



DART CONTAINER CORPORATION

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April 24, 2019

State of Vermont
House Committee on Natural Resources, Fish, and Wildlife
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Re: Testimony in Opposition to S.113 – “An act related to the prohibition of plastic carryout bags, expanded polystyrene, and single-use plastic straws.”

Honorable Chair Sheldon and Honorable Committee Members:

Dart appreciates the opportunity to submit written and oral testimony in opposition to S.113 – “An act related to the prohibition of plastic carryout bags, expanded polystyrene, and single-use plastic straws.”

Dart Container Corporation (Dart) presented written and oral testimony comments in opposition to the Senate Committee on Natural Resources and Energy regarding S.113 on 15 March 2019.

Polystyrene (a vital, high performance, and cost effective foodservice substrate for small, mom and pop businesses to meet their economic needs to stay in business in Vermont. Foam foodservice is also a preferred product of providers of free food – such as meals on wheels; homeless and abuse shelters, etc.

Expanded Polystyrene (“EPS”) should be an option for Vermont’s small businesses (which operate on a minimal profit margin). Expanded Polystyrene, should it meet their business model, be available to use to stay in business.

Food service providers that choose to use alternatives for their business model – either for client choice or business model – should be able to choose whatever food service they need to remain in business or what the market/clientele demands. That is the way it should be - meet your customers’ needs and stay in business to provide for the Vermont customers serviced.

Expanded polystyrene should be an option for Vermont providers - of free or free delivered food in Vermont. These operations are working at no profit; and need the ability to use a foodservice material that will help them provide food to the most in need in Vermont.

Background

Dart Container provided testimony is a global manufacturer of food service containers - both plastic and paper containers, including products made from polystyrene (#6) in both foamed (“EPS”) and rigid form (Red Solo Cup); paper; recyclable; and, compostable products.

Dart is and continues to be actively engaged in recycling and educating the public on the environmental attributes of foam including the ability for it to be recycled.

In 1990, Dart began recycling post-consumer foam. Today, Dart offers to the public a variety of ways for recycling of foam. Dart facilities have public drop-off centers for foam at no charge to any resident consumer or government. Dart accepts all EPS – either made by Dart or any other manufacturer – including food service and shape molded block foam.

I. Ban Impact on Vermont Small Businesses, Restaurants and Nonprofits

Banning EPS foam food containers will have a negative impact on Vermont’s businesses – large and small. A disproportionate economic impact will fall on small family owned operations and nonprofits that serve the most vulnerable in Vermont Vermont– church soup kitchens, homeless and abuse shelters. All of these entities operate with no profit margin and cannot stand with additional costs that put their services at risk.

Operating a restaurant, especially a family owned and operated, is already challenging with high operating; labor; health; insurance; and, other unforeseen costs. Forcing small businesses to purchase more expensive alternatives to EPS (which, incidentally, have a higher carbon foot print and weigh more than EPS and thus take up more space in landfills) will drive up prices and operating costs. At twice the cost of EPS, paper alternatives will result in businesses laying off its workers or worse, closing for good. This is not a productive way to support small, family owned businesses, which are paramount to Vermont’s economy.

II. Increased Costs and Fiscal Impact to Residents and Taxpayers

If this statewide ban passes, there will be two significant new costs to Vermont residents and taxpayers.

First, the added costs incurred by Vermont consumers buying food and beverages served in the more expensive mandated foodservice containers – a cost that will be passed along or consumed by businesses.

This will result in a higher priced consumer product regardless.

Alternative materials that would be required under this bill, adds extra end of life costs to dispose of and weighs 2.5 times more by weight and volume; and, will only add to higher landfill tipping fees, costs and reduce available landfill space.

With each added cost to Vermont businesses - mandating they use a particular, higher priced product that will not be composted or recycled (but indeed landfilled because the Vermont does not maintain a composting facility that composts foodservice products) it just does not make financial sense.

Pertinent Foam Facts:

- Better product – better insulation for food which will eliminate waste.
- Life Cycle Analysis – less greenhouse gasses, less resources such as water to produce a foam cup. Less energy to produce
- Less products used – coffee or soda is served in one foam cup. Alternatives need a java jacket for hot items and napkins for sweating on cold applications.
- Foam makes up less than 1% by both weight and volume of our landfill waste. Paper cups end up in landfills more than foam.
- Alternatives are not disposed of properly which will add more solid waste to landfills. Paper cups are coated with plastic. Meaning the paper cup is no longer biodegradable. Compost products are thrown out in a garbage and end up in a landfill. They will not compost sitting in a landfill.

Again, these proposed bans will not accomplish the goal of reducing solid waste in Vermont. Many people believe that a ban of foodservice foam will eliminate all foam within Vermont. However, this misses the mark. The issue of packaging foam (not addressed here) is the majority of foam used in the stream of commerce is not addressed here.

III. Misinformation Regarding Health

According to Jack Snyder, executive director of the Styrene Information and Research Center (SIRC) – maintains there are no safety or health concerns regarding styrene in food service polystyrene products, and that this conclusion has been supported by the *U.S. FDA for several decades*. This research has been conducted by world-recognized independent scientists, and published in respected peer-reviewed scientific journals.

Styrene is a chemical building block not only of polystyrene food containers, but also tires, insulation, carpet backing, boat hulls, and bathtubs.

For more than 70 years, styrene has been produced to create polymers to manufacture thousands of consumer products. Because it occurs naturally, and is a widely used manufacturing material, nearly everyone encounters very small amounts of styrene in some form every day.

All scientifically, peer reviewed polystyrene research and studies show that polystyrene packaging consumers use are not harmful. Studies further show that styrene does not stay in the body for long and

is rapidly metabolized and excreted. The most current, extensive research also indicates that styrene is not a human carcinogen.

SIRC strongly believes the data on styrene show that styrene exposure to consumers from polystyrene products does not present a health effect concern.

IV. Enforcement; Costs; and, Hardship Exemption

S113, 23-19.17-6, authorizes all of Vermont's 39 incorporated municipalities "are authorized to enact ordinances necessary to implement the purposes of this chapter." What happens if a municipality decides to not opt for a ban?

S113's hardship exemption is vague. Who will promulgate the exemption rules and make decisions to grant an exemption.

Dart offers its expertise and would participate in any workgroup regarding expanded polystyrene.

V. Conclusion

For the reasons mentioned herein, Dart respectfully requests a negative report to this proposed legislation.

This bill will result in higher costs to consumers; and costs to Vermont municipalities (tipping fees) – costing Vermonters more in tax dollars to manage product alternatives of higher weight and volume at the end of life disposal.

There is a better way to move forward in Vermont and Dart would willingly offer to assist the state in protecting the environment and saving small Vermont nonprofits and businesses.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Poe". The signature is written in a cursive style with a large initial "P" and "A".

Paul Poe
Manager, Government Affairs and the Environment