Testimony in support of 7620: Plastic Waste Conversion Facility Act

Dr. Hans Scholl, 71 Fales Avenue, Barrington, RI 02806

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To Chair Bennett and the honorable Members of the House Environment and Natural Resources Committee:

The "SECTION 1. Findings" of H7622 succinctly summarizes the good reasons why plastic waste conversion facilities must be prohibited, and why any claim that these facilities generate feasible amounts of raw materials for a circular plastics economy is a fallacy.

These facilities

- emit highly toxic pollutants,
- pose unacceptable threats to the health and safety of Rhode Islanders and the environment,
- are the most costly method of waste disposal,
- and energy derived from the combustion of solid waste, and from the combustion of fuels derived from solid waste, is not renewable energy.

Consequently, it is in the best interest—and a moral mandate—for Rhode Island to protect our communities, environment, climate, and natural resources by prohibiting the construction and operation of solid waste incinerators, waste-to-fuel facilities, waste-to-chemical facilities, high-heat waste facilities, or plastic waste conversion facilities (they're all the same!).

For more comprehensive information, please also refer to the attached Conservation Law Foundation's March 30, 2023 testimony to 2023 H5142, which I wholeheartedly support and which equally applies in support of this year's H7620.

The bill was held and not voted on in 2023 and 2024, and 2025 (as "high-heat waste facilities"). It is increasingly frustrating to witness the legislative inaction of repeatedly not passing this bill, since 2023, of not protecting us Rhode Islanders from avoidable pollution and health risks, and of leaving a door open for the plastics industry.

I urge you to not lose a fourth year and to bring the bill to a vote in the House in 2026.

Thank you very much for considering my input, and thank you to Representative McGaw for introducing this important bill.

Dr. Hans Scholl Feb 22, 2026

71 Fales Avenue
Barrington, RI 02806; (203) 687-6415; clclt17@mac.com

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For a thriving New England

CLF Rhode Island
235 Promenade Street
Suite 560, Mailbox 28
Providence, RI 02908
P: 401.351.1102
F: 401.351.1130
www.clf.org

March 30, 2023

House Environment & Natural Resources Committee Via email at:
HouseEnvironmentandNaturalResources@rilegislature.gov

Re: H5142 – High Heat Waste Facility Act of 2023: **Testimony in Support of Bill**

Dear Chair Bennett and members of the House Environment & Natural Resources Committee:

The Conservation Law Foundation (CLF) appreciates the opportunity to comment on H-5142, the High Heat Waste Facility Act of 2023. We offer our enthusiastic support for this bill. Founded in 1966, CLF is a member-supported non-profit advocacy organization working to protect public health and the environment and build healthy communities in Rhode Island and throughout New England. Through its Zero Waste Project, CLF aims to improve waste management through source reduction, recycling, and composting, and to protect our communities from the dangers posed by unsustainable waste management practices.

It will likely come as no surprise to anyone on this Committee that the waste management industry is deeply invested in pushing false solutions to the dual mounting plastics and waste crises that states like Rhode Island are facing. After all, along with the petrochemical industry, the waste management industry makes a big portion of its living on the unrelenting proliferation of plastics. Any efforts to reduce our reliance on plastics or to create less waste in the production and management of other materials would threaten the unsustainable business model that the waste management industry has traditionally used. But no amount of private interest persuasion can obscure the looming crises before us and the concomitant imperative that we immediately implement sensible and sustainable solutions.

We are in the midst of a plastics crisis. A recent study pulled back the curtain on an estimated 170 trillion pieces of plastic sitting like a "plastic smog" on the surface of the world's oceans.[1] The study distressingly reported that "[p]lastic pollution in the world's oceans during the past 15 years has reached unprecedented levels," which, if "left unchecked … could accelerate several-fold in the coming decades."[2] The proliferation of plastics has led to a range of devastating hazards impacting both the public health and environment. Take, for example, the severe health problems that residents of East Palestine, Ohio may experience due to their exposure to chemicals used in plastic manufacturing that are linked to conditions such as lymphoma,

[1] Jenny Vaughan, Rise in ocean pollution 'unprecedented' since 2005, PHYSORG (Mar. 12, 2023), available at Rise in ocean plastic pollution 'unprecedented' since 2005 (phys.org).
[2] *Id.*

leukemia, miscarriages, and birth defects.[3] Or, for example, consider plasticosis, a disease found in seabirds caused "by bits of plastic that irritate the digestive tract … [that] result in tissues becoming scarred and malformed, impacting growth, digestion, and survival."[4] And there's landfill leachate to contend with – the garbage juice that seeps out of landfills into our water and soil, which often contains the PFAS chemicals[5] used in the manufacture of many plastics and that have been linked to a startling array of health concerns, including cancer, increased cholesterol, decreased response to childhood vaccinations,[6] developmental issues, reduced immune function, and hormonal interference.[7] Quite simply, plastic is poisoning us.

