



February 25, 2023

Environment Committee
Legislative Office Building, Room 3200
Hartford, CT 06106

RE: Just Zero's Opposition to House Bill 6664 — An Act Managing Waste and Creating a Waste Authority

Dear Environment Committee Members:

Thank you for the opportunity to provide testimony regarding House Bill 6664, An Act Managing Waste and Creating a Waste Authority. **Just Zero opposes House Bill 6664.**

Just Zero is a nonprofit organization that works alongside communities, policy makers, and others to implement just and equitable solutions to climate-damaging and toxic production, consumption, and waste disposal practices. We believe that all people deserve Zero Waste solutions with zero climate-damaging emissions and zero toxic exposures.

Just Zero is grateful for Governor Lamont's efforts to address Connecticut's waste crisis. House Bill 6664 incorporates elements — such as extended producer responsibility ("EPR") for packaging, post-consumer recycled content mandates, and organics diversion — that, if implemented correctly, can help reduce and divert solid waste. As written, however, this bill would only deepen Connecticut's waste crisis by increasing packaging waste, supporting toxic and climate-damaging plastics disposal technologies, and increasing Connecticut's reliance on waste incineration. **Just Zero opposes House Bill 6664** because:

- (1) Section 1 of the bill would create an EPR for packaging program that empowers consumer brands and the packaging industry to set their own recycling targets, without imposing mandatory packaging reduction requirements, adequate penalties for non-compliance, or rigorous oversight;
- (2) Sections 1 and 2 of the bill fail to exclude dangerous technologies like pyrolysis, gasification, solvolysis, and so-called "chemical recycling" or "advanced recycling" from the definitions of "recycling" and "post-consumer recycled content," respectively; and
- (3) Sections 3 and 8, respectively, authorize a request for proposals ("RFP") process for new waste incinerators in Connecticut and create financial incentives for waste incineration.



I. An EPR for Packaging Program Without Mandatory Reduction Targets, Adequate Penalties, or Strong Oversight Would Be a Step in the Wrong Direction.

Section 1 of HB 6664 would create an EPR for packaging program that empowers the very companies that created Connecticut’s packaging waste crisis in the first place: consumer brands and packaging manufacturers. Under HB 6664, these companies — dubbed “responsible parties” — would form stewardship organizations that submit stewardship plans to the Department of Energy and Environmental Protection (“DEEP”). In these stewardship plans, consumer brands and packaging manufacturers would set their own “performance goals,” including reduction rates, recovery rates, recycling rates, and post-consumer recycled content rates for packaging materials. The industry-run stewardship organizations also propose their own fee structure for packaging materials, which is intended to incentivize the redesign of packaging materials.

HB 6664 charges DEEP with deciding whether to approve the proposed stewardship plans and fee structures, based in part on comments from an advisory committee. The members of that advisory committee, however, are hand-picked by the “responsible parties,” i.e., consumer brands and packaging manufacturers. And the bill does not include any minimum mandatory performance goals, particularly for reduction rates. Without mandatory reduction rates, “responsible parties” are free to set goals that would not result in significant packaging waste reduction. Moreover, HB 6664 would not impose mandatory penalties if consumer brands and packaging manufacturers did not meet their performance goals. In fact, HB 6664 allows for the stewardship plan to simply be revised if those companies don’t hit their own targets.

Combined, these weak provisions would create an EPR for packaging program that amounts to little more than voluntary commitments by consumer brands and packaging manufacturers to improve their packaging and compensate towns and cities for the waste they create. These companies have made similar voluntary commitments in the past, all of which have led to an increase, rather than a decrease, in single-use packaging and plastic pollution.¹ By empowering consumer brands and packaging manufacturers to set their own, unenforceable, voluntary targets, this bill would lead Connecticut down a path to more packaging waste.

Connecticut would not put fossil fuel companies in charge of a transition to renewable energy. Why would you put companies that profit from packaging waste in charge of reducing that waste without mandatory reduction targets, adequate penalties, or strong oversight?

¹ See Greenpeace, Big brands fail their own voluntary commitment to eliminate plastic pollution, Nov. 1, 2022, <https://www.greenpeace.org/usa/news/big-brands-fail-their-own-voluntary-commitment-to-eliminate-plastic-pollution/>.



