

HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE MEETING
Held In The
PUTNAM COUNTY OFFICE BUILDING
ROOM 318
CARMEL, NEW YORK 10512

Members: Chairwoman Scucimarra, Legislators Gross and LoBue

Tuesday

September 15, 2015

The meeting was called to order at 7:11 P.M. by Chairwoman Scucimarra who requested Legislator LoBue lead in the Pledge of Allegiance. Upon roll call, Legislator LoBue and Chairwoman Scucimarra were present. Legislator Gross was absent.

Item #3 – Approval of Minutes – August 17, 2015

The minutes were approved as submitted.

Item #4 – Discussion/Microbeads Environmental Impact/Representative from the Personal Care Products Council

Chairwoman Scuccimarra stated at last month’s Health, Social, Educational & Environmental Committee (“Committee”) meeting Riverkeeper Director of Cross Watershed Initiatives Kate Hudson gave a presentation on microbeads. She stated microbeads are sneaking in the waterways and creating several environmental and health concerns.

Personal Care Products Council Representative Padrac Bambrick stated the Personal Care Products Council (“Council”) is a national trade association with over 600 member companies. He stated most of those companies have their main headquarters in New York. He stated the Personal Care Products Industry (“Industry”) contributed approximately \$16 billion to the economy and employs around 190,000 people in New York. He stated microbeads are used in a wide range of products, including personal care products. He stated the Industry initially used microbeads because they were safe and effective exfoliants that were also hypoallergenic. He stated the Industry is concerned about the environment therefore the member companies have volunteered to discontinue formulating their exfoliating products with microbeads. He stated last year the Industry and the Council supported a microbeads ban in collaboration with environmental and government stakeholders in Illinois. He stated other states have passed similar state bans on microbeads including New Jersey, Connecticut, Maine, and Indiana. He requested that the Committee not enact a County-Wide ban on microbeads because there is a State Wide ban pending in New York.

Chairwoman Scuccimarra questioned if the Attorney General is calling for a State-wide ban as of January 2016.

Representative Bambrick stated there is a posposed ban in the State Assembly Bill and the Attorney General’s Program Bill that would begin January 21, 2016. He stated the Council and Industry are requesting a 2017 Bill Prohibition of Manufacture and a 2018 Prohibition of Sale to allow companies to phase out products containing microbeads. He stated the Federal Government is currently considering a

ban as well. He stated he believes a State ban is very close to being established, which has occurred because of environmental groups such as Riverkeeper.

Chairwoman Scuccimarra questioned what the proposed alternatives that will replace microbeads are.

Representative Bambrick stated currently there is a company in White Plains, New York who is the largest supplier of microwaxes and microbeads. He stated this company is currently working on alternatives for exfoliating that would be prohibited in the Attorney General's Bill; there is a need to vet out the definition of plastic. He stated the alternative product would be a bioplastic that is not a petroleum based product, which would still be considered a plastic under the Attorney General's Program Bill. He stated the Industry does not want to terminate future research and developmental efforts made by companies.

Chairwoman Scuccimarra questioned if natural solutions were being considered because she believes another form of plastic would have adverse effect on the environment.

Legislator LoBue agreed with Chairwoman Scuccimarra that a natural product should be considered. She stated she is aware that the higher end cosmetic companies are utilizing rice powder for exfoliants. She stated she is concerned that the alternative products are still plastic because it takes a long time for plastic to breakdown. She stated Director Hudson informed the Legislature last month that fish mistake the microbeads for food because they are accumulating in the waterways.

Representative Bambrick stated the Council of State Governments ("CSG") Legislation prohibits the traditional plastics. He stated he does not want legislation to completely rule out a lipid or a bioplastic. He stated the Council would not consider products such as Polylactic Acid ("PLA") because it is not biodegradable and just breaks down into smaller particles. He stated just to reiterate the State-wide ban would prevent patchwork county legislation within the State.

Legislator Gouldman questioned how close the State is to approving the ban.

Representative Bambrick stated it was very close to being approved; however there was a discussion over the definitions of certain words in the Assembly. He stated the Senate wants a "reasonable microbead piece of legislation."

Legislator Gouldman questioned if this is something that would be passed in the next legislative session.

