

Table of Contents

U.S. Senate Date: Thursday, June 15, 2023

Committee on Environment
and Public Works

Subcommittee on Chemical Safety, Waste Management,
Environmental Justice, and Regulatory Oversight

Washington, D.C.

STATEMENT OF:	PAGE:
THE HONORABLE JEFF MERKLEY, A UNITED STATES SENATOR FROM THE STATE OF OREGON	3
THE HONORABLE MARKWAYNE MULLIN, A UNITED STATES SENATOR FROM THE STATE OF OKLAHOMA	8
ANGELLE BRADFORD, DOCTORAL STUDENT IN PHYSIOLOGY AND MEDICINE, TULANE UNIVERSITY SCHOOL OF MEDICINE, VOLUNTEER SIERRA CLUB DELTA CHAPTER	14
SHARON LAVIGNE, FOUNDER, RISE ST. JAMES	19
CHRIS TANDAZO, DIRECTOR OF GOVERNMENT AFFAIRS, NEW JERSEY ENVIRONMENTAL JUSTICE ALLIANCE	23
KEVIN SUNDAY, DIRECTOR OF GOVERNMENT AFFAIRS, PENNSYLVANIA CHAMBER OF BUSINESS AND INDUSTRY	28
DONNA JACKSON, DIRECTOR OF MEMBERSHIP DEVELOPMENT, PROJECT 21, NATIONAL CENTER FOR PUBLIC POLICY AND RESEARCH	34

HEARING ON IMPACTS OF PLASTIC PRODUCTION AND DISPOSAL ON
ENVIRONMENTAL JUSTICE COMMUNITIES

Thursday, June 15, 2023

United States Senate

Committee on Environment and Public Works

Subcommittee on Chemical Safety, Waste Management,

Environmental Justice, and Regulatory Oversight

Washington, D.C.

The subcommittee met, pursuant to notice, at 10:00 a.m. in room 406, Dirksen Senate Office Building, the Honorable Jeff Merkley [chairman of the subcommittee] presiding.

Present: Senators Merkley, Mullin, Carper, Whitehouse, Markey, Boozman, Sullivan.

THE HONORABLE JEFF MERKLEY, A UNITED STATES SENATOR FROM THE
STATE OF OREGON

Senator Merkley. Welcome to the second in a series of hearings in the Chemical Safety, Waste Management, Environmental Justice and Regulatory Oversight Subcommittee on the Environmental and Public Health Dangers Involved in the Production, Use, and Disposal of Plastics.

I appreciate the support of Senator Carper and Ranking Member Capito for this set of hearings exploring these issues.

In our first hearing, we established that plastic has some unique and amazing properties. There are a lot of specialized applications where these may be important, and sometimes essential. But the majority of plastic is single use plastic. There are significant challenges or harms caused by plastics to human health, to ecosystems, and to the environment.

Today we are going to hear from people who are impacted the most by plastic, those who live next to facilities where plastic is made, and facilities where it is disposed of, often by burning. The goal is to better understand why plastic facilities are clumped together and the effect that they are having.

We cannot tell the story of plastics without mentioning Cancer Alley in Louisiana. Cancer Alley is an 85-mile section covering 11 parishes along the Mississippi River between New

Orleans and Baton Rouge that has high levels of toxic pollution. It accounts for some 25 percent of the Nation's petrochemical production and has the largest concentration of chemical plants in the western hemisphere.

The existence of 15 petrochemical plants in agricultural areas of Cancer Alley is the legacy of slavery. What was once plantations where enslaved Black Americans raised sugar cane has been replaced by petrochemical facilities. The free towns established when recently freed Black Americans lived as sharecroppers now sit right next door to these plants.

And the State is not only not protecting them, it may in fact be discriminating. I quote from a letter that EPA sent to Louisiana's Department of Environmental Quality, "EPA has significant concerns that Black residents and school children living and/or attending school near the Denka facility have been subjected to discrimination through LDEQ's actions and inactions in the implementation of its air pollution control permit program."

Where does this plastic go when we are done with it? Too often, it goes to the municipal solid waste incinerators, where it is burned with air pollution emissions comparable to fossil fuel power plants. The burning of plastics releases toxic gases like dioxins, furans, mercury, polychlorinated biphenyls, and it causes a significant range of health maladies.

It is no surprise that 79 percent of the 73 incinerators in the U.S. are located in low-income communities or communities of color. Of these facilities, 48 incinerators are located in communities where more than 25 percent of the population is below the Federal poverty level. Policies that Congress included in the debt ceiling bill weakened the National Environmental Policy Act that will make it more difficult for overburdened front-line communities to protect themselves.

There is a lot of talk about jobs, so let's get some statistics on that. The cities and communities historically dominated by petrochemical production are overwhelmingly poor, and building petrochemical facilities does not lead to significant job benefits or economic prosperity for the surrounding communities.

Port Arthur is home to the Nation's largest oil refinery operation, but it has an unemployment rate twice as high as Texas' average. Port Arthur ranks as Texas' poorest city with a poverty rate of 27.2 percent, double the Texas average of 14.2 percent, or almost double.

A study by San Gabriel in Louisiana found that just 9 percent of full-time industry jobs were held by local citizens, in spite of the town having an annual per capita income of just \$15,000, a third below the State average and half the national average.

Whether it is intentional discrimination or because of lack of qualifications for the work, the result is the same: the burden of these facilities are placed on communities that receive little to none of the benefits and receive all of the pollution. The jobs that are available come with the risk of serious health impacts. Workers producing plastic are at increased risk of leukemia, lymphoma, hepatic angiosarcoma, brain cancer, breast cancer, mesothelioma, neurotoxic injury and decreased fertility. Workers producing plastic textiles die of bladder cancer, lung cancer, mesothelioma, and interstitial lung disease at increased rates.

The Occupational Safety and Health Administration, known as OSHA, is tasked with ensuring protection for all workers. OSHA has a disclaimer on its website that it "recognizes that many of its permissible exposure limits, PELs, are outdated and inadequate to protect workers' health."

In Louisiana, local communities often have not even received the benefits of the tax revenue from these facilities. The State's industrial tax exemption program exempts major industrial facilities in Louisiana from most property taxes for up to a decade. ITEP cost local taxing bodies \$1.48 billion in foregone taxes in 2018. That is 33 percent of property taxes collected by the State.

This is an issue of justice. That is why it is so

important that are having the hearing. I look forward to hearing the insights that each of you bring from your lived experience.

With that, let me turn to opening comments from our co-leader of the committee, Ranking Member Mullin.

[The prepared statement of Senator Merkley follows:]

STATEMENT OF THE HONORABLE MARKWAYNE MULLIN, A UNITED STATES
SENATOR FROM THE STATE OF OKLAHOMA

Senator Mullin. Thank you, Mr. Chairman.

As we discuss plastics, we got to talk about reality, too. I have a statement that I do want to read. But I do want to say that I think understanding the plastics that we have, the reliability that plastics bring and the amount of technology that we use plastics in would say that everybody in this committee thinks this is an important topic.

I do want to point out that the reason why we are not having a lot of people here is because we have a lot of committees going on. In fact, we have a markup happening in another committee that I currently sit on. If it wasn't for so many different hearings going on, I think there would be a lot more people here, which we appreciate all the witnesses that are here and the people in the audience. Because I think we can all agree this is something we got to pay attention to but how do we do it without making us more reliant on other countries, how do we do this without limiting the ability for us to continue moving forward and society as a whole.

Because everybody here relies on plastics. Everybody here has plastics either on your feet, on your clothes right now. Everybody here that has a cell phone has plastic. Everybody that was driven here by either a Metro or by vehicle relies on

plastics. Every electric vehicle out there cannot be produced without plastics. Everyone that goes to bed and wakes up in the morning and takes a shower and dries off with a towel relies on plastics. Everybody that goes grocery shopping and buys your food relies on plastics.

So it is not as though we can just limit, it is just how can we do it better. So we got to have the open conversation where we are talking about this, Chairman, is how can we do it better. And I will point this out also in my opening statement, I don't believe we have a plastic problem, we have a recycling problem. We have to learn how to make recycling valuable where it allows us to be able to use that as a value base.

And if we ignore that issue, guys, then you are ignoring the reality. Because what is going to replace plastics? Someone has a solution for that, then we would probably already be there. But there isn't.

I would like to first start by thanking our witnesses here today for attending this subcommittee hearing, including Mr. Kevin Sunday and Ms. Donna Jackson. Today's hearing highlights an original novel idea called environmental justice that has been transformed away from its original intent of helping poor and marginalized communities with specific needs into a social movement Democrats have taken over to push progressive policies forward under the disguise of social and racial equality.

I think all of us in this community can agree to this, everyone deserves clean air and water and access to reliable energy sources that will help create a cleaner, healthier and safer future. What is missing from the discussion is that critical role the U.S. plays in manufacturing essential plastics, materials that are used in medical applications, helps deliver our clean water, can't get water delivered to you without plastic piping, and keeps our food fresh.

Some witnesses today might make statements that plastics are harmful to your health, but they ignore the fact that plastics are already heavily regulated in the U.S. and have to go through intense, rigorous standards guided by science to be used in applications especially when it comes in contact with your food and your medicine. When it comes to facilitating siting for these companies, they are not just investing in the buildings or the land, they are investing in the communities by providing jobs, health care plans, economic growth in the surrounding area. These benefits provide -- you guys are welcome to be here, but whoever keeps interrupting us, they either need to behave or they need to be removed, Chairman.

Senator Merkley. I hold a lot of town halls in Oregon, and I do so in every county. We have what we call the Oregon way, which is listen thoughtfully and if you passionately disagree, still be very respectful of the person speaking. That includes

members of the panel, of the Senate, and that includes those who are testifying. I really appreciate you all being here, because these are really important issues that have been totally under-examined by Congress. But again, please do be respectful. If you feel like you need to say something, go out in the hall and say it and then come back in. Thanks.

Senator Mullin. I want to reiterate this. I enjoy the passion, passion is what drives this Country, guys. But respect is also there. I raise our kids on four things, honesty, hard work, respectful, and being responsible. I promise you I will respect you. But that respect needs to be returned two ways.

When it comes to facilitating siting for these companies, I am going to restart this, they are not just investing in our buildings, they are investing in buildings or the land, they are investing in our communities by providing jobs, health care plans, economic growth in the surrounding areas. These benefits provide a widespread opportunity for access and stability to rural States like Oklahoma.

