Oregon House Bill 2883
Testimony of the American Chemistry Council
Oregon Senate Environment and Natural Resources Committee
May 21, 2019

Good afternoon Chairman Dembrow and Members of the Committee. My name is Lindsay Stovall and I am here today on behalf of The American Chemistry Council (ACC) to oppose HB 2883, which would ban the use of rigid and foam polystyrene food service containers for prepared food.

ACC membership includes the leading suppliers and manufacturers of plastics foodservice packaging products, including polystyrene food and beverage containers. ACC and its members certainly support efforts to reduce litter and marine debris; however, this legislation falsely assumes that alternatives to polystyrene food service containers are environmentally preferable.
Some key questions ACC believes the Legislature should assess prior to imposing new mandates on Oregon businesses:

- 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?

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. Consider the following:

- Polystyrene cups weigh anywhere from two to five times less than comparable alternative products which means fewer air emissions when transporting products.
- Additionally, a polystyrene hot beverage cup requires about 50% LESS energy to produce than a similar alternative product.
- Lastly, studies have shown 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.

It is also important to point out that alternative compostable foodservice containers only degrade in a controlled composting environment – essentially a large industrial facility where temperatures exceed 140 degrees for several days.

Legislation that seeks to restrict the use of one type of packaging material (without any corresponding regulatory requirements 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.

ACC is supportive of studying how to better capture polystyrene materials. To that end, ACC is working on conducting a material flow analysis for recycling infrastructure in the Northwest to provide data to determine what type of capacity and investment is needed. Given the market realties since China and other Asian countries stopped accepting U.S. scrap materials (plastics, as well as other recyclables including paper) and the current lack of domestic capacity to handle recyclables, we are concerned about losing access to plastics recycling. 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. We are currently looking for creative diversion solutions while domestic processing capacity grows.

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.

In May 2018, plastic resin producers across North America committed to a circular economy for plastics. To accelerate the transition to a circular economy, we support a goal of 100% of plastics packaging is re-used, recycled or recovered by 2040. To move closer to that vision, we have adopted an aggressive interim goal – 100% of plastics packaging is recyclable or recoverable by 2030.

ACC believes that reducing landfill disposal, marine debris and litter requires the implementation of a variety of tools. ACC is working domestically and internationally with government officials, retailers, anti-litter groups and consumers to devise solutions to prevent litter and 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 for the opportunity to offer these comments.