Representative Bambrick stated yes.

Former Legislator Sam Oliverio stated instead of investigating further biodegradable plastics, it would be better to utilize natural products if possible. He stated he would like to see the Legislature support a Ban.

Chairwoman Scuccimarra stated there is a real grassroots effort to ban microbeads within the County because it sends a message to the State.

Legislator Gouldman stated he is hesitant to support a ban within the County because of the challenges it would place on the businesses here. He stated he does not want to lose tax dollars. He suggested waiting to see the action the Senate takes.

Chairwoman Scuccimarra stated it is important to consider that the County is surrounded by bodies of water including New York City Watershed and the Hudson River. She stated the County cannot sacrifice the quality of our water by waiting for legislation. She stated if the County did pass a ban; products with microbeads would be phased out. She stated she would not want businesses to be negatively impacted.

Riverkeeper's Advocacy and Volunteer Coordinator Jeremy Cherson stated he is sympathetic to the businesses' concerns. He stated in regards to the State Legislation, they have been close to a deal for two (2) years. He stated the State Attorney General's Program Bill passed in the Assembly 139 to 1. He stated the law referred to by Representative Bambrick was only introduced in the Senate and did not have any cosponsors. He stated he does not believe the Assembly would support the bill introduced in the Senate because it would give the Industry a "big biodegradable loophole."

Representative Bambrick stated he would not consider there to be a loophole in the proposed Senate bill. He stated the Council is not seeking a loophole and it supports the environment's best interests. He stated Senator O'Mara's Bill is a negotiating piece. He stated a bill being passed is imminent.

Legislator Addonizio stated she is surprised that the Industry was even originally allowed to use plastic. She stated fish do eat the microbeads.

Representative Bambrick stated the term plastic still needs to be used but, it is not the plastic that collects pollutants in the water or would be misidentified as fish food. He stated the researched products are not synthetic, it is a bioplastic.

Coordinator Cherson questioned if it is known for sure that the products would not accumulate dangerous chemicals such as PCBs and flame-retardants. He questioned if there is research to back up his statement.

Representative Bambrick stated research is ongoing. He stated there is some research studies on Polyhydroxyalkanoate ("PHA") that showed it would not be accrued by the plastic.

Legislator Addonizio questioned if it is more expensive to use natural ingredients than plastic, and if that was the reason behind implementing plastic in cosmetic products.

Representative Bambrick stated the initial reason to use plastic was because it was a gentle exfoliant property that was safe and hypoallergenic to the consumer. He stated recognizing the issue at hand; microbeads are being phased out of products.

Chairwoman Scuccimarra stated the Committee appreciates that the Council and Industry are phasing out the use of microbeads.

Legislator LoBue stated the natural exfoliants were damaging the skin because some were too harsh.

Legislator Wright questioned if there are states that have county level prohibitions as well as state-wide or would Putnam County be the first to have a microbeads ban with a State-wide ban as well.

Chairwoman Scuccimarra stated Erie County has passed legislation to ban microbeads. Legislator Wright questioned if any trade associations have raised interstate commerce claims.

Representative Bambrick stated no, the reasoning is because the products are being phased out.

Legislator Wright questioned if in Erie County there is a different type of product that is put on the shelves.

Representative Bambrick stated no, because Erie County's Ban does not take into effect until 180 days and has a reverse presumption. He stated if the State passes a statewide bill to ban microbeads the Erie County Legislature would remove their law and follow the law of the State.

Legislator Wright stated it is the Council's understanding that approximately six (6) months from now there will be a different product on the shelf in Erie County.

Town of Putnam Valley Deputy Supervisor Jaqueline Annobi stated some counties have legislation where microbeads cannot be sold pending the passage of the State Bill. She questioned if Putnam County can do something similar.

Legislator LoBue stated New Jersey and Connecticut have different legislation than Erie County. She agreed with Legislator Gouldman in terms of not wanting "patched legislation". She stated she suggests waiting six (6) months to see if the State creates a statewide ban and then revisit this matter. She stated there are not many water filtration plants in the County; therefore it does not affect Putnam as greatly as it does for bigger counties such as Westchester County.