These are not short-term investments, either. And it is in the manufacturing company's interest to ensure good relationships with the communities around them, not only because it is the right thing to do, but it is because the labor pool is likely from within the very community that they work in.

Something I want to make clear, it is that we don't have a

plastic problem, we have a recycling handling problem. Instead of halting infrastructure projects or manufacturing development that results in U.S. job loss and more reliance on countries like China to produce critical material needed for modern life, why would we not refocus in improving recycling?

As I mentioned in our previous Plastics subcommittee hearing, recycling means plastics that get re-used, which is most productive through innovative technologies like advanced recycling. If we oppose a science-based solution that makes it possible to capture and re-use large volumes of used plastics that is currently going unrecycled, do we really care about plastic waste?

Thank you, Mr. Chairman. I yield back.

[The prepared statement of Senator Mullin follows:]

Senator Merkley. Thank you. Now we are going to turn to our witnesses. I am so appreciative that you all are bringing your knowledge and your lived experience to bear.

We are going to hear first from Angelle Bradford, who is currently a doctoral student in physiology and medicine at Tulane University School of Medicine. Ms. Bradford also serves as a volunteer of Sierra Club's Delta Chapter.

Ms. Bradford, please proceed.

STATEMENT OF ANGELLE BRADFORD, PH.D. STUDENT IN CARDIOLOGY,
TULANE SCHOOL OF MEDICINE, VOLUNTEER CHAPTER SECRETARY, SIERRA
CLUB, DELTA CHAPTER, NEW ORLEANS, LOUISIANA

Ms. Bradford. Thank you so much. Good morning. Thank you, Chairman Merkley and Ranking Member Mullin. I appreciate the invitation to speak today.

My name is Angelle Bradford. As you said before, I am a volunteer at the Delta Chapter of the Sierra Club and also a doctoral candidate earning my degree in cardiovascular physiology.

I love my life in south Louisiana, as my family has been in south Louisiana and Mississippi for generations, though it is a complicated life where basic human rights are always being challenged. But we can do better. When I look out across Lake Pontchartrain near New Orleans or the Atchafalaya Basin, I am affirmed that we must do better.

Unfortunately, after decades of inaction, the climate crisis is fully evident in Louisiana. Our spring and summer nights and afternoons are getting hotter and more humid, which makes it harder to cool off at nighttime. I split my time between Baton Rouge and New Orleans, and it is only in recent years that Baton Rouge reached air quality attainment per Federal standards. We still struggle with an F rating by the American Lung Association, however, as recently as 2019, due to

petrochemical plants and other emissions producing ozone that combine with increased temperatures. I experience frequent headaches and migraines and asthma attacks on those poor air quality days.

Our region has had many major hurricanes in the past years. But there is no national insurance market prepared to serve as a safety net for any of us in this Nation. I would like to own a home and have a family soon. I am just not sure how responsible this is right now.

When it comes to my work as a biomedical researcher, weeks to months can be lost to a hurricane that quickly strengthens overnight and leaves me little time to power down my experiments. Many of us in south Louisiana know all too well how the assurances made to our communities by energy and utility systems go out the window when we most need them.

Despite these realities, the same industry most responsible for knowingly exacerbating climate change, the industry that dominates public policy and politics in my home State of Louisiana is unleashing yet another catastrophe on this planet, this time in the form of plastics. In December of just last year, ExxonMobil Baton Rouge announced plans to double their capacity in polypropylene plastics, increasing the Gulf Coast capacity to 450,000 metric tons per year.

Per Defend Our Health's recent study, PET or polyethylene

terephthalate plastic releases 1,4 dioxane, an industrial solvent and carcinogen, during production into drinking water. It can damage cells in the liver, kidney and respiratory system.

Their study also spoke to 150 chemicals out of 193 that they looked at that leach from our plastic bottles into the water or beverage that any one of us is drinking. As we discover chemicals produced from plastic processes, we recognize their power to damage organs and cells. Often, any given person does not live next to or breathe the air of just one plant's emissions, there may be multiple plants clustered together.

It has historically been difficult to study the cumulative effects of polluted air, soil, and water at the same time, particularly because it is unethical within a lot of contexts to just give people plastics-derived carcinogens and chemicals and see what happens. Also, people move and have different exposures and stressors that complicate understanding of disease processes.

Nonetheless, exposure over time means increased likelihood of chronic diseases in addition to cancer. When we think about life in this Country, something we often debate, we need to also think about the dignity of life we are offering when we are allowing these companies to carelessly raise our health care costs and poison our people.

While some folks may see oil and gas on the one hand and

plastics on the other as very different issues that require different solutions, I see them as one and the same. That is, the same companies reaping profits from all ends of the supply chain, from cradle to grave of their products and of our bodies. I am left to wonder to which part of the plastics life cycle, to the oil and gas industry, are we ready to sacrifice our dreams and our lives.

I am no longer willing to offer up my life for any more industries, and the plastics industry must be stopped with no exceptions.

[The prepared statement of Ms. Bradford follows:]

Senator Merkley. Thank you for your testimony.

We are going to turn now to Sharon Lavigne, the founder of RISE St. James. Ms. Lavigne has long served as an environmental justice advocate. I look forward to your statement.

STATEMENT OF SHARON LAVIGNE, FOUNDER, RISE ST. JAMES

Ms. Lavigne. Thank you. I would like to thank you for giving me this opportunity to speak to you today. My name is Sharon Lavigne, and I am a lifelong resident of St. James, Louisiana. I was a special education teacher for 38 years at St. James High School. I retired in 2019 to do this work. This was my high school, the one that my father, Milton Cayette, Sr., integrated in 1966 when he was the president of the NAACP's local chapter.

I am a mother of six and a grandmother of twelve. I live in the 5th district of my parish, which is 85 percent African American. On one side lies the Mississippi River. On the other lies sugar cane fields surrounded by petrochemical plants and refineries. It is making us sick. We cannot drink the water, plant a garden, or breathe clean air.

The place I remember being so beautiful and full of life is now called Cancer Alley, which runs from New Orleans to Baton Rouge. We call it Death Alley due to the high number of community members getting sick and dying from cancer.

In 2016, I was diagnosed with autoimmune hepatitis. In 2019, I was diagnosed with aluminum and lead in my body. My fruit trees no longer produce fruit. Members of my family and community say that their children have trouble breathing and they are experiencing skin rashes, nose bleeds, respiratory

ailments, and cancer.

I have lost neighbors on both sides of me to different forms of cancer. Everyone here either has cancer or knows someone with cancer. It seems like I am now heading to funerals just about every week for another neighbor or friend.

In spring of 2018, Governor John Bel Edwards announced the approval of Formosa Plastics, a \$9.4 billion petrochemical facility to be built two miles from my home. Community members said it was a done deal.

That did not sit well with me. In the fall of 2018, we formed RISE St. James, a faith-based organization focusing on protecting the air, water, and soil of St. James Parish from toxic industrial pollution.

Formosa Plastics would cover 2,400 acres with its chemical plants right on top of the former Acadia and Buena Vista slave plantations. If Formosa is built, it will be a death sentence for St. James residents. Formosa would double air pollution in my district and triple our exposure to cancer-causing chemicals like benzene and ethylene oxide.

We are fighting; we have fought all the approvals given to Formosa and stopped them. We must make sure it never gets built.

Many other toxic industries are trying to move in, but we must stop them. We are not leaving our community. We need

industry to leave. They get tax breaks and we get sickness and death. And for what? All in the name of profit.

These industries are big climate polluters. I survived Hurricane Ida, but my home didn't. I watched oil spill out of a holding tank. I lived out of a trailer for many months, and I am still working to recover and rebuild.

President Biden, the EPA, the Army Corps and other agencies should use the tools they already have to protect us. And you, Congress, could do so much by defending existing laws and passing new laws to protect communities and stop building petrochemicals and fossil fuel projects here in St. James and everywhere.

I am here today because we are still not safe. Once again, thank you for having me.

[The prepared statement of Ms. Lavigne follows:]

Senator Merkley. Thank you very much, Ms. Lavigne. Thank you for your previous work as a teacher, because education is so important to the next generation.

Our next witness is Chris Tandazo. Chris Tandazo serves as the Statewide Environmental Justice Organizer with the New Jersey Environmental Justice Alliance. We are pleased to have you.

STATEMENT OF CHRIS TANDAZO, STATEWIDE ENVIRONMENTAL JUSTICE
ORGANIZER, NEW JERSEY ENVIRONMENTAL JUSTICE ALLIANCE

Mx. Tandazo. Good morning, thank you, buenos dias. Thank you, Senator Merkley, for the invitation to testify this morning.

My name is Chris Tandazo. I use they/them pronouns. I am the Statewide Environmental Justice Organizer for the New Jersey Environmental Justice Alliance.

NJEJA is a 20-year-old statewide environmental justice organization in New Jersey. We collaborate with grassroots partners to identify, prevent, reduce, and/or eliminate environmental injustices in our communities. NJEJA is led and staffed by majority people of color, who are also members of the communities burdened by polluting facilities and toxic infrastructure.

NJEJA, alongside other environmental justice advocates, collectively advocated for and led the way in the passage of the landmark New Jersey Environmental Justice Law, S. 232. The primary purpose of the EJ law is to require the New Jersey Department of Environmental Protection to evaluate the environmental and public health impacts on overburdened communities when reviewing permit applications for certain facilities. NJDEP then has the authority to deny or condition certain permits due to the cumulative impacts of pollution.

The EJ law is a beacon of hope for communities like mine. I immigrated from Ecuador to Irvington, New Jersey when I was 15, where I lived until my late 20s. Living in Irvington, the presence of industrial facilities, trucks, and warehouses was and remains a regular everyday sight, which made me accustomed to living in pollution and seeing this as normal. It was so normalized that I didn't think to challenge the presence of industry.

It wasn't until I had the opportunity to attend graduate school that I learned about environmental injustice and was then introduced to the grassroots movement that has courageously fought for the health and safety of our communities. I realized how my life, my health, and the well-being of my family and my entire community had been and continues to be impacted by the presence of toxic pollutants that are detrimental to human health, to our health.

