



February 14, 2018

To: The Honorable Ken Helm, Chair  
Members, House Committee on Energy and Environment

From: Lindsay Stovall  
Director, Regulatory and State Affairs

RE: **HB 2883 – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose HB 2883, which seeks to restrict the use of polystyrene food service containers for prepared food. ACC and its members certainly support efforts to reduce litter; however, this legislation appears to be drafted under the false assumption that alternatives to polystyrene food service containers are environmentally preferable.

ACC membership includes the leading suppliers and manufacturers of plastics foodservice packaging products, including polystyrene food and beverage containers. Unfortunately, the proposed bill is based on many misperceptions about polystyrene foam foodservice products, including that it cannot be recycled and that alternative food service materials leave a lighter environmental footprint and can be easily recycled.

Key questions ACC believes the Legislature should assess prior to imposing new mandates on Oregon businesses include:

- Will this legislation actually reduce waste or rather simply result in replacing one type of trash with another?
- Are there environmental impacts (e.g. energy use, water use, impacts on greenhouse gas emissions, trash generation, landfill waste, etc.) associated with the manufacture, distribution, use and disposal of likely alternative replacement products?
- Are likely replacement products recycled or composted within the State's existing recycling infrastructure and do viable, end use markets exist for these products?

#### **Assessing Polystyrene Foam and Likely Replacement Products**

If alternatives are considered, the decision needs to be based on a full life cycle analysis. All packaging leaves an environmental footprint regardless of the material type. It takes energy and raw materials to produce, transport, and recover or dispose of any material. So it is important to measure all of these impacts throughout the entire life cycle of a product. Consider the following:

- Polystyrene cups weigh anywhere from two to five times less than comparable paper packaging products which means fewer air emissions when transporting products<sup>1</sup>.
- A polystyrene hot beverage cup requires about 50% LESS energy to produce than a similar plastic-coated paperboard cup with a corrugated cup sleeve, and creates significantly fewer greenhouse gas emissions than a similar coated paper-based cup with its corrugated sleeve.
- Studies conducted for Seattle Public Utilities (SPU) showed that banning polystyrene foam food take-out containers would dramatically increase environmental impacts by doubling the greenhouse gas emissions, energy use, and waste associated with the use of alternative products<sup>2</sup>.

<sup>1</sup> Life Cycle Inventory of Foam Polystyrene, Paper-Based, and PLA Foodservice Products, prepared by Franklin Associates, a Division of ERG, February, 2011

<sup>2</sup> Alternative to Disposable Shopping Bags and Food Service Items Volume I, prepared for Seattle Public Utilities, January 2008, Herrera Environmental Consultants



It is also important to note that compostable food service containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees for several days. Biodegradable containers do not degrade if littered alongside the road, deposited into a trash can, nor will they degrade if they make their way into a storm drain or other water body.

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. Under their “Myths of Biodegradation”, BPI 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<sup>3</sup>.

### **Impacts on Trash Generation/Disposal/Litter**

In addition to important life-cycle environmental impacts, legislation that seeks to restrict the use of one type of packaging material (without any corresponding regulatory requirement on likely replacements) do not reduce the amount of waste or litter generated, but instead simply change the composition of the waste and litter stream.

Litter studies conducted following the enactment of a ban have shown an increase in the litter of alternative materials that is greater than the decline in the banned material. For example, when the City of San Francisco placed restrictions on the use of certain plastic foodservice products, the City found that replacement products became more dominant in the litter stream<sup>4</sup>. For this reason the California Water board rejected the use of bans as a compliance mechanism for waterborne trash reduction<sup>5</sup>.

### **Cost Impacts**

Replacements for polystyrene products will likely result in higher operating costs for restaurants, grocery stores, delis, food trucks, and other food providers covered under HB 2883. Polystyrene containers cost 2-3 times less than replacement products, which in some cases do not perform well, especially for very hot and cold food and beverages.

### **Efforts to Address Litter and Marine Debris**

ACC and its members take seriously the issue of litter and marine debris. To that end, ACC is working domestically and internationally with government officials, retailers, anti-litter groups and consumers to devise solutions to prevent litter and marine debris.

On January 16<sup>th</sup> global companies in the plastic value chain including many ACC members announced the creation of a new non-profit called the Alliance to End Plastic Waste. This new group is committing \$1.5 Billion over five years to end plastic waste and will focus on providing help to the largest sources of plastic in our ocean.

Some of our recent activity also includes 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>.

---

<sup>3</sup> See <http://www.bpiworld.org/Default.aspx?pageid=190439>

<sup>4</sup> [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/MRP/02-2012/Comments/Dart/Staff\\_Exhibits.pdf](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/02-2012/Comments/Dart/Staff_Exhibits.pdf)

<sup>5</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/trash\\_control/docs/trash\\_sr\\_040715.pdf](http://www.waterboards.ca.gov/water_issues/programs/trash_control/docs/trash_sr_040715.pdf)



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. In fact, Americas Styrenics and Agilyx recently formed a joint venture based in Tigard, Oregon to turn post-use polystyrene back into virgin grade styrene monomer.

Experts agree 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. If you have any questions or comments, please do not hesitate to contact me at 916-448-2581 or via email at [Lindsay.Stovall@americanchemistry.com](mailto:Lindsay.Stovall@americanchemistry.com).

