



The New York Water Environment Association, Inc.
The Water Quality Management Professionals

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June 1, 2015

Senator Thomas F. O'Mara
New York Senate - Legislative Office Building, Room 848
Albany, New York 12247

Assemblywoman Michelle Schimel
New York State Assembly - Legislative Office Building, Room 702
Albany, New York 12247

**RE: Senate Bills S03932/A05896, S04403 and Assembly Bill A04924 -
Microbeads Free Waters Act; NYWEA's Comments**

Dear Senator O'Mara and Assemblywoman Schimel,

The New York Water Environment Association (NYWEA) is a statewide nonprofit organization of 2,500 water professionals dedicated to the preservation, protection and enhancement of New York's water resources. NYWEA has reviewed proposed Bills S03932/A05896, S04403, and A04924 and offers the following comments for your consideration.

NYWEA commends each one of you on your leadership and can support all three versions of Bills S03932/A05896, S04403 and A04924. However, as discussed below, we believe that A04924 and S03932/A05896 are the better bills on this topic. NYWEA recognizes that microbeads are being found in natural water environments in our country wherever scientists have looked for them. In keeping with NYWEA's member's goal of protecting the State's water environment and as recognized in the New York Attorney General's recent report on microbeads, the State's municipal wastewater treatment community came together to voluntarily gather samples and data that found that microbeads are generally not being removed by our municipal wastewater treatment plants, confirming that this a real issue for the State of New York.

NYWEA believes that a microbead ban is necessary to protect our State's fish and other aquatic communities, and that all three of the referenced bills would provide some of the much needed protection. We would fully support a microbead prohibition adopted before the end of the scheduled Legislative session on June 17th. If this does not occur, we urge you to work over the upcoming legislative recess to work jointly to derive a single, "same as" bill that can move forward quickly to passage early in the next legislative session. NYWEA believes that proposed bills A04924 and S03932/ A05896 are probably the best place to start to develop a single "same as" bill. An example of the ways these bills could be integrated involves the definition of "microbead". These two bills have similar, but not the same definition. We believe that working together, and looking at similar bans that have been passed by other states, a single, simple definition of "microbead" should be easy to draft. Because available scientific information strongly suggests that microbeads do not biodegrade in the cold, natural water environment that has low light penetration, we agree with others that there should be no exemption for "biodegradable" microbeads in the bill that ultimately passes.

NYWEA, through its 2,500 members, has significant expertise in both protecting the water environment and assessing what is reasonably treated by available wastewater treatment technologies. We would be happy to convene an appropriate small group of these engineering and scientific experts to provide further input as you work to integrate and revise the pending bills. If you would like to explore this possibility or discuss our comments on the proposed Bills further, please contact our Executive Director Patricia Cerro-Reehil at 315-422-7811.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael Garland P.E.", with a stylized flourish at the end.

Michael Garland P.E.

cc: Commissioner Joe Martens, NYS DEC
Assistant Commissioner James Tierney, NYS DEC
Joseph DiMura, NYS DEC
Julie Tighe, NYS DEC
NYWEA Board
NYWEA Government Affairs Committee
NYWEA Utility Executives Committee