We are also in the midst of a waste management crisis. In addition to the unrelenting proliferation of plastics, materials that are truly recyclable comprise much of the waste stream that is incinerated or landfilled. For example, in 2015, of the combined municipal and commercial municipal solid waste (MSW) received by the Rhode Island Resource Recovery Corporation (RIRRC), 27.5% was compostable and 23.9% was paper.[8] Sound waste management practices require: (1) the reduction of waste; and (2) the diversion of recyclable materials from the waste stream. To achieve these foundational steps to the waste hierarchy, Rhode Island must enact H-5502, the Beverage Container Deposit Recycling Act of 2023, which would divert valuable beverage containers from landfills and incinerators and from our sadly littered streets and beaches to recycling.[9] Rhode Island must also enact H-5091, an Act on

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[3] *See* Staci Rubin, Ohio Train Derailment Reveals the Toxic Face of Fossil Fuels and Plastics, CONSERVATION LAW FOUNDATION (Mar. 8, 2023), available at Ohio Train Derailment Reveals the Toxic Face of Fossil Fuels and Plastics - Conservation Law Foundation (clf.org).

[4] Nergis Firtina, Plasticosis: New disease caused by plastic found in seabirds, INTERESTING ENGINEERING (Mar. 6, 2023), available at Plasticosis: New disease caused by plastic found in seabirds (interestingengineering.com). *See also* Helena Horton, New disease caused by plastics discovered in seabirds, THE GUARDIAN (Mar. 3, 2023), available at New disease caused by plastics discovered in seabirds | Plastics | The Guardian.

[5] Megan Quinn, EPA proposes further leachate regulations after study finds PFAS at 95% of surveyed landfills, WASTE DIVE (Jan. 24, 2023), available at EPA proposes further leachate regulations after study finds PFAS at 95% of surveyed landfills | Waste Dive (discussing how the EPA is recommending leachate regulations after a 2021 study of 200 landfills "found PFAS [per- and polyfluoroalkyl substances] present in leachate at 95% of the locations").

[6] Gabrielle Emanuel, Firefighter union sues Mass. group over toxic chemicals in protective gear, WBUR (Mar. 16, 2023), available at Firefighter union sues Mass. group over toxic chemicals in protective gear | WBUR News.

[7] Catrin Einhorn, How Widespread Are These Toxic Chemicals? They're Everywhere, THE NEW YORK TIMES (Feb. 22, 2023), available at How Widespread Are Forever Chemicals? They're Everywhere. - The New York Times (nytimes.com).

[8] *See* Rhode Island Solid Waste Characterization Study FINAL REPORT (Dec. 31, 2015), available at Waste Characterization Study 2015.pdf (rirrc.org). *See also* Kevin Proft, Central Landfill Investigation Uncovers Waste, ECORI NEWS (Apr. 27, 2016), available at Central Landfill Investigation Uncovers Waste - ecoRI News (discussing how "[c]ardboard and compostables [were] two of the most common categories of waste filling up Rhode Island's Central Landfill"). Furthermore, according to the 2015 waste characterization study, plastic comprised 11.8% of the total waste RIRRC took in, textiles comprised 5.5%, metal comprised 3%, and glass comprised 2%.

[9] *See* Northeast Reimaging the Bottle Bill, RELOOP, available at Reimagining-the-Bottle-Bill-FINAL-JUNE-2022.pdf (bottlebillreimagined.org) (last visited Mar. 15, 2023) (describing how every year in the US, $5.1 billion in valuable and reclaimable beverage containers — glass, metal, and plastic — are lost to litter, incinerators, and landfills).

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Extended Producer Responsibility for Packaging, which would, among other things, reduce the amount of plastic packaging produced, thereby reducing waste.[10]

While these real solutions are at our fingertips, the petrochemical and waste management industries push false solutions like so-called "advanced or chemical recycling" technologies (e.g. pyrolysis and gasification)[11] that would have us solve our plastics crisis through high-heat, low-or-no oxygen incineration entirely undeserving of the designation "recycling."[12] In some states, in fact, private interest lobbyists have managed to poison the remedy, by "slipping" chemical recycling into extended producer responsibility bills.[13] Looking past this obfuscation, however, there can be no doubt that these false solutions are dangerous to human health and the environment[14] and must not be tolerated by any government committed to the "inseparable" health statuses of its populace and the natural resources upon which all living things depend.[15]

At the same time that Rhode Island faces dual plastics and waste management crises, it has also demonstrated that it will not fall for the waste industry's tricks. In July 2021, for example, the Rhode Island General Assembly passed a law prohibiting the approval of licenses for any high-heat medical processing facility located within 2,000 feet on water, open space, parks, floodplains, flood hazard areas; or one mile of pre-existing public or private schools, colleges, child care facilities, assisted living facilities, nursing facilities or areas zoned for residential use, or within any municipality designated in whole or in part as an environmental justice

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[10] *See, e.g.*, Peter Blair, 10 Principles of a Successful Producer Responsibility for Packaging Law, JUST ZERO (Dec. 1, 2022), available at 10 Principles of a Successful Producer Responsibility for Packaging Law - Just Zero (just-zero.org).