When I think of plastic waste, I think of the environmental justice communities at the front-line and backend of the plastic crisis that have directly and disproportionately experienced the harms of the entire life cycle of plastics. The plastic crisis starts and is particularly acute in places like Cancer Alley in Louisiana, like Ms. Sharon has just mentioned, where the petrochemical industry has exposed Black communities to high levels of toxins, causing extreme rates of cancer-related

illnesses and deaths.

Some of these toxins come from the fossil fuels used to make plastic, but industry also adds many unnecessary toxins for color, rigidity, texture, increasing the toxicity of the plastic and making it impossible to recycle.

As plastic waste generation increases, so does the need to dispose of it. At this stage, the plastic crisis arrives at my front door in New Jersey. New Jersey is home to three incinerators. All of these incinerators are located in low-income communities of color, in Camden, Rahway, and Newark, where the incinerators burn the plastic waste from New Jersey, New York City, and many neighboring states, alongside all other types of waste.

Burning waste, specifically plastic waste, creates even more toxins and severely impacts the health of our communities, such as volatile organic compounds, nitrogen dioxide, sulfur dioxide, and particulate matter. These toxins are endocrine disruptors, damage reproductive and neurological systems, and increase the risk of cardiovascular and respiratory-related illnesses for our communities, which are already so overburdened by other polluting infrastructure and socio-economic challenges.

I myself deal with respiratory issues. I am congested most of the time, and it makes it hard to breathe when I am being active outside. Many people close to me have asthma. And you

know what makes this even sadder? According to a recent study by Earth Justice, from 2004 to 2022, New Jersey ratepayers, including myself, have paid over \$60 million in renewable energy credit subsidies to the incinerators in New Jersey.

I don't know about you, but it doesn't sit well with me that our communities, my family, and myself, have been paying the incinerators in New Jersey to pollute us, to sacrifice us to a slow death.

The current disposal of plastic waste in our communities is a manifestation of environmental racism present in zoning policies that allow for the siting of incinerators and petrochemical industries in communities similar to mine throughout the Country. We collectively urge this body to take proactive steps toward plastic reduction to alleviate the burden our communities face.

Thank you for your time and for asking me to testify today.

[The prepared statement of Mx. Tandazo follows:]

Senator Merkley. Thank you very much for bringing your insights from New Jersey.

Our next witness is Kevin Sunday, the Director of Government Affairs at the Pennsylvania Chamber of Business and Industry. Mr. Sunday, the microphone is yours.

STATEMENT OF KEVIN SUNDAY, DIRECTOR OF GOVERNMENT AFFAIRS,
PENNSYLVANIA CHAMBER OF BUSINESS AND INDUSTRY

Mr. Sunday. Thank you, and good morning, Chairman Merkley, Ranking Member Mullin, members of the committee and staff. It is an honor to appear before you this morning.

My name is Kevin Sunday, Director of Government Affairs with the Pennsylvania Chamber of Business and Industry. We are the largest broad-based business advocacy organization in the Commonwealth, representing nearly 10,000 members of all sizes and from all industrial and commercial sectors.

Our State is the number two producer of natural gas and the largest exporter of electricity in the U.S. We are a major producer of construction materials, food, medicine, and other life-sustaining products. Several of our members have important advances underway to establish a circular economy that minimizes water and plastics waste.

As you deliberate on this issue, it is our position that policy must expand opportunities for all our citizens, advance sustainability and support economic growth. High energy prices are a regressive tax on the most vulnerable, and domestic energy development is paramount to addressing energy poverty here and abroad.

One of the key criteria in defining an environmental justice community is the percentage of households or individuals

in poverty. These communities want jobs. We must embrace and pursue tax and regulatory policy that does not drive opportunity away from these communities.

The pandemic and recent supply chain shocks have made clear how important it is for Pennsylvania and our Nation to have a robust and reliable supply of energy and life-sustaining products. I am proud to represent a State that has dramatically improved the Nation's energy security and put it at the leaderboard for emissions reductions.

Not only is Pennsylvania now measuring attainment due to increased use of domestic energy for all NAAQS criteria pollutants, but our diverse energy portfolio has positioned us as the second leading State for greenhouse gas emission reductions. Shell Gas Development, which has the lowest methane intensity of any production basin in the world, according to the Clean Air Task Force, is estimated to be responsible for more than 60 percent of the total domestic greenhouse gas reductions since 2005, putting the United States ahead of the next four countries combined for aggregate emissions reductions.

Our State's chemical industry supports more than \$24 billion in annual economic output, and 55,000 jobs. Like most North American chemical manufacturers, they rely on natural gas and petroleum feedstocks for 99 percent of the building blocks for more than 70,000 different products, including a variety of

medical devices, products, and vaccines. These feedstocks are also used to produce ammonia and fertilizer, which are necessary to provide food to a growing global population.

According to the USEPA, manufactured goods from recycled materials typically requires less energy than producing goods from virgin materials, and thereby reduces emissions. Plastics play a key role in reducing greenhouse emissions, and ensuring resilience from natural disasters. Our State's energy, plastics, and chemical industry are a major economic driver.

But it has not been the case that plastic production operations in our State have triggered environmental justice analyses and the associated enhanced public participation process, owing both to the geographies in which they operate and the nearby demographics. Nonetheless, there remains an extremely protective and stringent regulatory regime applicable to these facilities and operations.

Our members are leaning in, from a refinery in southeastern Pennsylvania being recognized by an historic leader in the environmental justice movement for the company's community engagement to an innovative zero-landfill plastics recycling facility in Erie that is empowering the community to increase their own waste minimization efforts, an initiative that is being undertaken in partnership with community groups, the USEPA, and with support from legislators across the aisle,

including Senators Casey and Fetterman.

As State and Federal regulators define policy goals with respect to environmental justice, the implementation of these goals must come through clearly articulated and objective regulatory standards established by statute and through a rulemaking process that are applied fairly and allow communities to thrive. Pennsylvania's approach to environmental justice has to date established a process that has ensured public participation from impacted communities and a permitting process that has produced durable permitting decisions.

I want to reiterate that disadvantaged communities are in need of investment and that investment will not come without tax and regulatory policy that encourages it.

Let me close by saying that we at the Chamber strongly support the announcements from leaders on both sides of the aisle, including Chairman Carper and Ranking Member Capito, on legislation to enact meaningful permitting reform to drive more investment forward. Congress, in a bipartisan manner, has over the past several years implemented key regulatory and permitting reform provisions in defense, energy and infrastructure bills, and most recently the debt ceiling.

There is widespread agreement on both sides of the aisle, by business and by labor, that we can pursue further environmental progress while cutting red tape. In fact, it is

the only way we are going to.

Thank you for the opportunity, and I look forward to answering any questions you may have.

[The prepared statement of Mr. Sunday follows:]

Senator Merkley. Again, I will please ask folks to take your comments outside in the hallway. Thank you.

We are going to dive into the questions. We are doing five minutes apiece, so we can have multiple rounds as desired.

Oh, I am sorry, Ms. Jackson.

Senator Mullin. I promise he did not do that on purpose. We disagree on a lot of stuff, but he is not rude.

[Laughter.]

Senator Merkley. Let me back up here. Welcome. Ms. Jackson is the Director of Membership Development at Project 21's National Center for Public Policy and Research. And now you have the floor.

STATEMENT OF DONNA JACKSON, DIRECTOR OF MEMBERSHIP DEVELOPMENT,
PROJECT 21, NATIONAL CENTER FOR PUBLIC POLICY AND RESEARCH

Ms. Jackson. Chair Merkley, Ranking Member Mullin, and members of the subcommittee, thank you for allowing me to testify today.

My name is Donna Jackson and I am the Director of Membership Development for Project 21, the Black leadership network of the National Center for Public Policy Research. Project 21 is one of the oldest and largest Black conservative think tanks in the country.

Our members come from all walks of life, from small business owners to law enforcement to assembly line workers to teachers to energy producers to clergy to health care workers. Most of us are not career activists, lawyers, or lobbyists, and more than a few of us actually live in the communities we hope to improve.

We cover a wide range of issues, but our fundamental focus is lifting people out of poverty and dependence and into prosperity and self-sufficiency. I will make my main point up front and tell you that I think it is an overwhelmingly positive thing for struggling communities to have industrial facilities nearby, including plastics manufacturing. The high wage blue collar jobs that these employers provide are in many cases the best ones available for those without college degrees. And if

you look at the history of the creation of a Black middle class over the last century, it is these gateway jobs that lifted up millions of families and broke the cycle of poverty.

I know that in my own family history I can point to relatives who worked at Ford, General Motors, Chrysler, U.S. Steel, and General Dynamics. Not only were they able to provide for their families, but they were also able to become homeowners and save for retirement.

Perhaps most importantly, they were able to provide the educational opportunities that allowed the next generation to attend college and pursue various professions. As a result, their kids and now grandkids have never had to suffer even one day of poverty or helplessness.

To be blunt about it, it is downright crazy to suggest that my family would have been better off if these factories would have never allowed to be located near them. And it is not just the direct jobs. Every big manufacturing facility supports many small businesses in the community, and quite a few of these vendors are minority owned. They also contribute to the tax base that pays for things like schools and police protection.

But none of that can happen without the local industrial base, whether it is a plastics plant or a refinery or an automaker.

Now, we will hear a lot about the environmental dangers of

living near or working in these facilities, including plastics plants. But I think a sense of perspective is in order. American manufacturers are subjected to the most rigorous environmental standards in the world, including plastics plants, and industrial emissions have declined substantially over the last several decades.

For every study claiming a cancer cluster or a statistical association with some other disease, there are others that find that low-income people living near these facilities are no worse off than comparably poor people in general.

And I think it is worth noting that the environmental justice activists who focus on weak correlations between industrial emissions and health impacts tend to ignore the undeniable and well documented improvements that come with the transition from poverty to well-paying employment.

Beyond reduced illness and disease, good jobs tend to lead to stronger families and substantially lower rates of domestic and sexual violence and other traumas. And as far as my relatives who worked for big manufacturers are concerned, the only difference I could see in their health was the benefit of having better medical care that comes with a good salary.

I might add that several of my factory worker aunts and uncles and cousins are still with us and some have celebrated their 100th birthdays.

In conclusion, the enemy is not trace emissions in the air and water from industrial activity. The enemy is poverty. And that is why any attempt to shut down good industrial jobs will do a lot more harm than good in the communities and people that need these jobs the most.

Thank you so much.

[The prepared statement of Ms. Jackson follows:]

Senator Merkley. Thank you very much, Ms. Jackson.

