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August 19, 2022

Solid Waste Management Bureau
Attention: Michael Nork, Supervisor
NHDES Materials Management, Education & Planning Section
New Hampshire Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095

Dear Supervisor Nork & Members of the Solid Waste Working Group,

The New Hampshire Network Plastics Working Group has been meeting for more than a year to take action on reducing plastic waste and pollution in New Hampshire. Our group of 52 members is comprised of educators, researchers, business and policy analysts, artists, community leaders, and health professionals who have successfully led plastic waste reduction efforts in their communities using a public resource tool we developed called the [Ten Towns, Ten Actions Toolkit](#).

Working in 34 communities throughout New Hampshire, our members have implemented the following actions, among others, to raise awareness of the hazards of plastics and the toxic chemicals they carry and to reduce plastic waste and pollution:

- Community clean-ups and waste audits
- Engagement with high school and college students interested in plastic waste issues
- Convening of regional groups to scale plastic waste and reduction efforts
- Plastic Free July proclamations
- Plastic film and polystyrene foam collection and recycling events
- Film screenings with evidence-based information about the hazardous chemicals used in plastic production and emitted during the incineration of plastic waste
- Partnerships with libraries and recycling centers on consumer education programs
- Public education sessions in partnership with recycling, environmental, and public health professionals

Members of our group have reviewed the draft Solid Waste Management Plan and have agreed on the collective response represented in this letter. Thank you for taking the time to consider our comments.

Overview

In the nearly 20 years since the previous Solid Waste Management Plan was written, the citizens of New Hampshire have become more aware of and engaged in understanding the following solid waste issues:

- Negative impacts of landfill sitings near public water supplies
- Presence of PFAS and other ‘forever’ chemicals in drinking water

- Cancer-causing chemicals released in plastic production and incineration of plastic waste
- Effect of plastic waste and pollution on marine life and bioaccumulation in the food chain
- Accumulation of micro and nanoplastics in human bodies and their health risks
- Effect of container deposit laws on increasing recycling behaviors and revenue streams
- Presence of microplastics in New Hampshire's lakes, rivers, and other water bodies
- Unregulated trash from other states coming in to New Hampshire
- Impact of community composting on reducing solid waste
- Recycling solutions for hard-to-recycle items
- Bio-based alternatives to plastic food and product packaging
- Need for single use product manufacturers to participate in waste and recycling solutions
- Deregulation of 'advanced recycling' and 'chemical recycling' facilities emitting cancer-causing aromatic hydrocarbons (PAH) and other toxic substances

As a result of this increased public awareness, New Hampshire citizens, businesses, institutions, communities, and solid waste professionals expect more of its state government in providing guidance, current information, and oversight of solid waste policies and practices today than they did in 2003 when the previous plan was written.

The NH Network Plastics Working Group is prepared to support NH DES in achieving its solid waste reduction goals relative to plastic waste and pollution in New Hampshire.

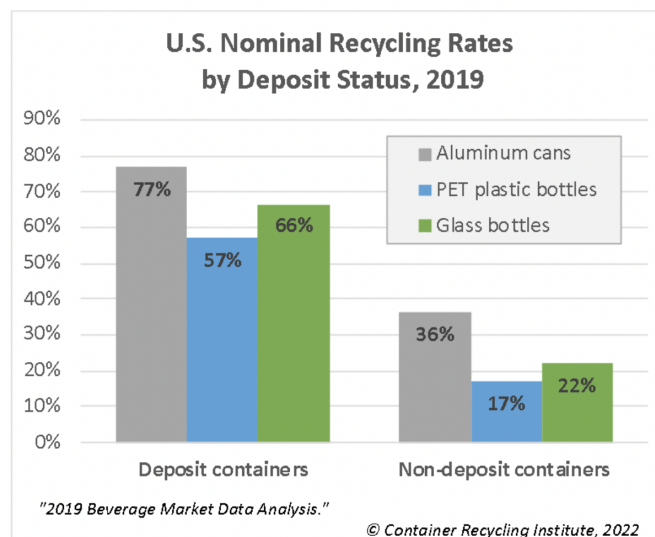
General Comments

For the NH Solid Waste Management Plan to serve the citizens of New Hampshire and achieve its goals, we offer the following actionable comments in keeping with the mission of the NH Department of Environmental Services:

"...to help sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire. The protection and wise management of the state's environment are the main goals of the agency."

- 1. Include prioritization and accountability measures.** For the plan to effectively serve today's New Hampshire citizens, businesses, and institutions, priorities and accountability measures should be included. There are 65 actions with no priorities, timeline for implementation, or identification of the agency staff who will be responsible for implementing the actions. We suggest including the first 'short-term implementation' plan with priority actions, timeline, accountability measures and metrics, and identification of who will implement the actions.
- 2. A dedicated funding source should be identified.** We strongly urge DES to restore the priority recommendation of a container deposit law (CDL) to fund the 65 actions outlined in the plan. Not only will a CDL increase recycling and reduce waste (see table below), it will generate revenue that can be dedicated to implementing the plan's goals and actions, specifically, increasing recycling rates and removing carcinogenic chemicals contained in plastic beverage packaging from the waste stream.