[11] *See* Waste Gasification & Pyrolysis: High Risk, Low Yield Processes for Waste Management, GAIA (Mar. 2017), available at Waste-Gasification-and-Pyrolysis-high-risk-low-yield-processes-march-2017.pdf (no-burn.org) (describing "[g] asification and pyrolysis [as technologies that] attempt to convert solid waste into synthetic gas or oils, followed by combustion (meaning they are regulated in U.S. and EU as waste incinerators) [which c]ompanies have been experimenting with … for over three decades").

[12] *See* Deception by the Numbers: American Chemistry Council claims about chemical recycling investments fail to hold up to scrutiny, GREENPEACE (Sept. 9, 2020), available at Deception by the Numbers (greenpeace.org) (explaining why "[s]ince these processes produce fossil fuels, energy, or petrochemicals, they should not be considered recycling").

[13] *See, e.g.* Luciana Perez Uribe Guinassi, "Hazardous" chemical recycling slipped into NC plastics bill, critics say, THE HERALD SUN (Feb. 10, 2023), available at https://www.heraldsun.com/news/politics-government/article272341338.html (recounting how language including "chemical recycling" in the definition of "recycling" undermines the efficacy of North Carolina's EPR bill, which was aimed at reducing the amount of toxic plastics in use, not continuing the proliferation of these materials and using them as feedstock for incineration).

[14] Sharon Lerner, This "Climate-Friendly" Fuel Comes With an Astronomical Cancer Risk, PROPUBLICA (Feb. 23, 2023), available at Pollution From a Plastics-Based Fuel Has a 1-in-4 Lifetime Cancer Risk — ProPublica (discussing how the production of fuel from discarded plastics emits air pollution so toxic that "1 out of 4 people exposed to it over a lifetime could get cancer").

[15] Terrence Gray and Joseph Reposa, Report from Rhode Island Department of Environmental Management and Rhode Island Resource Recovery Corporation (Jan. 10, 2023), available at S2582A Report_FINAL.pdf (rirrc.org) (stating that "[a]s we enter 2023 it is commonly known that societal health and environmental health are inseparable").

municipality. On the passage of that legislation, Senator Valvarde observed, "We weren't just saying, 'Not in our backyard.' This type of [high heat] facility shouldn't be in anyone's backyard. Our community spent a lot of time and money litigating this issue and our neighbors were put through months of worry about the pollution and risks that might be coming their way. We don't want other communities to have to go through the same thing."[16] Representative Caldwell also observed that, "This facility shouldn't be allowed anywhere, but especially not anywhere near where people live, where children spend their days, or near our water or other environmental resources. Our legislation ensures that it isn't, and that Rhode Island doesn't become a destination for other people's trash. Importing dangerous medical waste from out of state and burning it at high temperatures has obvious risks and it undermines our efforts to stop air pollution."[17]

This track record of advancing smart responses to private industry interests demonstrates that Rhode Islanders are committed to finding sensible and sustainable solutions for reducing and managing waste. **Unless and until Rhode Island prohibits all high-heat waste facilities, the industries that profit from waste will continue to push false solutions.** Furthermore, these industries will waste Rhode Islanders' time and resources in meritless lawsuits, like the one MedRecycler has brought in Superior Court against the Rhode Island Department of Environmental Management (DEM).[18] H-5142 would rightly restrict the production and operation of new high-heat waste facilities in Rhode Island, closing the door definitively and permanently on the waste management industry's dangerous plans. Rhode Island must wholly dedicate its energy and attention to developing and investing in sustainable waste management strategies if it aims to achieve the targets set in the State's 2021 Act on Climate.[19] There is no time to delay.

Thank you for your time and consideration of this testimony.

Respectfully submitted,

Mara Shulman
Senior Attorney
Zero Waste Project
Conservation Law Foundation
Mshulman@clf.org

[16] Press Release: Bill restricting new high-heat medical waste facilities signed (Aug. 6, 2021), available at State of Rhode Island General Assembly (rilegislature.gov).
[17] *Id.*
[18] Brian Amaral, Controversial R.I. medical waste-to-energy facility proposal goes to court to revive project, BOSTON GLOBE (Feb. 23, 2023), available at Controversial R.I. medical waste-to-energy facility proposal goes to court to revive project - The Boston Globe (discussing how MedRecycler has filed a lawsuit against DEM seeking to reverse the agency's denial of its permit to build a waste-to-energy facility in Rhode Island).
[19] 2021 Act on Climate, Rhode Island (2023), available at Act on Climate | Climate Change (ri.gov) (the Act on Climate set mandatory, enforceable emissions reduction goals in order to achieve a net-zero economy by 2050).