II. By Failing to Exclude Toxic Plastic Disposal Technologies from the Definition of Recycling, House Bill 6664 Would Deepen Dependence on Single-Use Plastics and Create Significant Risks for Communities and the Climate.

The petrochemical industry is lobbying lawmakers across the country to pass EPR for packaging laws that carve out loopholes for dangerous, climate-damaging technologies that use heat and/or solvents to break down plastics into fuels, chemicals, and toxic waste byproducts.² These technologies, often referred to by the industry as “chemical recycling” or “advanced recycling,” release climate-damaging gases and dangerous toxics like lead, mercury, dioxins, benzene, and styrene.³ Worst of all, these facilities are disproportionately located in communities of color and low-income communities.⁴

HB 6664 fails to exclude gasification, pyrolysis, solvolysis, “chemical recycling,” “advanced recycling,” and all other toxic plastics disposal technologies from the definition of “recycling” in Section 1, and from the definition of “post-consumer recycled content” in Section 2. In fact, the definition of “recycling” in Section 1 fits with the petrochemical industry’s description of “chemical” or “advanced” recycling, and the industry’s lobbyists have supported EPR bills in states like California that include similar language.⁵

The petrochemical industry pushes for these loopholes, and promotes so-called “advanced recycling” more broadly, to deepen our dependence on single-use plastics and single-use plastic packaging.⁶ By failing to exclude these technologies from the definition of “recycling” and “post-consumer recycled content,” HB 6664 would reinforce, and help subsidize, toxic technologies meant to increase, rather than decrease, plastic packaging production and waste.

III. Connecticut Must Not Continue to Rely on and Incentivize Waste Incineration.

Burning waste is not a solution to Connecticut’s waste crisis. Waste incineration is expensive, climate-damaging, and it releases dangerous toxics like dioxins, lead, mercury, nitrogen oxides,

² See Kevin Budris, Just Zero, Loopholes, Injustice, & the “Advanced Recycling” Myth 22–27, Dec. 2022, <https://just-zero.org/wp-content/uploads/2022/12/2022-12-14-Just-Zero-Advanced-Recycling-Report.pdf>.

³ NRDC, Recycling Lies: “Chemical Recycling” of Plastic is Just Greenwashing Incineration 6, Feb. 2022, <https://www.nrdc.org/sites/default/files/chemical-recycling-greenwashing-incineration-ib.pdf>.

⁴ See Budris, *supra* note 2, at 28–33.

⁵ *Id.* at 23–25.

⁶ *Id.* at 9–10.



sulfur dioxide, and particulate matter.⁷ And yet, HB 6664 would increase Connecticut’s reliance on waste incineration.

HB 6664 Section 3 would authorize the Commissioner of DEEP to issue an RFP for new solid waste disposal facilities, including incinerators. HB 6664 Section 8 would increase solid waste processing fees for waste burned at incinerators to \$3 per ton, and it would create a new \$5 per ton solid waste processing fee for waste shipped out of state. Setting a lower fee for waste incineration only further incentivizes burning waste. To solve its waste crisis Connecticut must focus on reducing and diverting waste, not building new incinerators and providing a financial advantage for those incinerators.

IV. Conclusion

House Bill 6664 would be a step in the wrong direction for Connecticut. An EPR for packaging program can help reduce packaging waste, but only if it incorporates mandatory, enforceable reduction targets and strong state oversight, and explicitly excludes dangerous technologies like so-called “chemical” or “advanced” recycling. This bill, however, would create a program that empowers the industry that created this crisis in the first place and that stands to profit from continued runaway single-use packaging production. And further handouts to the incineration industry will only continue the toxic legacy of incineration in Connecticut.

Connecticut needs real Zero Waste solutions. A strong, well-constructed, EPR for packaging program can be one of those solutions. So too can organic waste diversion requirements like those in HB 6664, plastic reduction mandates like those in HB 6606 and HB 6608, and a statewide unit-based pricing (or “Pay as You Throw”) program.

But as written, HB 6664 will only worsen Connecticut’s waste crisis. For the above stated reasons, **Just Zero opposes HB 6664.**

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Budris".

Kevin Budris
Advocacy Director
Just Zero

⁷ See Energy Justice Network, Waste Incineration (a.k.a. “Waste-to-Energy”), <http://www.energyjustice.net/incineration/>.