Legislator Nacerino stated she believes enforcing this matter is a major issue. She stated she would like to see something done on a State level and not have legislation passed in piecemeal. She stated she believes it is hard on businesses and the Department of Consumer Affairs to have a piecemeal legislation. She stated the Council is admitting to their faults and are researching other alternatives. She stated she believes that the Legislature should give the Industry the benefit of the doubt.

Former Legislator Oliverio stated he recognizes the points and concerns of Legislator Gouldman and concurring Legislators. He stated however, it is important for the Legislature to reflect on when Putnam was one (1) of the first counties to ban indoor smoking. He stated the passage of legislation on the indoor smoking sent a big message to the State Officials. He stated the State needs to know that local municipalities support the banning of microbeads.

Legislator Nacerino suggested waiting six (6) months and if the State does not act on this matter in a timely fashion the Legislature can then take a stronger position. She stated there is a significant effort to change the way products are manufactured and to remove the microbeads from the products.

Chairwoman Scuccimarra stated she believes there is a worldwide effort to ban Microbeads. She stated there are potential loopholes and it is already proposed to replace microbeads with another plastic. She stated she believes it is important to send a message to the State.

Representative Bambrick stated Rensselaer County passed a resolution urging the State to pass a bill; therefore this is an option for Putnam County as well.

Coordinator Cherson restated there has been a delay for two (2) years on the Attorney General's Program Bill essentially because the Industry wants a loophole. He stated he understands Representative Bambrick does not believe that there is a loophole in the Senate Bill; however the Riverkeeper's legal analysis concluded that the law has loopholes. He stated Riverkeeper and its partners are actively reaching out to counties along the Hudson River to have the ban move forward. He stated the Riverkeeper is encouraging the counties to pass similar laws so there are not patchwork bans. He stated once the counties send a clear message the State will act. He stated he does not believe that people will drive across county lines to get products with microbeads in them.

Legislator Nacerino stated there are already County residents shopping in stores across county and state borders.

Coordinator Cherson stated Connecticut has passed a strong microbeads ban.

Representative Bambrick stated the Council supported the ban passed by Connecticut.

Legislator Wright stated this matter is different than the smoking ban. He questioned the difference between the Assembly Bill and Senate Bill.

Coordinator Cherson stated the main difference between the two (2) bills is the biodegradable clause and the definition of what a plastic is.

Representative Bambrick stated the scope of the product is considered different and the desire to be able to capture the product with a water filtration system. He stated he does not want something to be banned without further research conducted. He stated the Council would like the microbeads ban to begin the manufacturing ban in 2017 and a sale ban in 2018.

Legislator Wright questioned if there is a "drop dead" start date or the other statewide bans have adopted a phase out.

Chairwoman Scuccimarra stated she believes the states that have a state-wide ban are implementing a phase out because it would be unfair to the businesses.

Legislator Castellano stated the County already loses customers to Connecticut. He questioned what the Connecticut State Ban on microbeads is.

Coordinator Cherson stated he does not have it with him; however he can provide that information to the Legislature. He stated he knows that Connecticut did not model its law after the Illinois State ban.

Legislator LoBue stated she would like to review the Connecticut's law, especially because the County borders Connecticut.

Legislator Albano stated he would support a letter of support to be sent to the State.

Coordinator Cherson stated microbeads are a health issue. He stated the plastics in microbeads have been reported to bioaccumulate PCBs, and flame-retardants. He stated when the fish consume the microplastics it makes its way up the food chain.

Legislator Addonizio stated if something is biodegradable, it will still take up to six (6) months to degrade in the aquatic systems.

Representative Bambrick stated he understands the concerns; he just does not want future research to be banned and ruled out. He stated there is current research for a bioplastic to biodegrade in about 28 days.

Commissioner of Health Dr. Allen Beals stated he is in favor of banning microbeads. He stated passing such ban would send a message to the State and it would even be more effective. He stated State Officials can be easily influenced by corporate companies. He facilitated the discussion further by providing a how corporate companies influences the terms "organic". He stated it is not known that microbeads 100% affects humans however; he would lean on the side of caution. He stated natural products are better.

Legislator Nacerino stated Albany County legislation is enforced by their county's health department.

Legislator Gouldman stated he is concerned about businesses being affected by the county wide ban.