Now we will begin our questions. Ms. Jackson, you noted that a number of your relatives worked for different automobile manufacturers, and so forth, as I listened to that list. Do you see a difference sometimes between manufacturing that involves, for example, making cars, and the type of plastics production plant that has a low number of jobs and a high level of emissions?

Ms. Jackson. I think that all the manufacturers are subjected to stringent regulations. Our EPA is actually doing a great job. If there is really this high correlation, and I don't pretend to be an expert, if it is really this damaging, we should have Michael Regan in here answering to why they are not doing their job.

Senator Merkley. Thank you.

Ms. Bradford, in the community you live in, if we were talking instead of about a plastics plant, we were talking about an automobile plant, would you have a different sense? Is there something particularly dangerous and damaging about the chemicals in the plastics plant?

Ms. Bradford. Good question. First of all, I would say my concerns are about all emissions, regardless of the source and regardless of what is being produced. But just for today's topic, of course, it is plastics. So I think with the research

that we are seeing from independent researchers, from colleges and universities, from agencies around plastics, it is just becoming more shocking, the level of chemicals that are leaching.

For example, the recent Defend Our Health report that studied 193 chemicals and found 150 of them leached into plastic bottles, that is a big deal. So now that we know more about everything from the production of plastics to drinking out of plastic bottles to the waste discharges into the water, so on and so forth, microplastics in the ocean, all of these are confounding factors that are leading to some serious health consequences, not just environmental.

Senator Merkley. Thank you.

Ms. Lavigne, you noted that you suffered autoimmune disease and you are going to a lot of funerals. Is there a higher correlation of devastating diseases near these plants than far away from these plants?

Ms. Lavigne. Yes. I think there is higher, because it is like I said, we are called Cancer Alley. St. James and St. John Parish are the worst two parishes in this corridor between New Orleans and Baton Rouge, especially St. John Parish. They are suffering from chloroprene and the plant is called Denka Dupont. These people are suffering even worse than us.

More people have been diagnosed with cancer, and more

people are dying with cancer. St. James is next to St. John.
And we are dying with cancer.

At one time, we had like two to three funerals in one week. Prior to me starting this work, I wondered why. Then I started doing the work and I found out about all the pollutants. We have 12 industries within a 10-mile radius. We are sandwiched in. And people over there are sick, people have asthma, children are being born preemies, women are having miscarriages, and you can't breathe the air.

Just like on one of the slides, you can see that yellow sulfur is open. When you pass by that plant, you get a whiff of that odor, and it goes in your nostrils and goes down to your throat, and your throat is irritated. My daughter had to move because she was always going to the doctor for sinus, ear infections. My other daughter had to move because she was always having headaches.

I am still there. My three children are still there, the other three left. My neighbors, people are dying. Our little area is like a skeleton town, because our public officials allow industry to come in the Fifth District the most.

Senator Merkley. I will submit for the record, if there is no objection, a number of articles that show a much higher concentration of cancer rates and other disease rates near these facilities than far away. I think your observed experience is

very well documented in the scientific literature.

[The referenced information follows:]

Senator Merkley. Thank you.

I want to turn to Mx. Tandazo. You mentioned the burning of plastics as a strategy for disposal, and I think you said three incinerators in New Jersey. You also mentioned the New Jersey environmental law.

Is that law a response to some of these challenges? Did it improve the situation?

Mx. Tandazo. Yes, thank you for that question. Yes, the EJ law was a response to the environmental justice communities in New Jersey, particularly, and are in Ironbound similar to what Ms. Sharon has mentioned. Ironbound has five-plus industrial facilities, all of which are located within a five-mile radius next to an entire neighborhood.

The folks and organizers that fought for the EJ law came out of these neighborhoods. It was a 20-year battle. Dr. Nicky Sheetz [phonetically] has been pushing for this law for cumulative impacts in the past in New Jersey. This landmark law, the rules just got passed this past Earth Week. Now we have regulations.

Right now, we are preparing to see what is going to happen. So far, it seems the EJ law is triggering a lot of facilities that are trying to be sited all over New Jersey, and facilities are trying to be sited in communities of color, particularly. They are not going to the suburbs, they are not going to the

rural areas. They are going to urban settings, where communities of color live.

So we are preparing ourselves to fight these proposals. The EJ law now gives us the support to do that. Because the law will not allow any facility that adds any additional pollution to the area where they are trying to site.

Senator Merkley. Thank you.

My time is expired, but when I come back, I am going to pick up where we left off. What I will want to understand is how is it that these incinerators continued operating after violating their air permits more than 1,400 times. Also, why they would get \$60 million in renewable energy subsidies for the purpose of burning plastic and creating pollution?

We will turn now to Co-Chair Senator Mullin.

Senator Mullin. Thank you, Chairman.

Ms. Bradford, in your testimony, did I understand you right, that you want to end all plastic manufacturing?

Ms. Bradford. I said the plastics industry must be stopped.

Senator Mullin. So does that mean end plastic manufacturing?

Ms. Bradford. In my dream world, sure. But I think that the --

Senator Mullin. So, and I don't mean to be condescending

here, I just point out, what is going to replace your glasses?

Ms. Bradford. So I do know --

Senator Mullin. Your glasses around your face. They are made of plastic.

Ms. Bradford. Maybe. I don't know what they are made of.

Senator Mullin. They are. And I am just pointing out some things here, because I just want to be realistic when we are having conversations. Because when statements are made like this, I just want to open people's eyes to say, okay, it is easy to say, but what is the solution. Your water bottle in front of you.

Ms. Bradford. This one.

Senator Mullin. Yes. That plastic?

Ms. Bradford. No.

Senator Mullin. The lid is. That is plastic.

Ms. Bradford. Right, so I would say to your question that I would first be concerned about single-use plastics. Then we can talk about alternatives.

Senator Mullin. Your cell phone there. Is it plastic?

Ms. Bradford. The case is. But it is glass because --

Senator Mullin. Are the components inside of it not plastic? The components made out of it is not plastic? They are. The water that you filled that water bottle up with, where did you fill that water bottle up out of?

Ms. Bradford. A water filling station.

Senator Mullin. And it was delivered by a drink station that was plastic?

Ms. Bradford. I didn't check.

Senator Mullin. The edges are. The piping coming to it, now you have a couple choices with the piping. We could go back to using wood, but then you have to have to line it in chemical. Or we could go back and use lead because we used to have water piping that was lead. That was harmful to us. We could go back to galvanized, but galvanized rusts and had discoloration. We could go back to copper, but copper has to be mined, and everybody wants to stop mining in the U.S. So you use plastic to deliver piping that you filled that water bottle up today.

I point this out because the clothes you have on, I guarantee have plastic in it, the shoes you have on your feet, the soles of those shoes are plastic. So we talk about any manufacturer, plastic manufacturing, and everybody in here cheered when you say that. But everybody here, it is an opinion on plastic as you said.

So if you want to end it then quit using it. It is kind of like, I don't want to shop at certain places right now because I don't agree with some of their policies. I choose not to do that. You can choose to not use plastic, do your work. If you believe it, then live it that way. And if not, then tell me

what the solution is.

Mr. Sunday, can you manufacture a car today without plastic? Because we talked about manufacturing, the Chairman brought up manufacturing cars, is it as safe. But the components that go into the cars today, can you do that without plastic?

Mr. Sunday. No, Senator, and increasingly so with the new mileage mandates, you increasingly need to use automotive components that are plastics derived.

Senator Mullin. So we wouldn't have manufacturing today, modern manufacturing, if we didn't have plastics, correct?

Mr. Sunday. Correct.

Senator Mullin. Ms. Jackson, do you agree with that statement?

Ms. Jackson. Yes.

Senator Mullin. So what is the alternative for manufacturing? Because the Democrats talk about middle-class wages. Middle-class wages typically come directly from manufacturing. What is it that we are manufacturing that doesn't have plastic in it today?

Ms. Jackson. Nothing, and you know what? It would increase the cost of everything if we turned to an alternative and it would disproportionately impact low-income people who have lower incomes. It would be another regressive tax on the

poor.

Senator Mullin. So according to your testimony, Ms. Jackson, it sounds like you are saying that the environmental justice agenda does more harm than good for low-income families. Is that correct?

Ms. Jackson. Yes. And you know, I have the unique opportunity to see both sides, when the industry comes in the area and when it doesn't. As an auditor, I worked on Nissan North America. Nissan North America moved to Smyrna, Tennessee, where it built the largest automotive manufacturing plant. The transformation was astonishing. It went from a community that was poor to a community that U.S. World News voted one of the top 10 places to retire.

You had poor people in areas that were poor that became middle-class. You had middle-class people that became upper middle-class, and a lot of upper middle-class people that became affluent. They have attractions, they have amenities, they have housing, affordability. The amount of prosperity in that area has resonated out three counties, three counties.

I have also had the opportunity to see when an industrial, and that wouldn't happen if you don't have an industrial complex moving into the area where you are talking about high economics.

I have also see the other side, where all of a sudden you have deteriorating buildings, empty storefronts, dilapidated

housing, people standing on street corners, families that are broken.

So we need to balance the fact that people's lives need economic upward mobility. We can't just say, we are going to take out an industry and leave people poorer than they were. Poverty causes the worst health care in this Country. Poverty is the one that destroys lives, it destroys health, it creates trauma.

So we need to make sure that when we are talking about these issues, we take into account the human loss of life, not just the environmental impacts.

Senator Mullin. Thank you. Thanks for your indulgence.

Senator Merkley. Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman, for your persistent focus on the plastics problem that we face.

Mx. Tandazo, the U.S. plastics recycling rate is less than 10 percent, once you actually put it in the blue bin. For single-use plastics, about 2 percent of the feedstock is recycled. The rest is all new. And the industry is recommending that as an alternative, we go to high heat waste disposal facilities, like pyrolysis facilities.

Do you have a view on what dangers those facilities pose for adjacent communities?

Mx. Tandazo. Thank you for the question. Yes, those are

what I would consider schemes to deceive this body and anybody into thinking that they are actually doing some good. If you are burning plastic, you are still emitting the toxics and the chemicals. The chemicals that are used to make the plastic are still being burned. That happens whether you combust them in incinerators or you gas-fire through pyrolysis and gasification.

