

January 19, 2012

The Honorable State Senator James B. Eldridge
Co-Chair, Joint Committee on Municipalities and Regional Government
State House
Room 213-A
Boston, MA 02133

The Honorable State Representative Paul J. Donato
Co-Chair, Joint Committee on Municipalities and Regional Government
State House
Room 540
Boston, MA 02133

Honorable Members of the Joint Committee:

Subject: SB 1034 – An Act authorizing cities and towns to prohibit the sale or use of polystyrene packaging (Senator Brian A. Joyce) - ACC Plastics Foodservice Packaging Group Oppose

Dear Honorable State Senator Eldridge; Honorable State Representative Donato, Honorable Members of the Joint Committee on Municipalities and Regional Government:

The Plastics Foodservice Packaging Group (PFPG) of the American Chemistry Council (ACC) must express our opposition to the proposed Senate Bill (SB 1034) introduced by Senator Brian Joyce to authorize cities and towns to prohibit the sale or use of polystyrene packaging.

We believe the better policy approach would be to establish a clear recycling and composting standard by which all material types must meet, not just polystyrene packaging. As currently drafted, the proposed bill fails to recognize that polystyrene packaging is already recyclable and recycled in selected jurisdictions in Massachusetts. In fact, the alternative materials to polystyrene packaging, particularly foodservice, are not recycled – and banning polystyrene packaging even if it was not recycled would be counterproductive for this and many other reasons.

In addition, the proposed act assumes by banning polystyrene packaging that the alternatives are better for the environment. This assumption is misinformed and not accurate. Several independent studies have demonstrated that such a proposal could increase negative environmental impacts because *alternatives such as coated bleached paperboard and “compostables” generate significantly more greenhouse gas emissions, use more energy and generate more solid waste.*^{1,2,3}

All products take raw materials and use energy to manufacture and have associated emissions (air, water, solid waste) and energy impacts. Many life cycle studies have been conducted for polystyrene packaging products and their substitutes and alternatives.

1 Final Peer-Reviewed Report: Life Cycle Inventory of Polystyrene Foam, Bleached Paperboard and Corrugated Paper Foodservice Products, Franklin Associates, Ltd., prepared for Polystyrene Packaging Council, March 2006, <http://www.plasticsfoodservicepackaging.org>

2 Paper or Styrofoam, A Review of the Environmental Effects of Disposable Cups, University of California at San Diego (UCSD), Dec 2006

3 Life Cycle Inventory of Foam and Coated Paperboard Plates, Peer-Reviewed Final Report, prepared for Pactiv Corporation, Franklin Associates, Ltd., May 2008



Polystyrene foam foodservice packaging, compared to substitute materials, actually has a lower environmental footprint based on several “life cycle studies” (LCA) that have been recently conducted, including one from the City of Seattle.

A 2011 peer reviewed LCA study found that commonly used cups, plates and sandwich containers made of polystyrene foam use significantly less energy and water than comparable paper-based or corn-based (polylactic: PLA) alternatives. Key findings quantified the sustainable benefits of polystyrene foam products in several areas: energy use (polystyrene foam products consume half as much energy as wax-coated paperboard cups and one-third as much as PLA clamshells; water use (polystyrene foam products use up to four times less water than PLA clamshell alternatives); and solid waste (polystyrene foam products create up to five times less solid waste than paperboard and PLA alternative products. A copy of the full report can be accessed at: <http://www.plasticfoodservicefacts.com/main/Safety/Safety-of-PS-Foodservice-Products>

A 2011 independent study conducted by CIRAIG in Canada examined the comparative life cycle assessment of food packaging products – including plastics (PET, PP, polystyrene), molded pulp (paperboard), and PLA (compostables). Their report found the options showing the least potential in damage/impact to the environment included the polystyrene trays. The findings in this study have shown polystyrene foam products have low impacts to the environment compared to alternative foodservice products. A copy of the full report can be accessed at: <http://www.cascades.com/lca>, and an accompanying news release can be found at http://www.stockwatch.com/News/Item.aspx?bid=Z-C:CAS-1901561&stmbol=CAS&news_region=C

