SUPPORT: BAN

Int. No. 1060 to Ban Polystyrene Food Service Containers.

OPPOSE: DESIGNATING EPS AS RECYCLABLE & RECYCLING PILOT

Int. No. 380 and Other Industry "Recycling" Bills.

WHY BAN FOOD SERVICE EXPANDED POLYSTYRENE ("EPS" AKA STYROFOAM™)?

EPS exposure has possible human health implications.

- In 2011, the US Department of Health and Human Services' National Toxicology Program listed styrene as "reasonably anticipated to be a human carcinogen."[1]
- There have been many studies documenting the migration of styrene monomer from cups and bottles into food and drinks.[2]
- There are legitimate risks to workers engaged in the production of polystyrene. And while risks have decreased over the last several decades due to improved safety practices, "significant exposure of workers can still occur."[3]

EPS is far worse for the environment than other types of food service containers.

- EPS is lightweight and floats, and it readily travels from land to inland waterways and out to the ocean. EPS foam easily breaks into small pieces which are commonly mistaken for food as birds and other marine wildlife ingest these plastic pieces.[4]

The cost difference for alternative packaging is not significant and will not cause economic hardship.

- A study found that the average price difference between foam and non-foam is just $0.01.[5]
- The City of San Francisco has had over 4,500 businesses come into compliance with its EPS ban and has achieved 100% compliance. SF has not needed to issue any financial hardship waivers as allowed by the ordinance, with only two businesses who requested a waiver.
- As market demand increases for alternatives to EPS, prices for alternative products are likely to decrease even further. Also, companies offering viable EPS alternatives will enter the market, creating green jobs.

Non-foam products perform well in keeping "hot food hot" and "cold food cold."

- Starbucks, an iconic coffee brand, does not use EPS. Jamba Juice and McDonalds have each recently announced that they will cease using EPS cups as well.
- Many other restaurants already choose to use alternative food service packaging, including coated paper as well as plastics that have viable recycling markets (PET, HDPE).

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[1] U.S. Department of Health and Human Services Public Health Service National Toxicology Program, "Report on Carcinogens," Twelfth Edition, 2011 at p. 383, *available at* http://ntp.niehs.nih.gov/ntp/roc/twelfth/roc12.pdf

[2] Maqbool Ahmad and Ahmad S. Bajahlan, Journal of Environmental Sciences, "Leaching of styrene and other aromatic compounds in drinking water from PS bottles," Volume 19, Issue 4, 2007, Pages 421–426, *available at* http://www.sciencedirect.com/science/article/pii/S1001074207600709

[3] "Report on Carcinogens" at p. 388.

[4] City of San Jose Memorandum to Transportation and Environment Committee, "Bring Your Own Bag Ordinance Implementation Results And Actions To Reduce EPS Foam Food Ware," Nov. 2012 at p. 3, *available at* http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20121203/TE20121203_d5.pdf.

[5] Clean Water Action, "Polystyrene Foam Take-Out Packaging and Price Comparable Alternatives," July 2012, *available at* http://www.cleanwateraction.org/files/publications/CWA%20EPS%20Foam%20Cost%20Comparison.pdf

Have other communities banned food service EPS?

- In 1998, Suffolk County in Long Island was the first US jurisdiction to adopt a ban on EPS food packaging.[6]
- As of November 18, 2013, 74 local jurisdictions in California have adopted local ordinances banning certain types of polystyrene, the vast majority of which focus on food service EPS.[7]
- Earlier this month Albany County, New York adopted legislation banning food service EPS.

The "recycling pilot" legislation is simply an attempt by EPS industry groups to delay a ban.

- The proposed expanded polystyrene foam ("EPS") ban is supported by a grassroots coalition of community and environmental groups in New York City that have been studying the issue for years.
- The recycling pilot is supported primarily by Dart, one of the largest manufacturers of EPS, and chemical company lobbyists.
- Dart is just "recycling" the same tactics that have failed elsewhere. According to a report by the Los Angeles County Department of Public Works, of the 32 communities in Los Angeles County that collect EPS curbside 8 had discontinued the programs, 15 were sending the collected material to landfill, and only 7 communities were actually sending the material to a recycling facility – but even then *food containers* were not being separated and recycled at all.[8]
- Further, in 2008-09, the recycling of polystyrene lunch trays was piloted with 100 NYC schools and failed![9]

Recycling food service EPS does not make sense economically.

- Many of New York City's municipal recycling facilities, including Sims, oppose the EPS recycling designation and pilot because there is currently no market for selling food service EPS.
- EPS is challenging to bale because it breaks easily and is very lightweight, and does not make financial sense to truck to a manufacturer.
- Only a handful of companies are known for EPS recycling, including NEPCO (pictures frames) and Timbron (molding), neither of which accept food-contaminated EPS.
- In San Jose (CA), which tried to divert EPS in its curbside program numerous times over the past 15 years, recycling efforts have failed. [10]

Recycling food service EPS does not make sense environmentally.

- The old adage "Reduce Reuse Recycle" is still true. It's better to reduce something at its source than to recycle it.
- This is particularly true for products that are difficult to sort and recycle, like EPS.
- This is a classic example of "greenwashing," which means promoting something as good for the environment when it isn't.

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[6] Ecology, "Polystyrene Bans Sweep Across the US: Cities Move To Embrace Greener Packaging Alternatives," Aug. 2013, *available at* http://www.ecology.com/2013/08/23/polystyrene-bans-sweep-cities/

[7] Clean Water Action Expanded Polystyrene Foam Ban Map, "Total polystyrene foam foodware bans in California: 74," http://www.cleanwateraction.org/ca/rethinkdisposable/foambansmap (last visited Nov. 18, 2013).

[8] County of Los Angeles Public Works, "Expanded Polystyrene Food Containers in Los Angeles County - PART TWO: Feasibility of Implementing a Restriction of Expanded Polystyrene Food Containers at County Unincorporated Area Retailers," Nov. 2011 at p. 31, *available at* http://file.lacounty.gov/bos/supdocs/57043.pdf.

[9] New York City Department of Sanitation, All About Foam Plastics, "Foam Lunch Trays," http://www.nyc.gov/html/nycwasteless/html/resources/plastics_styrofoam.shtml

[10] City of San Jose Memorandum to Transportation and Environment Committee, "Stakeholder Process For Prohibition Of Expanded Polystyrene Food War," Nov. 2011 at p. 9, *available at* http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20111205/TE20111205_d3.PDF