Legislator Wright stated this matter has the ability of being on a slippery slope. He stated things can only be regulated to a certain extent, especially when regulating human behavior.

Legislator LoBue restated her request to review the Connecticut State-wide microbeads ban. She stated after her review of it she would then like to discuss this matter in Committee again.

Item #5 – Discussion/Septic Systems in Lake Communities

Chairwoman Scuccimarra made a motion to waive the rules and accept the additional; Seconded by Legislator LoBue. All in favor.

Former Legislator Oliverio stated he requested that this matter be addressed. He requested there be a loan program for septic systems established for all lake districts. He stated he has heard from individuals in the community say they cannot afford to pump out their septic system. He stated he recalls when he was a Legislator that there was funding for septic repairs that was sponsored by New York City funds which allowed several hundreds of septic systems be repaired at no cost to the County or homeowner. He stated his proposal would be the County providing a lending service to the homeowners who are in financial distress.

Chairwoman Scuccimarra stated there are many lake communities throughout the County. She stated many of those homes in the lake communities started as summer homes and now they are lived in year round. She stated this development has created issues for the lakes, wells, and the homeowner.

Legislator Albano stated many of the lake communities have substandard lots. He stated pumping out the septic for the homes is a temporary fix and is not resolving the underlying issues. He stated sewage treatment plants would be a solution.

Chairwoman Scuccimarra stated to put sewage treatments plants in the County would be a monumental expense.

Former Legislator Oliverio stated the issue with sewage treatment plants is the non-watershed areas would not receive funding from New York City. He stated the same issue occurred in the Town of Putnam Valley and the Town of Philipstown during the septic repair program when he was a legislator.

Legislator LoBue stated originally there was money set aside by the County but, both the Bondi Administration and Odell Administration were not interested in having a revolving loan fund for the septic systems. She stated she recalls two (2) options; to pump out the septic system or have a repair done on the septic system. She stated in the instance of Lake Carmel there is not enough acreage for a septic to work properly. She stated \$30,000 to \$40,000 repairs were conducted on some septic and it was not sustainable to maintain this program. She stated she understands homeowners are having challenges maintaining their septic, but there is a certain fiscal solvency a homeowner must have.

Legislator Nacerino stated she would question how the County would be the loan officer for this initiative. She questioned if the loan program would be based off a financial need basis or based on proximity to a lake. She stated she believes this would be a difficult undertaking for the County to enforce.

Commissioner Beals stated this matter is a serious issue. He stated he understands a sewage treatment plant would cost an extreme amount of funding but there needs to be a long-term solution for the issues lake communities face.

First Deputy County Attorney Andrew Negro stated the County did have a septic repair program and Resolution #99 of 2013 concluded that program because the \$3.3 million were used up. He stated the septic repair program initiated with an agreement between the County and New York City when the Golf Course was acquired. He stated under a different Administration, the Law Department looked into ways to continue the septic repair program. He stated one (1) of the options was to have a partnership with the Environmental Facilities Corporation (“EFC”), which is a state agency that would lend the County funding, who would then loan money to homeowners for their septic. However, there were

several legal problems with this option. He stated under Article 8 of the New York State Constitution, the Gift and Loan Clause, prohibits using County funds or equity to give or loan to private interests. He stated under State County Law, the County would be required to take ownership interest in whatever septic equipment that was repaired. This would create issues with liability. He stated after investigating ways to maintain a septic repair program it was determined to discontinue this program.

Legislator LoBue stated there is a loan program in Westchester County.

Former Legislator Oliverio stated he is requesting a loan for the pump out of a septic system and not the replacing of a septic system.

First Deputy County Attorney Negro stated he understands Former Legislator Oliverio's points; however the State Laws would still apply for loaning money for pump outs because it is a loan of County funds.

Deputy Supervisor Annobi stated she understands the points raised by First Deputy County Attorney Negro. She stated she is aware that the Department of Social Services provides the Home Energy Assistance Program ("HEAP") to those who have issues with their oil burners. She stated under that program, if a homeowner has a broken oil burner, the County will pay to fix or replace it.

Commissioner of Social Services Michael Piazza stated the HEAP Program is funded through the State. He stated one must be income eligible to utilize this program.