It doesn't matter which avenue you choose to process the plastic, it is still going to emit some sort of chemicals. What is important to think about that is, when we are thinking of where these so-called alternative recycling plastic-to-fuel industries are going to be sited at, I will most definitely bet you it is going to go to low-income communities of color, where the industry is already taking control over the zoning laws, so they have the support from municipalities to actually go ahead and continue to re-site it in these places.

That is why the EJ law is important, because the EJ law would allow communities themselves to hold the corporations accountable, actually through a process to prove that their operations are not going to harm our communities.

Senator Whitehouse. Thank you.

Ms. Lavigne, I am getting ready to re-introduce my REDUCE Act bill, that puts a 20 cent per pound fee on the sale of new plastic that is destined for single-use products, to try to help put that 2 percent number where there is so little recycled

plastic being put into single-use plastic.

The plastics industry was not very helpful in that regard, and ran ads against my bill in Washington with images of things like child car seats and bicycle helmets. I am not really sure that those are single-use items in real life. But I am interested in your view on how the proliferation of single-use, throwaway plastic items implicates communities like yours, not only in the U.S. but around the world.

Ms. Lavigne. I think we can gradually get away from so much plastics. I think we have too much, and the health effects of making these plastics are killing the people, are making us sick, giving us cancer. When I was diagnosed with autoimmune hepatitis, I didn't know where it was coming from until I did my research. It said it came from industrial pollutants. And I live in a cesspool of pollution.

So I believe that that is where it came from. But I feel we can gradually go back to the old days when we didn't have so much plastic, go back to glass. When I was a little girl, we didn't have so much plastic. And we weren't sick.

So maybe we can get together, find solutions, find strategies, sit at the table and discuss these things. I would like to be a part of that discussion, because we need to find ways to reduce so much plastic, and also stop the industries from coming into poor communities to make these plastics.

Senator Whitehouse. Mr. Chairman, there are some pretty reasonable minimum standards we should start pushing toward. One of them was put forward at the Oslo Oceans Conference by the European Company Unilever, which has pledged, I think starting in 2026, to take out of the world a pound of plastic for every pound of plastic that it puts out into the world through packaging and through products, to go plastics neutral, if you will.

If a company as big as Unilever can do that, that shouldn't be asking too much for American companies. This is an announced policy. I think it would have a very positive effect. In fact, it would create a market for getting plastic out of the world. I think it would be particularly helpful in poorer countries to have an international market of waste plastic that people can take out of their communities and get paid for cleaning up their communities.

So there are plenty of levels of engagement. Clearly, if a company as big as Unilever can make a commitment like that, that is not an unreasonable ask.

Thanks for your attention to this problem.

Senator Merkley. Thank you, Senator Whitehouse.

Senator Sullivan?

Senator Sullivan. Thank you, Mr. Chairman.

I want to begin by thanking my friend and colleague,

Senator Whitehouse, on this topic of plastics and ocean cleanup, he and I have been tag-teaming for a number of years on the Save Our Seas Act 1.0, the Save Our Seas Act 2.0, which the Congressional Research Service called the most comprehensive ocean cleanup, ocean debris legislation ever passed in the history of the Congress.

It was very bipartisan, Trump Administration, now Biden Administration. We are implementing that.

So there is a lot of bipartisan work going on in this area of plastics and cleanup, particularly for our oceans, which I think literally everybody agrees with. I am looking forward to continuing to work with him and this committee on the next phase of that, which I think is very important.

The title of this hearing, though, I want to dig into the topic of environmental justice a little bit more from our witnesses. Because in my State, the great State of Alaska, there is a real double standard on environmental justice. The Biden Administration talks about how their report on environmental justice listed a number of projects that "will not benefit a community," including fossil fuel production, pipeline development, even possibly roads.

This is ridiculously naïve, in my view. What I worry about sometimes is when we talk about environmental justice, the Native people, the indigenous people of my State always get left

out of the Biden Administration's views. So maybe for the witnesses, shouldn't environmental justice include indigenous people in Alaska? Does everybody agree with that?

Everybody is nodding. That is not a trick question, it is just a pretty basic question. I think the answer is yes, Mr. Chairman.

Yet, whether it is the King Cove Road, that is a road that would connect the community of King Cove, it is a Native community in Alaska, where they have been trying to build a 12-mile, single lane dirt road to an airport that would save lives, this Administration is now opposing it. Secretary Haaland, every radical lower 48 environmental group opposes that. That is not environmental justice.

We had a bill of mine, the Alaska Native Vietnam Veterans getting land, Native allotments to Alaska Natives who served in Vietnam. Secretary Haaland won't implement that at all because radical lower 48 environmental groups don't want Native Americans who served in Vietnam when most people were avoiding service to get land.

Is that environmental justice? Hell, no. That is not environmental justice.

The Ambler Road, which this Administration has now reversed, that was supported by a number of indigenous communities in Alaska, would create jobs.

So my point, Mr. Chairman, is there is a lot of talk about environmental justice. But when it comes to Alaska Native people, indigenous people in my State, almost 20 percent of the population, this Administration targets them so often. Their claims of environmental justice are just, I don't know. They are really harming the people of my State, particularly the Native people, the indigenous people.

So I don't want an exception for environmental justice. Shouldn't be an exception. Do you guys agree? This is not a controversial statement. Indigenous people in Alaska should be getting the same benefits that everybody else does under this rubric of environmental justice. But they don't.

So I am just going to let that stand here, Mr. Chairman. It is a big issue for me. It is hypocritical by the White House, by the way.

But let me just ask a general question. Mr. Sunday, Ms. Jackson, and again, I worked hard on the issue of plastics and pollution and making sure we don't pollute our oceans. But one thing I do worry about is that if we crack on plastics here, the production of that, it is just going to drive it overseas to China, places that don't have strong environmental standards like we do.

Is that a concern, and should we be making sure that any action or legislation we take doesn't have the perverse impact

of driving operations and jobs to China where their environmental standards on the production of plastics aren't nearly as high as ours? Do you have a view on that, Mr. Sunday?

Mr. Sunday. Yes, Senator, thanks for the question.

It is the right perspective. As I mentioned in my opening statement, the U.S. greenhouse gas emission reductions are greater than the next four countries combined. China's is greater than all the OECD nations.

Senator Sullivan. China's is going up the other way, and ours are going down.

Mr. Sunday. Right.

Senator Sullivan. Because of the revolution in the production of natural gas, right?

Mr. Sunday. Yes, sir.

Senator Sullivan. Ms. Jackson, do you have a view on that? We don't want plastic production going to the dirtiest producer, which is China, and then taking our jobs away. Do you have a view on that?

Ms. Jackson. Yes. It is our economy that is always being attacked, even though we are the least of polluters. China is the greatest polluter, but yet they are being able to get the benefit of when we attack our economy, when we kill our jobs, we push them over to the biggest polluter.

If you really believe that plastics are a danger to the

planet, it should be a danger no matter where it is produced.

Senator Sullivan. Correct.

Ms. Jackson. But somehow only Americans are being penalized.

Senator Sullivan. So we don't want to kill jobs and then send production to China that will pollute the environment globally even worse?

Ms. Jackson. I think it just goes to the narrative that we don't really believe this. It is this kind of where we want to just signal that we are good people. But if you care about people, you care about all people. And if you believe that plastics are harming individuals, why harm other people overseas? How come they are expendable? It shouldn't be that way.

But again, this Country is subject to the most rigorous regulations. And those companies are actually meeting those standards. And if they are not, why isn't Michael Regan in here talking about why we are not making sure that our companies are not adhering to those standards? Because nobody really believes that.

Senator Sullivan. Thank you. Thank you, Mr. Chairman.

Senator Merkley. Thank you, Senator Sullivan.

We are going to have additional five-minutes rounds as people would like.

One of the things I find interesting about the plastics conversation is when we identify some of the significant harms that have developed as the production of plastics has increased. It is often pointed out that, well, there are plastics in almost everything. This is pretty accurate. Nylon is a plastic in our clothes, Dacron, et cetera.

But when you have harmful effects, it isn't the right answer to say, well, there is nothing that can be done. One of the conversations is, how do we distinguish between necessary uses of plastic and those that are not necessary. Maybe we can reduce those harmful effects by reducing how much we produce. And when we produce it, how do we produce it in a way that is less harmful to the communities in which it is located? How do we reduce the emissions and reduce the cancer and the disease rates there?

And when it is used in our consumer economy, how do we reclaim it in a fashion that it doesn't end up in our rivers and our oceans, affecting our ecosystems? How do we reduce the amount of microplastics? I can tell you in the health of our children, having the effect that we now consume the equivalent of a credit card of plastic a week through microplastics in our food and our water, that is a very serious health issue.

So I want to encourage a conversation that is based in reality that there are real issues, that plastics have real

roles. But we may be able to work together through this set of hearings to develop a set of ideas on how we can keep the essential and necessary roles but eliminate the unnecessary, or at least eliminate the side effects or reduce them.

So that is the conversation we are engaged in. Ms. Bradford, you mentioned single-use plastics. Is that an area you think is kind of ripe for us to target to try to reduce?

Ms. Bradford. Yes, for sure. We had human existence and efficiencies prior to single-use plastics. We can have that without them, after them. To the point that you were making, I think it is the responsibility of every industry in this Country to come together and figure out what actually makes sense. Because yes, we can't power down everything immediately when it comes to plastics.

And there are some medical uses, and of course, I use them in my lab. But we haven't always. So there are many ways to go back to less dangerous, less harmful plastic or non-plastic material.

Also, we know from recent reports that have come out that there are alternatives to a lot of the chemicals that are being used that because maybe they are cheaper are not being replaced. So we need industries, the petrochemical and plastics industries, to replace a lot of the chemicals that they are using.

Senator Merkley. One of the chemicals that gets significant attention in plastics are endocrine disruptors. Is that something you are familiar with?

Ms. Bradford. Yes.

Senator Merkley. Can you explain that for us?

Ms. Bradford. Yes, so when you think about the endocrine system, you are talking about hormones. Hormones regulate a lot throughout the body. So essentially, plastics are, their chemicals are disrupting the natural processes of your body. That can lead to autoimmune diseases or dysfunction of the kidney, liver, central nervous system. Endocrine disruptors have several different negative effects and can be carcinogenic as well.

Senator Merkley. There are various studies that have suggested that there is a link between plastics which we end up inhaling or eating and the effects upon breast cancer, prostate cancer, and for that matter sperm production. Should Americans be concerned about these types of health impacts?

