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S. 213: An act relating to the regulation of wetlands, river corridor development, and dam safety

Testimony Submitted to the Senate Committee on Natural Resources and Energy

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The Federation of Vermont Lakes and Ponds is a statewide coalition of volunteer lake associations and individuals working to protect and preserve Vermont's lakes and ponds through education, outreach, and advocacy

The Federation supports banning the sale and use of unencapsulated expanded polystyrene and open cell beaded polystyrene for docks and floats and we support incorporating this ban into S.213.

Such a ban will aid in flood resilience by providing better protection of water quality and reducing the pollution caused by heavy runoff and flooding of the state's waterways.

As you have seen from the pictures that Julie Silverman presented, there is a lot of polystyrene already in our lakes and waterways. However, we don't have to keep adding more.

When Julie first talked to us at the Federation about this issue last year, I admit that I was astonished to learn that Vermont did not already have a law against the use of this material for docks and other floatation devices. That there might be legacy uses would not necessarily be surprising but the fact that to this day it can still be sold and used in our waterways is shocking.

That this material cannot be recycled, breaks apart easily, is not biodegradable, is a petroleum based product, and can kill fish and other wildlife if ingested seems like more than enough reason to ban it from the state's waters.

Polystyrene is relatively fragile and brittle. You may have been sitting in a meeting and broken off a piece of a Styrofoam coffee cup and had it crumble in your hand into smaller and smaller bits, and those bits seemed to stick to everything and seemed impossible to get rid of.

Imagine that happening in the water, only the pieces under a dock or float are much larger than a coffee cup. Over the years, it breaks apart, perhaps because it gets dinged by a boat, hit by a floating branch, gnawed on by fish. Pieces fall off deteriorating into smaller and smaller bits, that don't ever disappear, poisoning wildlife and potentially threatening human health.

*To preserve and protect Vermont's lakes, ponds, and their watersheds
for the benefit of this and future generations.*

This issue becomes even more critical when we look at what our changing climate is doing to our lakes. The bigger and more frequent storms and flooding cause much heavier runoff with more pollutants entering the waters. The runoff, the flooding, the debris, the high winds result in turbulence and increase the incidence of damage to docks and floats, releasing yet more of this polluting material into the waters.

Since these kinds of storms are seemingly inevitable, to make our lakes and other waterways more resilient, we need to decrease the pollution that will flow into them due to heavy runoff and flooding.

One relatively straightforward fix is to remove materials that are in the water and that we know are polluting the waters such as unencased polystyrene. We may not be able to stop the storms, but we can ensure less damage, faster recovery of lakes and better protection of water quality by prohibiting the use of this material.

A statewide ban on the sale and use of these types of polystyrene will also help to protect shorelines and adjacent wetlands. When this material breaks apart in the water, it doesn't just stay in the water. As it breaks down into smaller and smaller pieces it spreads due to flooding as well as to the natural movement of water. Often by the time it reaches shorelines and wetlands, it has broken down into such small bits that it is nearly impossible to find and remove.

You have seen the pictures that Julie showed earlier of dock foam littering the shorelines. What is hard to see are the tiny beads and microparticles, but they are there not only in the water but also on the shoreline.

We believe that removal of this source of damage and pollution to the state's waters will better protect water quality, shorelines, and wetlands and aid the state's efforts to develop flood resilience. It is important that this be a statewide ban: water doesn't respect municipal boundaries. In fact with Vermont's leadership, neighboring states will be encouraged to enact similar bans. What goes into the water here affects our neighbors and vice versa. Water doesn't respect state or national boundaries either.

We urge this committee to include language in S213, like that in H.373, that will ban the sale and use of expanded polystyrene foam for docks and other flotation devices and prohibit the use of open-cell (beaded) polystyrene in the state's waters.

Thank – you for your time and consideration.