

S 113 Bill PROHIBITING FOOD SERVICE ESTABLISHMENTS FROM PROVIDING PLASTIC CARRYOUT BAGS, EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS, AND PLASTIC STRAWS

The American Chemistry Council's (ACC) Plastics Foodservice Packaging Group (PFPG) respectfully opposes S.113 which would prohibit the sale and use of polystyrene foam foodservice containers and plastic straws. ACC and its members strongly support efforts to reduce litter and marine debris; however, this legislation falsely assumes that alternatives to foam foodservice containers and plastic straws are environmentally preferable. Vermont should carefully consider and analyze the impacts of alternatives, including increases in energy use and greenhouse gas emissions. Vermont should also carefully evaluate for foam foodservice and alternatives the existing recycling or composting infrastructure.

ACC is working domestically and internationally with government officials, retailers, anti-litter groups and consumers to develop solutions to prevent litter and marine debris.

On January 16th, global companies in the plastics value chain, from manufacture to disposal, including many ACC members, announced the creation of the Alliance to End Plastic Waste. This new non-profit organization is committing \$1.5 billion over five years to end plastic waste and will focus on providing solutions to the largest sources of plastic in our ocean. Initially that work will be largely focused on so-called "high leakage" countries -- where waste collection and management has not kept pace with growing populations and growing economies. A study in Science Magazine estimates that almost 60 percent of plastic waste going into our ocean comes from just five countries, primarily in Southeast Asia. In the U.S., ACC and its members have committed to reusing, recycling or recovering all plastic packaging by 2040 and making all plastic packaging reusable, recyclable or recoverable by 2030.

ACC is helping develop new and innovative recycling programs nationwide; promoting industry-wide practices to contain plastic pellets; partnering with governments and conservationists to encourage recycling and discourage litter; working to educate children on the link between litter and marine health; working with the National Oceanic and Atmospheric Administration to advance scientific understanding of marine debris; and continuing to innovate and develop smaller, lighter packaging. More information about our activities to help reduce marine debris can be found at: <http://www.marinedebrissolutions.com>.

Unfortunately bans on polystyrene foam foodservice and straws will not eliminate land or marine litter of these items. Based on data from recently completed litter studies, a ban on the sale and use of polystyrene foam is unlikely to be effective in addressing litter. This legislation fails to recognize that litter and improper waste management are independent of material type. New policies and practices should ensure that no waste, plastic or otherwise, ends up having a negative impact on the environment. In fact, litter studies conducted following the enactment of bans have shown an increase in the litter of alternative materials that is greater than the decline in the banned material. This was a primary reason why the California Water Board rejected the use of bans as a compliance mechanism for waterborne trash reduction.¹

Vermont should conduct a life cycle analysis and look at the impacts of alternatives to polystyrene foam to avoid unintended consequences such as increasing greenhouse gas emissions. All packaging leaves an environmental footprint regardless of the material type. A full environmental

¹ http://www.waterboards.ca.gov/water_issues/programs/trash_control/docs/trash_sr_040715.pdf

picture is critical when comparing foodservice options. Polystyrene foodservice packaging uses less energy and resources to manufacture than comparable paper-based products, leaving a lighter footprint. For example, a polystyrene foam cup requires about 50% less energy to produce – and creates significantly fewer greenhouse gas emissions – than a similar coated paper-based cup with its corrugated sleeve.² Furthermore, these paper alternatives are generally not collected in community recycling programs.

It is also important to note that most compostable foodservice containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees. . Biodegradable containers do not degrade if littered alongside the road or deposited into a trash can, nor will they degrade if they make their way into a storm drain or other water body. Furthermore Oregon DEQ has found that compostable serviceware often has a larger (life time) environmental footprint than non-compostable items³. For example, compostable materials may require more fossil energy use and release more greenhouse gases than their non-compostable counterparts.

The Biodegradable Products Institute (BPI), a not-for-profit association of key individuals and groups from government, industry, and academia, seeks to educate manufacturers, legislators and consumers about the importance of scientifically- based standards for compostable materials which biodegrade in large composting facilities. BPI’s “Myths of Biodegradation” states:

Myth: Biodegradable products are the preferred environmental solution because waste simply biodegrades in the landfill.

Reality: Nothing biodegrades in a landfill because nothing is supposed to.⁴

In addition to the unintended environmental impacts of the switch to alternatives, it is important to note that alternatives often double costs to restaurants and their customers with no real environmental benefit.

ACC believes that reducing landfill disposal, marine debris and litter requires the implementation of a variety of tools. In addition to efforts that seek to increase recycling and improve solid waste collection infrastructure, opportunities to recover non-recycled plastics may be an option as well. An emerging set of technologies is allowing governments and businesses to convert non-recycled plastics into energy, fuels, and feedstocks, or raw materials for new manufacturing. A range of recovery technologies is being used to complement recycling in helping to divert more valuable post-use materials from landfills.

With regard to plastic straws, we suggest Vermont consider instead an approach called “straw upon request” passed last year in California. There are many circumstances in which the use of drinking straws will enhance safety, and promote sanitary conditions. Some examples include beverages consumed while driving, hospital use, daily living for people with physical impairments or recovering from injury, seniors and others who may have difficulty lifting a drink, and travelling with small children. However, there are also circumstances when a drinking straw is automatically provided in a drink before the consumer has asked for one.

² https://www.plasticfoodservicefacts.com/wp-content/uploads/2017/12/Peer_Reviewed_Foodservice_LCA_Study-2011.pdf

³ *See <https://www.oregon.gov/deq/FilterDocs/compostable.pdf>

⁴ See <http://www.bpiworld.org/Default.aspx?pageId=190439>

To avoid unnecessary and potentially wasteful use, customers should be able to request a straw when they need one, and decline a straw when they do not. Providing customers a choice before a straw is placed in their beverage makes sense and could reduce waste and litter. ACC adopted the straw on request approach at the urging of the Ocean Conservancy in early 2018. We encourage material suppliers, product makers, food/drink establishments and NGOs to work collaboratively to promote the responsible use of straws.

ACC supports straw upon request because it reduces waste from unnecessary use of straws and causes people to pause and consider whether they really need a straw. A straw on request policy also reduces the unintended consequence of adverse material substitution. A ban on plastic straws will cause a direct shift back to inferior paper straws. Alternative paper straws use more material, often three times as much as plastic, and do not perform as well. Thus, we recommend a straw upon request approach similar to the law passed last year in California.

Experts emphasize that improving waste management is the key to addressing marine debris. Attempts to reduce marine debris through product bans fail to recognize the underlying source of marine debris in developed countries, litter. Thank you in advance for considering our views.

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