



DART CONTAINER CORPORATION

www.dartcontainer.com

500 Hogsback Road • Mason, Michigan 48854 • (800) 248-5960

March 1, 2019

State of Vermont
Vermont State House – Senate Chamber
Senate Committee on Natural Resources and Energy
115 State Street
Montpelier, VT 05633-5301

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

Honorable Committee Members:

Dart Container Corporation (Dart) appreciates the opportunity to provide testimony regarding Vermont S.113 – “An act relating to the prohibition of plastic carryout bags, expanded polystyrene, and single-use plastic straws.”

Background

Dart 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 these bans pass, 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 more expensive foodservice containers – a cost that will be passed along or consumed by the business. A higher priced consumer product regardless.

Second, Vermont and its municipalities must budget and pay for the extra end of life costs to dispose of these mandated products. Alternative products, weigh 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 that they use a particular product that will not be composted or recycled (but indeed landfilled because the Vermont does not maintain a Vermont composting facility) just does not make 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


S. 133 does not contain enforcement language. Should this bill pass into law – who will enforce it and pay for the enforcement? Will this unfunded mandate fall to Counties or Municipalities to enforce? Where will the penalty fines be remitted?

S.133 does not contain a hardship exemption. Food service providers work on different business models. There are food service providers that make a business decision that meets their model to provide customers with alternative food service products and further their business model. Other food service providers (Mom & Pop; Small businesses that operate on minimal margins; homeless and abuse shelters; hospitals; and, others) – need the ability to make business decisions that best meet their needs to stay in operation to serve those in most need and stay in business.

V. Conclusion

For the aforementioned reasons, Dart respectfully requests a negative report to these proposed legislation; and, that this committee does not enact a polystyrene foodservice ban that will negatively impact Vermont food service providers; nonprofits that provide food to the state's most needy; and, small family businesses. This bill will result in higher costs to consumers; and costs to Vermont and its municipalities - more in tax dollars to manage these alternative, higher weight and volume, products at the end of life disposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Poe". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul Poe
Manager, Government Affairs and the Environment