Ms. Bradford. I will say, I would be concerned across the board with all these things. It is only now that a lot of researchers are thinking through not just the historical ways in which we thought maybe diabetes or cardiovascular disease or kidney disease develops, but what role does plastic now play in that. We are seeing that in our Country, we have a lot of

chronic diseases that we have not gotten under control, that we are still seeing increased diagnoses for people. You do have to start to wonder, and hopefully we will see more money for research in the areas of determining the role that plastics plays in disease development.

Senator Merkley. Thank you.

I want to turn next to Mx. Tandazo, to the conversation about the new law in New Jersey. Is it kind of the bottom line that better regulation can reduce some of the harmful effects?

Mx. Tandazo. Yes, that is right.

Senator Merkley. Is it a combination of Federal regulation and State regulation?

Mx. Tandazo. I think it will vary depending on the situation we are talking about. At the State level it works for New Jersey, because it is a small State and it is fairly easy to regulate and have larger oversight over the State. At the Federal level, it would get a little more complicated because of the different zoning policies, the different municipalities all having different things.

Senator Merkley. So the incinerators have violated their air permits more than 1,400 times since 2004. I think those air permits would have been State air permits, am I correct about that? Those are State enforcement?

Mx. Tandazo. Yes.

Senator Merkley. Do we need better Federal regulation, to Ms. Jackson's point about, if we are concerned about States and places that are violating the emissions or have very high emissions, do we need more Federal supervision of how States enforce these toxic emissions from plastic production?

Mx. Tandazo. I think there is an opportunity to do something at the Federal level. But I think it would definitely be more efficient to do something State by State. I think the Federal Government can support by emphasizing different procedures and regulatory systems that can be implemented in different laws.

But it is possible to do it at the Federal level. President Biden just signed an Executive Order for Environmental Justice this past Earth Month. It would be incredible if we can pass that Executive Order into law. Because then we would have more Federal oversight over not just polluting industries that work at the State level, but also polluting industries that work at the Federal level. A lot of them do not have full oversight by the States, but they have Federal legislation, too.

Senator Merkley. Thank you. We have been joined by Senator Markey of Massachusetts.

Senator Markey. Thank you, Mr. Chairman. Thank you for this important hearing.

Here is what I know. Japanese women in Japan contract

breast cancer at only one-third the rate of Japanese women once they move to the United States, and their daughters are growing up their whole lives. So in other words, there is something in American culture that affects those Japanese women once they get here. Within the first generation, a Japanese American woman has breast cancer at twice the rate as a women of Japanese origin in Japan.

So we are doing it to ourselves. Is it in our food? Is it in our air? Is it toxics? What are we doing to ourselves? What is it that is going inside of the people in our Country that has their genes misspell, so that now there is a disease which is induced in individuals?

So we know historically that toxics have been identified as one of those real culprits. And we know that all of you have spent your lives working in those issues. So Mx. Tandazo, can you speak to some specific cost that you have seen as a result of plastic waste incinerators?

Mx. Tandazo. Yes, we can talk about the costs to the ratepayers and the costs to their health. New Jersey folks in urban communities already face a lot of socioeconomic challenges that come from lack of access to proper health care, economic resources, healthy jobs.

Senator Markey. I will come back to you.

Let me come over to you, Ms. Lavigne. Cancer Alley, people

are 50 times more likely on average to get sick than other people in America. Again, that is kind of an analogy over to the Japanese women in Japan, Japanese women here. So you are a good example of what happens when there is some proximity.

Can you expand upon that, and what do you think are the causes of it and what the remedy has to be?

Ms. Lavigne. I think that when you come into Cancer Alley, you are susceptible to something. I had a young girl from New York who came to stay with me for about five months, and she became ill from breathing the air. She said when she wakes up in the morning, she had a headache sometimes. Then she started to feel dizzy or lightheaded. So she is not from here, and for her to experience that, I can imagine what other people coming to Cancer Alley will experience there.

I always ask people to come to the area where I live, next to Donaldsonville, that is where the hotels are, and spend a night at the hotel and wake up the next morning and tell me if you smell something.

Senator Markey. Yes. When I was growing up in Malden, Massachusetts, I lived in Ward Two. I still live in Ward Two in Malden, Massachusetts. Every city has a sacrifice ward. The Malden River is in Ward Two, three blocks from my house.

My mother would always say to me, Eddie, whatever you do, don't swim in the Malden River. Because it was black with a

pre-Jimi Hendrix purple haze over it. So I knew I wasn't Tom Sawyer and Huck Finn on the Mississippi, reading those books, when your mother says, don't swim in the river three blocks from your house. It was the chemical companies, the coal companies, they all just dumped it all in the Malden River.

So you live in that ward in Louisiana.

Ms. Lavigne. Yes.

Senator Markey. You live in the petrochemical sacrifice zone.

Ms. Lavigne. I sure do.

Senator Markey. Every city has that ward, where everyone thinks they can put all of those industries.

Ms. Lavigne. I don't think that should be. I think we have the right to breathe clean air and drink clean water. I don't think that we should be a sacrifice.

Senator Markey. And beyond the dollars, the human costs, the health care costs, can you just expand on that a little?

Ms. Lavigne. Yes. I think industry should pay for my illnesses. Because they made me sick.

Senator Markey. Thank you.

Ms. Lavigne. You are welcome.

Senator Markey. Do you agree with that, Ms. Jackson?

Ms. Jackson. I think that I feel sorry for the illnesses that she is suffering. But at the same time, I know that there

are, some studies agree and some studies don't agree. But I feel sorry and I hope that she feels better. That is all I can say. There are lots of studies out there, some say there is a direct correlation; some don't. So I think we don't know enough information to be able to tell.

Senator Markey. At least from my perspective, I think there is a pretty clear correlation that has been established. And I know up in Woburn, Massachusetts, when I was a young Congressman, this mother came to me with her little boy, Jimmy. He had leukemia. What she had done was then go door to door to door in her ward and she found another five children with leukemia, all within three or four blocks.

So I helped to bring in the EPA to do the big study. And it eventually became a movie called A Civil Action, that kind of spotlighted this Woburn case. All those children died. But we were able to come in there and just make sure we cleaned up that site. They were dumping all of those chemicals, Monsanto and others, into the ground and into the water. And young children were being exposed to it.

Senator Merkley. Senator Markey, can you stay for another five-minute session?

Senator Markey. Yes, I am sorry. I am sorry to run over.

Thank you all so much for your courage in standing up. Because we just have to do something about this. This is a

crisis in our Country.

Thank you, Mr. Chairman.

Senator Merkley. Thank you.

Senator Mullin?

Senator Mullin. I just want to follow up with Ms. Bradford. You stated you are against single-use plastics. What specific are you pointing at for single use? What products are you talking about?

Ms. Bradford. Definitely straws, definitely plastic bottles. I won't say anything else because I can't think of anything else right now.

Senator Mullin. So are you for recycling, and advanced recycling?

Ms. Bradford. No, because it doesn't work and it doesn't happen.

Senator Mullin. Well, then, in your case and everything is single use at that point. If you are not for recycling, then you can't say you are against single-use and you are okay with everything else.

Ms. Bradford. I am for facts, and I think only 9 percent worldwide are actually recycled.

Senator Mullin. That is why I say that we should focus more on recycling. Because if you can tell me you are for recycling, then maybe we can work to something. Because a while

ago you did say you were for, you were not against all of it, because you have to be realistic. But you are against single use, because that is what the Chairman asked you.

So if you are for, or against single use, then you must be for recycling.

Ms. Bradford. No. Because it doesn't work.

Senator Mullin. Well, then, that doesn't make any sense at all. Because you can't exist without plastic today. We have already pointed that out.

So I don't know what the alternative is. And we talk about this all the time. It is like Ms. Lavigne mentioned that glass is an alternative. But if you remember, sir, at our last hearing we had on plastic, for the record I submitted the McKinsey and Company study that showed that actually plastic has a less carbon footprint than glass.

So where are we moving towards? What is it that we want to look to? If we are still for the middle class, we got to have manufacturing. We pointed that out, that we can't do without it. We are against it, but yet everybody here is using it. I just see a lot of people having a thought process because it sounds good, but no one is actually living by what you believe.

Ms. Bradford. I don't have any single-use plastics in my house.

Senator Mullin. Do you know that for a fact?

Ms. Bradford. I know that for a fact. Because I go --

Senator Mullin. What do you not have? What products?
Because you just mentioned water bottles.

Ms. Bradford. I don't have water bottles like that in my house.

Senator Mullin. But most of these water bottles actually recycle, including the one that I am having.

Ms. Bradford. I do participate in recycling, I just know that it doesn't work internationally. It is not adding up.

Senator Mullin. Well, I would suggest you maybe doing your homework a little bit more when you come up here and you start talking about this stuff that you actually understand what it is the impact that you are talking about.

Ms. Bradford. I do my homework. I do understand the impact. I know I am wasting my time recycling because most of it is not recycled. And that is because of the industry and the fact that plastic is in everything is because the industry forced us to have it.

Senator Mullin. Well, then quit using plastics.

Ms. Bradford. The industry is just not making that possible.

Senator Mullin. Well, if you feel that way, then quit --

Ms. Bradford. I do. I just told you, I do not have single-use plastic bottles in my house. I do what I can.

Senator Mullin. Hold on a second. You are against all plastic but you have plastic all around you. So if you are against plastic, then don't use it. Live by what you are saying. There is a lot of people around here that I disagree with, but if you would live it --

Ms. Bradford. I do live it.

Senator Mullin. -- I respect it -- ma'am, you don't, because you have plastic on your face, you have plastic on the water bottle, you have --

Ms. Bradford. I do not own companies to create these things. So I cannot make these things. But until they are available, we are stuck with some things. I do what I can.

Senator Mullin. Do you believe in, do you believe that we should have solar systems, or not solar systems, but we should have solar panels on our house?

Ms. Bradford. I am here to talk about what is on the agenda.

Senator Mullin. I mean, they are.

Ms. Bradford. And they are also not single use.

Senator Mullin. Neither is this bottle. Let's go to Mr. Sunday. In your opening statement, you mentioned Shell Gas was a big reason why United States have led the world in CO2 reduction, because the energy and natural gas liquids in their manufacturing is less emission intense than overseas

manufacturing, especially compared to countries like China, is that correct?

Mr. Sunday. Yes, sir.

