

**Maine – JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES –
February 20, 2019**

L.D. 289 - An Act To Prohibit the Use of Certain Disposable Food Service Containers- Oppose

L.D. 621 - An Act To Prohibit Extruded Polystyrene Food Service Containers--Oppose

The American Chemistry Council's (ACC) Plastics Foodservice Packaging Group (PFPG) must respectfully oppose L.D. 289 and 621, which would prohibit the sale and use of polystyrene foam foodservice containers. ACC and its members certainly support efforts to reduce litter and marine debris; however, this legislation appears to be drafted under the false assumption that alternatives to foam foodservice containers are environmentally preferable and could be recycled or composted. These assumptions are false. Before Maine passes this legislation it should carefully consider and analyze the impacts of alternatives, including increases in energy use and greenhouse gas emissions. Maine should also establish recycling or composting for the alternatives or reject this legislation.

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 16th, 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 solutions to the largest sources of plastic in our ocean. Initially that work will be largely focused on so-called "high leakage" countries -- where waste collection and management has not kept pace with growing populations and growing economies. A study in Science Magazine estimates that almost 60 percent of plastic waste going into our ocean comes from just five countries, primarily in Southeast Asia. Here at home, ACC and its members have committed to reusing, recycling or recovering all plastic packaging by 2040 and making all plastic packaging reusable, recyclable or recoverable by 2030.

Based on data from recently completed litter studies, a ban on the sale and use of polystyrene foam is unlikely to be effective in addressing litter. This legislation fails to recognize that litter and improper waste management are independent of material type. New policies and practices should ensure that no waste, plastic or otherwise, ends up having a negative impact on the environment. In fact, litter studies conducted following the enactment of bans have shown an increase in the litter of alternative materials that is greater than the decline in the banned material. This was a primary reason why the California Water Board rejected the use of bans as a compliance mechanism for waterborne trash reduction.¹

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. A full environmental picture is critical when comparing foodservice options. Polystyrene foodservice packaging uses less energy and resources to manufacture than comparable paper-based products, leaving a lighter footprint. For example, a polystyrene foam cup requires about 50% less energy to produce – and creates significantly fewer greenhouse gas emissions – than a similar coated paper-based cup with its corrugated sleeve.² Furthermore, these paper alternatives are generally not collected in community recycling programs.

¹ http://www.waterboards.ca.gov/water_issues/programs/trash_control/docs/trash_sr_040715.pdf

² https://www.plasticfoodservicefacts.com/wp-content/uploads/2017/12/Peer_Reviewed_Foodservice_LCA_Study-2011.pdf

In addition to the increased environmental footprint and energy expenditure, alternative materials cost constituents more. Polystyrene foodservice products generally are more economical with wholesale costs being two to five times less than alternative products such as paper.

It is also important to note that most compostable foodservice containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees. These composting facilities and collection of foodservice packaging is not available in Maine, so these alternative products will likely end up in a landfill. Biodegradable containers do not degrade if littered alongside the road or 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. BPI’s “Myths of Biodegradation” 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.³

ACC is 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>.

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. A range of recovery technologies is being used to complement recycling in helping to divert more valuable post-use materials from landfills.

Experts emphasize 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.

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