Former Legislator Oliverio stated three (3) houses have been lost in Lake Peekskill because of a faulty septic. He stated he understands and agrees with Legislator Albano's point that a pump out is a Band-Aid to the problem.

Commissioner Beals stated homeowners do not understand the need to act on certain conservation aspects for their septic.

Legislator Addonizio stated in the Town of North Salem, Peach Lake Area, they received a government grant to put all new septic systems for the homes. She questioned if the County could do something similar.

Legislator Castellano stated he is aware in the Town of Southeast that the State passed a law where the septic company needs to send a notice to the State. He stated he believes there is an enforcement issue. He stated if a septic has not been pumped in five (5) years the homeowner would be fined. He questioned if the County could do something similar and use that money from the fines for the septic issues.

Commissioner Beals stated it is the local municipality's role to enforce and monitor the septic pump outs.

Deputy Supervisor Annobi stated only residents that live on watershed property are required to pump out their septic. She stated there should be funding available for those who cannot afford to pump out their septic and it can be funded through a grant.

Legislator LoBue stated she believes this is an issue of education. She stated pumping out a septic maintains the septic system. She stated this is a maintenance cost of a homeowner.

Legislator Addonizio stated in her profession as a real estate agent, when selling a house a record of a septic pump out is required. She stated if a home has not pumped out their septic for a long period of time, once they do their whole septic can collapse.

Commissioner Beals stated it is a hopeless situation when dealing with the current septic system matter. He stated the septic systems are a public health issue to the waters in the County. He stated it is the duty of a homeowner to pump out their septic. He stated there should not be a haphazard system in the towns to monitor the septic systems that are in their jurisdiction. He stated aggressive action needs to be taken especially with the vast amount of waterways in the County. He stated it should be addressed with strong legislation and have the County Health Department enforce this matter.

Deputy Supervisor Annobi stated it can be agreed upon that this is an issue. She stated her constituents wanted her to come before the Committee and state their needs of assistance to pay for their pump outs. She stated for some homeowners there is the decision to have food on their table or pay for a pump out.

Legislator Nacerino stated legally the Legislature and/or County cannot assist the homeowners with this matter.

Legislator LoBue stated the Legislature has to be careful with the precedent that they set. She stated a bigger solution than pump out of septic systems needs to be established.

Chairwoman Scuccimarra stated the Legislature can look into State funding for this matter.

Legislator Gouldman requested a letter be sent to the State Elected Officials stating the County's concerns of the septic systems in place.

Legislator LoBue stated the letter should also be sent to the East of Hudson Corporation.

It was agreed by the Committee Members a letter will be sent to the elected officials explaining the septic system issues present in Putnam County.

Item #6 – Discussion/ Delaware County Resolution/Amend Electronic Equipment Recycling and Reuse Act

Commissioner Beals stated the County just renewed their contract with the six (6) municipalities to provide the e-waste disposal. He stated this service continues to be a very important issue for the environment. He stated this initiated from people needing to have a location to bring their old electronics. He stated this legislation before the Committee tonight, makes the retailers take a more active role in recycling.

Legislator LoBue stated for clarification, this is a free service for the residents of the County.

Commissioner Beals stated yes. He stated the agreement with Vintage Tech Recyclers (“Vintage Tech”) is always on the verge of being lost because the margin of profit is tenuous.

First Deputy County Attorney Negro stated the contract with Vintage Tech expired; therefore Deputy County Attorney Harvey has the amendment to be circulation to extend the contract to the end of the year.

Legislator LoBue stated the contract has not been executed.

First Deputy County Attorney stated the contract has been routed for signature.

Legislator LoBue stated in Mahopac, the residents utilize this service and the County definitely needs this service.

Legislator LoBue made a motion to approve a resolution of support to amend the Electronic Equipment Recycling and Reuse Act; Seconded by Chairwoman Scuccimarra. All in favor.

Item #7 – FYI/ProAct-Duly Noted

Item #8- Other Business- None

Item #9 – Adjournment

There being no further business, at 8:25 p.m. Chairwoman Scuccimarra made a motion to adjourn; Seconded by Legislator Lobue. All in favor.

Respectfully submitted by Administrative Assistant, Lisa Sommers.