Senator Mullin. Can you explain a little bit more about that?'

Mr. Sunday. Yes. As I mentioned, the Clean Air Task Force looked at the methane intensities and Shell Gas in Appalachia has the lowest leakage of any basin in the world. The increased use of natural gas produced in that region, including Pennsylvania, has been estimated to be about 60 percent of the reason why we led the world in reducing emissions as a Country since 2005.

So, big picture, the issue is how do you reduce emissions, keep costs down and be reliable. That is the long-term challenge. The short-term challenge is every country out there that is relying on Russian oil and gas, we should be doing everything we can to get our energy over there because it is also going to be used more sustainably.

Because I can guarantee you, and you can see the Boston Globe feature from a couple years ago when an LNG tanker came into Boston, when we got Shell Gas in northeast Pennsylvania, the most prolific in the world. I definitely want the producer standards in my standards versus Putin's regime. We saw what that led to.

Senator Mullin. You know what the difference between the two standards are?

Mr. Sunday. It is an order of magnitude. I mean, it is so much so that even if you count for transportation across a tanker, Shell Gas in the U.S. shipped across the seas is more sustainable than pipe coming in from Russia.

Senator Mullin. Because they're not using electricity in the ships to bring them here? Or they have combustible motors in them?

Mr. Sunday. Right.

Senator Mullin. That is what I was thinking. And trucks to get them from Point A to Point B, since we can't build pipelines in the east coast right now.

Mr. Sunday. Right.

Senator Mullin. With that, sir, I yield back.

Senator Merkley. Thank you very much.

The Chair of the committee has arrived, Senator Carper.

Senator Carper. Thank you, Mr. Chairman.

Before I start today, I want to thank all of you for joining us. I want to thank our witnesses for coming and speaking with us, sharing some ideas with us, responding to our questions.

People sometimes ask me, what is environmental justice all about anyway? I just met with a bunch of students earlier today

from all over Delaware, Future Farmers of America. One of the things we talked about was, believe it or not, Matthew 25.

Matthew 25 goes something like this, when I was hungry, did you feed me, when I was thirsty, did you give me to drink, when I was naked, did you cloth me, when I was sick and in prison, did you visit me, when I was a stranger in your land, did you welcome me.

I think we have a moral obligation to the least of these in our society. I think what environmental justice is all about is just how do we meet that moral obligation to treat other people the way we want to be treated. It is just that simple, the Golden Rule, treat other people the way we want to be treated.

It is an issue that it turns out environmental justice invokes quite a bit of passion, as evidenced by the hearing in this room today. We meet in this room, not every day of the week, but throughout the week, throughout the year. There are oftentimes great passions that are vented in this room, as you might imagine.

But environmental justice is also an issue that invokes strong emotions that come from the experiences that we have lived in our lives and have felt the impact, in some cases, of disparate government policies.

I thank our chairman, Chairman Merkley, I want to thank our Ranking Member, Senator Mullin, for inviting you to convene here

to give you a chance to share your thoughts with us and to give us a chance to ask some questions of you. I believe that it is incredibly important to create productive space, if you will, for having an important discussion like the one here today.

I will close by saying, I will ask a question, we need to treat each other with kindness. We need to treat one another the way we wanted to be treated. That is what I try to do, as Chairman of this committee. I am sure that is the way Senator Merkley has chaired this committee hearing today.

A couple of questions, if I may. Going down the list first of all, Sharon, you go first. Where are you from?

Ms. Lavigne. I am from St. James, Louisiana.

Senator Carper. Welcome.

Ms. Lavigne. Thank you.

Ms. Bradford. I'm Angelle Bradford, I split my time between Baton Rouge and New Orleans.

Senator Carper. Yes, please.

Mx. Tandazo. I am originally Ecuadorian, but currently living in Jersey City, New Jersey.

Senator Carper. Okay.

Ms. Jackson. I am from Maryland, Kensington.

Senator Carper. Okay, a neighbor.

Ms. Jackson. Not originally from here. San Diego, Nashville, several places around the Country.

Senator Carper. I like the way you say Nashville.

Please?

Mr. Sunday. Harrisburg, Pennsylvania.

Senator Carper. All right. Good to see you.

In April of this year, our President issued an Executive Order on environmental justice that directs Federal agencies to take steps to address cumulative impacts on environmental justice communities. That includes meaningful public participation in agency decision making. I always have been a strong supporter of engaging with the communities early and often.

We had a great hearing here on permitting reform just a couple of weeks ago. Interestingly, the business community was the one that was most strong, the strongest on the idea that as we move forward with permitting reform, we have to reach out to communities that are at risk and follow through early on, get their opinion early on. I was very encouraged by that.

Here is my question. What would meaningful engagement look like for each of the communities you have worked with? What would meaningful engagement look like for each of the communities that you have worked with? How would you like to see agencies update their procedures in accordance with the Executive Order to foster more meaningful discussions with communities?

Ms. Bradford, would you answer that first, please? What does meaningful engagement look like for each of the communities you have worked with?

Ms. Bradford. Meaningful engagement, I think first things first, would be transparency. I don't want to say education, because we are not dumb in Louisiana, we understand a lot when it comes to environmental policies that exist. But because there are so many different agencies involved, it would be really helpful if at the Federal level there was more engagement in New Orleans and Baton Rouge and in between, all along the Gulf Coast, as it pertains to the different commenting periods and procedures for decisions around permits for these plants and for plastics in particular.

Senator Carper. Okay.

Ms. Bradford. I think another meaningful thing would be, and I often hear the pushback around, well, you can't prove this, Exxon pollution led to this, and just really starting from a place of understanding that our Country doesn't have a lot of things that other countries do. So a lot of these studies do admit, being low-income, in poverty, does impact these things. Not having universal health care and access to health care that is not connected to your job, but also pollution. All of this comes together to lead to the outcomes that we see. And we know that. We are not trying to say, and we need to make sure the

communities understand that their voice still matters, that we can't silence them by saying, oh, you can't prove this was because of this, therefore what you are saying is not true.

Senator Carper. Thank you, ma'am.

Sharon, how do you pronounce your last name?

Ms. Lavigne. Lavigne.

Senator Carper. Lavigne, thank you. Same question, if you would. What would meaningful engagement look like for each of the communities that you have worked with, please?

Ms. Lavigne. I don't understand the question.

Senator Carper. Let me go on, Chris, same question if you will. We will come back to you, Sharon. Chris, any thoughts?

Mx. Tandazo. Yes, definitely. I think I would like to mention the Environmental Justice law again, because the Environmental Justice law actually has meaningful engagement. The Environmental Justice law in New Jersey actually has meaningful engagement as part of the policy.

So the way it happens is when a facility wants to site a new, create a new industry in our community, they have to go through a process through the DEP. The DEP then analyzes whether this facility is going to have any sort of additional polluting, contributing more toxic pollutants to the community. Then it calls for a public hearing. The public hearing involves community members. The DEP is responsible, not the community,

the DEP is responsible for holding community hearings in which they invite the facility that has the air permits, and they invite the community.

So the community then hears the permits and they decide, this is what we want, or we don't want this. If we want it, we want it with certain, we want it to be healthy in certain ways. Then the DEP goes into it, analyzes that. Then the facility has to do an environmental justice report back to the DEP to make sure they are not actually adding any pollutants.

And if they pass then they get approval for their permit. But if they don't pass, the air permits get denied. So then they don't get constructed.

This is how the EJ law has made sure the community is 100 percent involved in the entire process of what facilities are going to go into our communities.

Senator Carper. Thank you very much.

Sharon, we are going to come back to you, and I am going to pronounce your name correctly. Here is a new question. Through your testimony, you shared with us the impact that decades of pollution have had on your community. Is it St. James Parish?

Ms. Lavigne. Yes.

Senator Carper. St. James Parish in Louisiana. Including the disparate health outcomes for communities of color. IN order to support the Louisiana Department of Environmental

Quality in addressing these disparities, the EPA recently announced a grant to the State agency funded through the American Rescue Plan and the Inflation Reduction Act that would set up an air monitoring project in St. James Parish, your parish.

What kind of impact will this EPA grant have on you and on your community in St. James Parish? Additionally, are there other actions or engagement efforts from EPA that have been effective in helping your community in St. James Parish?

Ms. Lavigne. In my community in St. James Parish, the people don't have a voice. The politicians make the decisions. They don't follow protocol. And we get the bulk of the impact of industry and the pollution.

If the people had a say-so in what is going on in our community, I don't think any of this would be happening to us. In Congress, we need to involve the people in making these decisions, the people that live in those communities that are impacted.

If you want to see what is going on, Congress, you need to come to the local communities and see what is going on for themselves before they make these decisions. Because it is killing the people. I think we should have people's lives protected instead of industry being protected. That is what is happening in St. James.

Senator Carper. All right.

Mr. Chairman, my time has expired. You have been very generous with it, and I appreciate it.

Senator Merkley. Thank you very much, Mr. Chairman.

We are going to go to Senator Markey, and we can come back to you if you would like to ask more questions.

Senator Carper. Go ahead, Eddie.

Senator Markey. Thank you, Mr. Chairman.

When Ms. Lavigne says that you are 50 times more likely to get cancer in Cancer Alley, that is a correlation. That is twice as much, 50 times as likely to get cancer if you are living in those areas.

Ms. Lavigne. Yes.

Senator Markey. Renewable energy is displacing fossil fuel energy in Texas and Louisiana and States all across the Country. So the fossil fuel industry is actually looking for a new market for their product, and it is plastics that they are looking at, where they will use their fossil fuels. When we see an increase in plastic production, it does not benefit the communities. It actually benefits the oil and gas companies.

Ms. Lavigne. That is right.

Senator Markey. So the bottom line is that we have a plastic bottle right here, they could use another substance to make the bottle. But they used plastics. You really can't do a

lot about it. You have plastic in your house, you have plastics right here on the dais. We don't get options. That is the problem.

In the same way that the auto industry didn't want to build in seat belts. Are you not going to drive? No, you have to drive to work. The auto industry didn't want to put in air bags. Are you not going to drive to work or to school? No, you have to drive. You want the safeguards, but the auto industry didn't want to put it in.

So it took regulations in order to make sure that we would have those safeguards in place. And by the way, the mining industry, they didn't want to put in safeguards for the workers. Black lung disease, you just have to run the risk. No protections.