U.S. Nominal Recycling Rates by Deposit Status, 2019



- 3. Incorporate a status report on the 2003 Solid Waste Management Plan Actions and require an annual review of the status of the 2022 plan’s 65 actions.** Progressive agencies look back as well as forward when writing and implementing strategic plans. A review of the actions in the 2003 plan to determine which actions have been completed, which are still relevant to the 2022 plan goals and should be included, and which should be abandoned is warranted. To maintain accountability and attention to the current plan, an annual review should be undertaken to evaluate whether ‘short-term implementation’ plans are on track for timely completion.

- 4. Ability to add addendums.** Due to the time constraints involved in drafting this plan, and to its long-term nature (most plans today are written for 5-year periods to remain responsive to public opinion and legislative direction, new research, and market trends rather than 10 years) provision should be made to allow for addendums to the plan in consultation with the Solid Waste Working Group.

Specific Comments

Page #	Section Heading	Comment
2	Plan Name	Change name of plan to ‘ <i>NH Solid Waste Reduction & Management Plan</i> ’ in keeping with the overarching goal of the plan’s solid waste disposal reduction target and local solid waste committee naming trends
2	Introduction	Add DES Mission Statement, “...to help sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire. The protection and wise management of the state’s environment are the main goals of the agency.”

Page #	Section Heading	Comment
3	What is Solid Waste?	Add additional bullet point <i>'All plastic waste, including plastic waste containing likely or known carcinogens'</i>
5	Disposal and Diversion Figures	Accepting out of state waste at a rate of nearly 50% is a serious concern. To achieve the mandate under RSA 149-M:29 of maintaining adequate capacity for New Hampshire's waste, out of state waste coming into New Hampshire should be minimized.
8	Goal 1, Action 1.1 Public Outreach, Education and Technical Assistance	Add <i>'public and private institutions'</i> to introduction paragraph
8	Goal 1, Action 1.1 Public Outreach, Education and Technical Assistance	Add <i>'Consumer Information about the chemical content of plastic food packaging.'</i> Add <i>'Modifying business, and public/private institution practices to assist in transitioning from single use plastic to environmentally safe alternatives.'</i>
9	Goal 1 Legislation	Explore the following specific legislation initiatives, modeling similar legislation in Maine and Vermont: <i>'polystyrene foam ban', 'plastic bag ban', 'toxic chemicals in food packaging'</i> based on the packaging containing chemicals under the following criteria (Maine Toxic Chemicals in Food Packaging, Dec. 2021): <ul style="list-style-type: none"> ● a carcinogen, reproductive or developmental toxicant or an endocrine disruptor; ● persistent, bioaccumulative and toxic; or ● very persistent and very bioaccumulative
9	Goal 2 Reduce the Toxicity of the Solid Waste Stream	Add <i>'Food Contact Chemicals (FCCs) such as benzene, styrene, bisphenols, and phthalates'</i> to introduction
10	Public Outreach, Education and Technical Assistance Goal 2, Action 2.2	Add <i>'Food Contact Chemicals (FCCs) such as benzene, styrene, bisphenols, and phthalates'</i>
10	Legislation Goal 2, Action 2.9	Add <i>'polystyrene and single use plastics'</i>
10	Legislation Goal 2, Action 2.10	Add <i>'and Food Contact Chemicals (FCCs) such as benzene, styrene, bisphenols, and phthalates'</i>

Page #	Section Heading	Comment
12	Legislation Goal 3, Action 3.15	Add <i>'polystyrene food service foam and packaging'</i>
13	Legislation Goal 3, Action 3.17	Add <i>'polystyrene food service foam and packaging'</i>
15	Goal 5 Public Outreach, Education and Technical Assistance Action 5.5	Please consider instead a 'Public Outreach Coordinator'. The role of market development is being adequately served by the Northeast Resource Recovery Association. Why duplicate their efforts?
15	Goal 5 Public Outreach, Education and Technical Assistance Action 5.6	Add Action: 'Develop incentives for businesses and institutions that commit to transitioning from single-use plastic packaging to compostable or reusable packaging.'
17	Goal 8 Legislation Action 8.3	Add, <i>'Consider a 'container deposit law' to support funding the SWM actions'</i>
17	Section V. Ongoing Plan Implementation and Evaluation	Include the first short-term implementation plan covering 2 years, with prioritized actions, accountability measures, and identification of who will lead implementation of each action

We appreciate your consideration of the inclusion of information relative to the carcinogenic chemicals contained in plastic food packaging and other plastic products to protect the health of New Hampshire citizens now and into the future.

Sincerely,

The NH Network Plastics Working Group and Ten Towns Ten Actions Leaders

Attachments:

- Draft New Hampshire Solid Waste Management Plan with comments inserted (PDF)
- *Regulating the Use of Polystyrene Food Service Items*, Massachusetts Sierra Club
- *Maine Criteria for Chemicals of Concern*, Maine Dept. of Environmental Protection
- *Overview of Intentionally Used Food Contact Chemicals and Their Hazards*, Environment International, 2021. <https://doi.org/10.1016/j.envint.2020.106225>
- *Pollutants Generated from Burning Plastic*, (graphic) Tangri & Wilson, 2017, Global Alliance for Incinerator Alternatives
- List of Ten Towns, Ten Actions Leaders & Plastics Working Group Signatories