In a 2009 peer reviewed LCA study conducted by the Pactiv Corporation, the data indicated that PS foam (plates, in this study) generates significantly less greenhouse gases compared to a poly-coated paper plate. As an example, **if Los Angeles County, California replaced polystyrene foam with paper alternatives, greenhouse gas emissions will increase by an amount equivalent to adding 1,630 mid-size cars onto California roads each year.** A copy of this full report can be accessed at: pactiv.com/About_Pactiv/LCI_Foam_PaperPlates_FinalReport.aspx

A 2008 Herrera Environmental Consultant report for Seattle Public Utilities (“Alternative to Disposable Shopping Bags and Food Service Items Volume I”) found results that were consistent with the Pactiv report above. This report showed that a ban on polystyrene products had the WORST impact on the environment – especially greenhouse gases. The report showed that a ban on EPS would result in an increase (due to the substitutes for EPS foam) of 214% in non-renewable energy and an increase of 234% in greenhouse gas emissions (GHG).

When considering policies to reduce litter and marine debris, some have suggested that “biobased” or “degradable containers” may be an answer. However, bio-based containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees for several days. These 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.

In the City of San Francisco, litter audits show a ban of polystyrene has not reduced litter, and in 2008 they empirically found a 36% reduction in polystyrene litter was *offset by an increase of the same*

percentage of coated paperboard on an item by item basis. It is also important to note that neither coated paperboard nor any compostable foodservice “biodegrade” if littered.

Another key issue with this proposed act, and ban, is it will have a major adverse cost impact on food establishments, vendors, hospitals, schools, and nursing homes in the City of Boston. Compostable alternatives cost on average two to three times more than polystyrene packaging, particularly foodservice. This impact would be more severe on small restaurants and vendors,⁴ and potentially devastating in the current economic climate.

In addition, the City of Boston Public School system has been recycling polystyrene foam foodservice trays since 2000. Currently 134 of the 140 schools in the system participate and recycle over 6,700 pounds of material per month – about 80,000 pounds per year. This saves the City approximately \$1,000,000 in avoided waste disposal costs. Instead of requiring polystyrene packaging to be banned under this act unless it is recycled, the environment would be better served by an approach that addresses all materials equally.

This bill makes the false assumption that replacements to plastic food service packaging are somehow manufactured in a vacuum without the use of any raw materials, energy, or water, fuel to deliver the product. Information on plastics foodservice products can be found at <http://www.plasticsfoodservicefacts.org>.

We encourage the Honorable Members of the Joint Committee to reject this proposed act to ban polystyrene packaging, and work with industry, restaurants, recyclers and other stakeholders to establish a clear recycling and composting standard by which all foodservice material types must meet, if the State wishes to broaden both composting and recycling of all materials.

Thank you for taking the time to consider our views. If you have any questions or comments, please do not hesitate to contact us.

Regards,



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cc: The Honorable State Senator Brian A. Joyce
Members of the Joint Committee on Municipalities and Regional Government:
- State Senate Committee Vice Chair – Honorable State Senator Patricia D. Jehlen
- Honorable State Senator Susan C. Fargo
- Honorable State Senator Anthony D. Galluccio
- Honorable State Senator Thomas P. Kennedy

⁴ Polystyrene & Replacement Costs, MB Public Affairs, prepared for Polystyrene Packaging Council, March 2, 2006



- Honorable State Senator Richard R. Tisei
- State Representative Committee Vice Chair – Honorable State Representative Joyce A. Spiliotis
- Honorable State Representative David B. Sullivan
- Honorable State Representative Sean Curran
- Honorable State Representative Angelo J. Puppolo, Jr.
- Honorable State Representative Pam Richardson
- Honorable State Representative Katherine Clark
- Honorable State Representative Brian M. Ashe
- Honorable State Representative Timothy R. Madden
- Honorable State Representative F. Jay Barrows
- Honorable State Representative Robert S. Hargraves