So we can see the whole trend here in terms of how these sacrifice zones are created here by those plants. Can you just expand a little bit more, Ms. Bradford, on your experience on this issues?

Ms. Bradford. Expand on --

Senator Markey. On the toxicology-related studies that do show the correlation to disease, when a human body is exposed to these toxic substances.

Ms. Bradford. Yes. So there was a paper published late last year by Dr. Terrell and Dr. St. Julien around air pollution

being linked to higher cancer rates among Black or impoverished communities in Louisiana. They concluded that regardless, our analysis, I will provide context. So just like I said before, they did speak to the fact that low-income communities, low-income Black communities in particular don't have access to health care and preventive care for sure.

So in addition to that, they were able to provide evidence of a statewide link between cancer rates and a carcinogenic air pollution in marginalized communities, and suggest that toxic air pollution is a contributing factor to Louisiana's cancer burden.

The last time I checked, Louisiana's cancer burden, I believe we were second in the Nation and fifth for mortality, just for various reasons for those differences. Then I was trying to look up studies for Baton Rouge, with their major petrochemical complex, with Exxon and Formosa Plastics in Baton Rouge.

But the studies are coming out more. But it is hard to get the point source.

Senator Markey. Thank you. I agree with you 100 percent.

Mx. Tandazo, I have one minute left. Can I get your concluding thoughts?

Mx. Tandazo. I will follow up on this as well. Yes, I do think that we have a lot of, it is not just like one facility

that we are being exposed to. It is not just one fossil fuel plant. It is several fossil fuel plants in one neighborhood. It would be different if we were like, there is one facility miles away from a neighborhood. But this is literally sited right next to people's houses.

I think we often tend to forget how much people lack health care, to be able to take care of themselves. A lot of these communities have socioeconomic challenges and lack access to a lot of these resources that, if you actually had universal health care there probably wouldn't be as much death happening because folks would be able to go to the doctor and check themselves and be like, hey, something is happening. I am not feeling well. And a lot of the people in our communities don't have that.

Senator Markey. This is such an important hearing. Thank you, Mr. Chairman, for bringing this great group together. We have to learn from them and then act. Thank you, Mr. Chairman.

Senator Merkley. Thank you very much, Senator Markey.

We are getting close to wrapping up, but I wanted to mention a couple of things. I like the analogy that my colleagues represented about cars. Cars are essential. But when they were without seat belts or airbags or bumpers or crush zones, a lot more people died. In this case, we are trying to figure out how the pollution can really be limited, how the bad

effects can be limited.

I was kind of struck by the conversation about water bottles. We have three examples up here. We have a glass, so it can be used a million times. We actually have a pitcher, and this pitcher is not glass. And I am not sure about the one on your table there. They look like maybe those are glass, this is not. But both of them are reusable thousands of times.

Then my colleague had a plastic water bottle. And it is designed for single use. And some States have deposits on those bottles. Oregon was the first to have a returnable deposit, and it massively decreased the pollution. At that time it was all glass, but it was often shattered, broken glass. As a kid, I was a Boy Scout, we were out picking up glass shards all the time.

When we did in Oregon the first return bill in the Nation, which was 5 cents, which would be equivalent to a quarter today, they just disappeared completely. Because if somebody else left one, you picked it up yourself. For the equivalent of 25 cents today, you didn't waste it.

Then we had another problem, which was the flip top on aluminum cans. Those little flip tops were sharp and they were being digested by animals and stepped on and feet were cut. So Oregon said, you can't have detachable flip tops. The industry was like, that is crazy, it is impossible to solve. The day

that went into effect, all the cans in Oregon had an attachable flip top. It was a solvable problem.

There are solvable problems in the plastic pollutions that we are suffering from, and that is what we are working to solve. There is a difference between a glass that we can use a million times, a plastic or glass pitcher, and using instead over the course of time, thousands of water bottles. Those water bottles, in the States that do not have a deposit on their water bottles, the recycling rate is often under 20 percent. The States that have a deposit, the rates are almost always over 60 percent.

Oregon increased its return from 5 cents to 10 cents, and we saw a jump. Because 5 cents is not what it was back in the 1970s.

So I want to conclude, I know we didn't get to the question, but a vote is underway and I guess I am one of the last to vote. I have a little bit of time, okay.

I think to the degree that we can recognize that plastics are going to be with us in many capacities, but we can seriously reduce the pollution that comes from the production, we can seriously decrease the roadside pollution that comes from plastic waste, we can not site any more facilities in places where they are going to harm the surrounding communities. We can have better regulations on emissions and better, if you

will, monitoring of those regulations.

Which brings me to my question. You mentioned in your testimony that these incinerators kept operating but they had like 1,400, I think it was since 2004, air violations. So there is a standard, but when you were talking about 1,400 times it was documented, who knows how many thousands of times it wasn't documented.

Mx. Tandazo. Right.

Senator Merkley. So they just ignored them. And so it was just a cost of doing business, well, if we get fined, it doesn't really matter. The first time you get fined, it is like, well, shall we fix this problem? But if you are getting cited over 1,000 times, it is clear you are just ignoring it.

Why did it not work? Why were they not brought into compliance with the emission regulations?

Mx. Tandazo. It is just a lack of oversight or a lack of authority to have oversight from the DEP. It was just a lack of oversight that they didn't have before, and now they do because of the EJ law.

Senator Merkley. You mentioned that these plants are receiving, I thought you said \$60 million of subsidies, recycling subsidies or renewable energy subsidies.

Mx. Tandazo. Yes.

Senator Merkley. So they are burning plastic, emitting

toxic chemicals that harm the surrounding community, and getting money from the State?

Mx. Tandazo. Yes, basically. This is because, again, I mentioned earlier the schemes of false solutions and different names and terminologies that these industries use, such as alternative recycling that was mentioned here today a couple of times. That is the same as chemical recycling. The incinerator industry uses waste-to-energy to label themselves, or municipal solid waste.

Because they label themselves this way, at the Federal level they have been recognized as a renewable energy resource. Because they are recognized at the Federal level under the renewable portfolio standards program, they receive Federal funding, Federal subsidies for renewable energy credits.

So basically, they lied about what operations they do in order to make it seem like they are actually green energy. The claim is that they are a renewable energy resource because they are able to generate energy from burning trash, which would then mean that the sources and resources they need in order to constantly generate electricity over the decades is trash.

So it means they are dependent on trash. There is no incentive here to reduce the amount of trash or plastic pollution that goes into anywhere. They need this incentive. So they are not trying to stop the production of plastic.

So when we have policies like a set of bills on responsibilities that can hold them accountable and reduce the amounts of plastic, then they are going to have to be held accountable. But we are actively working to get the incinerators removed from the removable portfolio standard, from the Federal program.

And that is just \$60 million for the New Jersey incinerators. We have also been paying out of State incinerators. Overall, it is like \$160 million that we have paid from 2002 to 2024. I can give you the report on that.

On top of that, the amount of energy they produce is like 1 percent of energy. So that is not renewable.

Senator Merkley. I recall when I was a kid and camping, someone said, whatever you do, don't throw any plastic into the campfire, because the fumes are toxic. Everybody knows the fumes from plastic are toxic. Yet here we are incinerating it and putting those toxic fumes out into the surrounding community where they are producing much higher cancer and disease rates. Also when the plastic is being made.

Ms. Lavigne, you mentioned, or the conversation came up about sacrifice zones. The idea that hey, we have low-income communities, they can't fight something effectively, so we will just put this toxic, polluting plant squat in the middle of them, and maybe they will get a few jobs. And you have fought

that successfully.

To what do you attribute your success?

Ms. Lavigne. I spoke to the Good Lord. Because the politicians don't help us, the Governor doesn't help us. Industry is poisoning us. So I had to go to God to ask God what to do about the problems in my community, when I saw all these funerals I was going to and didn't know why.

I also wanted to say, when I was a little girl, we didn't have this problem. We didn't have pollution. We were never, ever sick. My parents, my grandparents, we lived off the land, we weren't sick.

So there must be some type of solution that we can come to, come to the middle and figure out what we are going to do. We don't have to go through everything cold duck with plastic. But we should gradually come to some conclusion where we can live and breathe clean air and drink clean water.

Senator Merkley. So these zones where there is extensive emissions that are making people sick and killing them, so-called sacrifice zones, Mr. Sunday, would you like your family to live in a sacrifice zone?

Mr. Sunday. I want any facility to operate under the environmental conditions that have been done, enacted by a majority of the legislature, and then a rulemaking process that affords public comment, and then rigorously enforced.

Senator Merkley. So just to be clear, if you were aware that your child is moving to a new location and their proposed location is right next to a plant in which there are extremely high cancer rates and other disease caused from those emissions, you would say, that is just fine?

Mr. Sunday. This is the other part of public engagement. It is not just the voice of the communities where the facility is going to be, the discussion from the regulators about what the strict standards are going to be enforced at the facility. And armed with that knowledge, folks can make their decisions.

Senator Merkley. Yes, but what would your decision be?

Mr. Sunday. I think that people need to have economic mobility and make the decisions for themselves and be involved in the public process.

Senator Merkley. Well, my answer would be very different. I have two children who are just now starting out on their careers. They may well be moving a lot. If they were moving to a location next to a plant that had high cancer rates and emissions, I would say, do you really want to live there? Because you can't undo the damage that comes.

I think most every parent in the world would say the same thing. I realize you are here representing a point of view and you didn't want to really answer the question. But I suspect you wouldn't want your children in that situation next to a

toxic, death-creating production facility either.

So let's keep working toward understanding that we have to have conversations about the effects. We can't ignore them. There are very real health and pollution impacts on humans, on communities, on our ecosystems. Then let's figure out how to diminish the problem.

It isn't as simple as it was with no flip tops on cans. That was an easy fix. But industry fought that like crazy, absolutely cannot figure out how to do it. They had the solution instantly, as soon as they were required to do so.

I think if we create enough conversation about the need for change, then industry will help us work together to come up with solutions.

So I want to thank you all for bringing your knowledge and your real experience to bear. This is an incredibly important conversation about one of the least understood yet most significant toxic challenges in America.

With that, the hearing record will remain open through the close of business on Thursday, June 29th. We will send questions out to our witnesses. We would appreciate a reply by Thursday, July 13th.

With that, the hearing is adjourned. Thank you.

[Whereupon, at 11:56 a.m., the hearing was adjourned.]