentally friendly alternatives to single-use plastics has grown. The terms “biodegradable” and “compostable” are often used referring to such products, but these terms are not interchangeable, and are often inaccurate. Unfortunately, many common misconceptions exist concerning the use of these products and how they impact the environment. Understanding the difference between these labels is critical to distinguish between the numerous types of bioplastics on the market and avoid misleading marketing claims used to advertise these products.

Despite being derived from plant-based materials, *bioplastics are still plastic* –and many are manufactured using a combination of plant-based and petrochemical feedstocks. If these materials are not disposed of properly, they too can have devastating impacts on our environment and wildlife. Without measures in place to capture and ensure proper management of such materials, bioplastics may share the legacy of pollution conventional plastics leave behind.

CCE agrees that an independent study on the safety and environmental suitability of any biopolymer is necessary before endorsing its use as a replacement for conventional plastic bags.

There is significant variation in the chemical constituents used to manufacture these materials, and independent research is needed to determine whether such products actually behave as advertised.

Further, such an inquiry must include a thorough examination of how these polymers behave in a variety of settings, including industrial and home composting settings and within a marine environment. CCE sees an opportunity through this process to establish a much-needed test for marine degradability as part of such an undertaking, since the ASTM D7081-05 test has been withdrawn due to its failure to reliably represent the diverse field of marine biomes.⁵

⁵ <https://www.astm.org/Standards/D7081.htm>