



MD House Bill 229

Environment - Polystyrene Food Service Products and Polystyrene Loose Fill Packaging - Prohibition on Sale

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Thank you for the opportunity to testify today. My name is Brenda Platt and I am the co-director of the Washington, DC-based nonprofit, the Institute for Local Self-Reliance (ILSR). I have worked 30 years on solid waste issues and authored numerous reports on waste incineration, reuse, recycling, composting, and zero waste planning. I spent many years leading our Sustainable Plastics Initiative and co-chairing the Sustainable Biomaterials Collaborative. I also co-lead the Montgomery-County-based Young Activist Club, which successfully worked to get styrofoam lunch trays out of the county public school system and to pass a polystyrene ban in the City of Takoma Park. I am an expert on polystyrene, compostable foodservice ware, and composting.

I am testifying today to urge a **FAVORABLE** report on House Bill 229.

There are many valid reasons to restrict polystyrene foodservice products. (See the list in Addendum A.) As a mother, styrene's health hazards are the most concerning. We need to stop eating off this product made from a material associated with human cancers. This is why I do not support continuing its use even if the industry claims polystyrene can be recycled.

Polystyrene is made from the styrene monomer, which is a known neurotoxicant and was elevated in 2011 from being a possible human carcinogen to being reasonably anticipated to be a human carcinogen.¹ This means there is a huge body of evidence now linking styrene to human cancers. No polymerization process is 100% efficient, so styrene remains in polystyrene and has been found in 100% of adipose (fatty tissue) samples, meaning it is widespread and prevalent in all of us. It even crosses the placenta barrier. According to a 2000 World Health Organization report, "The ability of styrene monomer to migrate from polystyrene packaging to food has been reported in a number of publications and probably accounts for the greatest contamination of foods by styrene monomer."² You may hear that polystyrene is safe because it's FDA-approved and regulated. Sadly, we know that the science and history of the regulatory process proves otherwise (consider how long it took to ban lead in paint and gasoline, or the current battle to ban BPA, despite hundreds of peer-reviewed research studies). Products approved in the marketplace today may well likely be banned tomorrow as policy keeps pace with science. In the absence of any action at the federal level, dozens of cities and counties have passed laws to restrict the use of polystyrene in foodservice ware. Many of these laws point to the human health impacts to workers and consumers.

The good news is that alternative products are widely available. When the City of Seattle first banned expanded polystyrene in January 2009, there were only 70 different food service ware items that were certified as compostable. Within 3 years, this list grew to 400. Today, there are over 4,800 items certified.³ The industry has really stepped up. In addition, these products are competitive especially in areas of the country with styrofoam bans. When wholesalers can stock their warehouses with non-styrofoam products instead of having to stock both non-styrofoam and styrofoam products, they can offer better pricing for the alternative products. In addition, in city after city with styrofoam bans, the Solo Cups and the Dart companies offer alternative products. Do not believe them that this will hurt businesses in Maryland. They can and do make alternative products.

¹ See the US Department of Health and Human Services, *12th Report on Carcinogens* (2011), which is a congressionally mandated, science-based, public health document that is prepared for the HHS Secretary by the National Toxicology Program. The report identifies agents, substances, mixtures, and exposure circumstances that are *known or reasonably anticipated* to cause cancer in humans. Available online at: <http://ntp.niehs.nih.gov/?objectid=03C9AF75-E1BF-FF40-DBA9EC0928DF8B15>

² See Styrene Chapter, Air Quality Guidelines-2nd Edition, WHO Regional Office for Europe, Copenhagen, Denmark, 2000.

³ Biodegradable Products Institute, Certified Compostable Foodservice Products, <http://www.bpiworld.org/Certified-Biodegradable-Foodservice-Items-Plates-Cups-Utinsels>, browsed Feb. 14th, 2017.

Addendum A: Reasons to Restrict Polystyrene for Foodservice Ware

(ADOPTED FROM CITY OF RICHMOND, CA'S ORDINANCE)

<http://www.ci.richmond.ca.us/DocumentCenter/Home/View/5489>

WHEREAS, Maryland has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, single-use disposable polystyrene plastics are widespread, persistent environmental pollutants; and

WHEREAS, polystyrene food ware is commonly used by foodservice establishments;

WHEREAS, polystyrene constitutes a significant portion of the litter in Maryland's estuaries, streets, parks, and public places and the cost of managing this litter is high and rising; and

WHEREAS, small pieces of polystyrene are extremely difficult and costly to clean up, especially in creeks and waterways; and

WHEREAS, polystyrene is a pollutant that breaks down into smaller pieces that are ingested by aquatic life and other wildlife thus harming or killing them; and

WHEREAS, in some areas of the ocean, small plastic pieces outnumber zooplankton, which may impact marine life such as filter feeders; and

WHEREAS, plastic particles in the ocean may leach a range of chemicals such as bisphenol A and substances known as polystyrene-based oligomers, which are not found naturally; and

WHEREAS, trash assessments in the Maryland watershed identify disposable polystyrene food ware as a common element; and

WHEREAS, styrene is a known neurotoxicant and was elevated in 2011 from being a possible human carcinogen to being reasonably anticipated to be a human carcinogen; and

WHEREAS, styrene, the precursor to polystyrene, is a hazardous substance that has been shown to leach from polystyrene containers into food and drink and to leach in greater quantities when the food or drink are of high temperature or high fat content; and

WHEREAS, the general public is not typically warned of any potential hazard, particularly in immigrant and non-English-speaking communities; and

WHEREAS, due to these concerns, many cities in the United States have restricted the use of polystyrene food ware, and many small businesses and several national corporations have successfully replaced polystyrene and other plastic food ware with compostable products; and

WHEREAS, reusing food ware and using biobased or compostable take-out materials made from renewable resources such as paper, corn and sugarcane are effective ways to reduce the negative impacts of disposable food ware; and

WHEREAS, polystyrene products are made from non-renewable fossil fuel resources; and

WHEREAS, biobased or compostable food ware products such as cups, plates, bowls and hinged containers, and cutlery are increasingly available in the food service market, and are more ecologically sound over their life cycle than polystyrene; and

WHEREAS, many businesses throughout the country engage in organics recycling and have demonstrated that the use of compostable food ware can reduce disposal costs when the products are taken to composting facilities as part of an organics recycling program rather than disposed; and

WHEREAS, many haulers offer collection of source-separated food scraps and compostable foodservice packaging to the business sector in Maryland, and the composting infrastructure in the region is growing; and

WHEREAS, restricting the use of polystyrene food ware in Maryland will further protect the public health and safety of the residents of the State, the natural environment, waterways and wildlife;

THEREFOR...