

# Environment Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-5384

AN ACT REQUIRING THE ELIMINATION OF SINGLE-USE STYROFOAM

**Title:** CONTAINERS.

**Vote Date:** 3/25/2019

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/11/2019

**File No.:** 648

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## **SPONSORS OF BILL:**

Rep. Dorinda Borer, 115th Dist.

Rep. Josh Elliott, 88th Dist.

Rep. David Michel, 146th Dist.

Rep. Geraldo C. Reyes, 75th Dist.

Rep. Kerry Szeps Wood, 29th Dist.

Rep. Patricia A. Dillon, 92nd Dist.

Rep. Anne Meiman Hughes, 135th Dist.

Rep. Mary M. Mushinsky, 85th Dist.

Rep. Michael A. Winkler, 56th Dist.

## **REASONS FOR BILL:**

Many have expressed concerns regarding the negative impact polystyrene, commonly known as Styrofoam, products have on the environment. Polystyrene products are not easily recyclable and are not biodegradable. Additionally, many have argued that these products also have negative public health implications. When heated, the chemical components that make up polystyrene, styrene and benzene, are broken down and released. According to the Department of Health and Human Services, these chemicals are potential carcinogens. However, due to its low cost, single-use polystyrene containers are often an option restaurants and other food establishments use serve or package food. This bill seeks to address environmental and health concerns by prohibiting the use of polystyrene containers by restaurants and other food establishments.

### **Substitute Language – LCO No. 6569**

The as originally drafted, the bill stated the effective date as October 1, 2019. Concern expressed to the committee included restaurants inability to use up their stock of polystyrene containers and to plan for the use of alternatives by October 1, 2019. Substitute language provides food establishments the opportunity to use current supply and to allow for transition to alternative products by changing the effective date of the bill to January 1, 2021.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Katie S. Dykes, Commissioner, Connecticut Department of Energy and Environmental Protection (DEEP):** Supports the bill. DEEP supports measures that prevent and reduce litter on both land and waterways. Styrofoam containers cannot be recycled through curbside recycling. Additionally, Styrofoam containing styrene is linked to human health risks.

## **NATURE AND SOURCES OF SUPPORT:**

**Representative Dorinda Borer, 115<sup>th</sup> Assembly Dist.:** The bill reduces litter in Connecticut's parks, waterways and cities. Polystyrene Foam or Styrofoam is not recyclable and is estimated to consume more than thirty percent of landfill space. Additionally, this material takes five hundred years to decompose. Furthermore, polystyrene, a chemical considered a possible carcinogen by the United States Department of Health and Human Services, can leach onto food when heated by hot, oily, or acidic foods. Several states including North Carolina, Maine and Oregon have passed limited polystyrene container laws.

**Jennifer A. Heaton-Jones, Executive Director, Housatonic Resources Recovery Authority:** Banning single use polystyrene containers will support the Connecticut's goal waste reduction initiative by sixty percent by 2024, these products cannot be recycled through Connecticut's single stream recycling program and are considered a contaminate when mixed with recycling.

**Melissa E Gates, Northeast Regional Manager, Surfrider Foundation:** A 2017 study of the international journal *Science*, estimated seventeen billion pounds of plastic enters the world's oceans annually. Polystyrene easily breaks apart into microplastics; just, becoming embedded soil and water. Microplastics can be ingested by animals and can become a hazard further up the food chain. Additionally, plastics waste litters the environment, causing hazards for both species relying on a clean environment, and has an economic effect on residents and tourists. A 2016 study by the National Ocean Economics Program showed recreation and tourism contributes nearly 40% of Connecticut's ocean economy GDP. The well-being of the coastal ecosystem is directly correlated to the health of Connecticut's economy. While Connecticut's legislators may be concerned that a ban on inexpensive, disposable products will have a fiscal impact on business owners, the Surfrider Foundation's prior experience has shown that such a ban does not have negative financial consequences on business owners.

*The Environment Committee received approximately 45 supporting testimonies explaining that (1) polystyrene products cannot be reused and are difficult to recycle, (2) polystyrene products are hazardous to wildlife and the environment, and (3) chemicals released from polystyrene products, when heated, are toxic and possibly carcinogenic.*

## **NATURE AND SOURCES OF OPPOSITION:**

**American Chemistry Council (ACC):** Environmental concerns regarding polystyrene and plastic products should be addressed through litter education prevention, waste minimization,

and recycling. ACC opposes the bill for the following reasons: (1) a ban on polystyrene would have significant fiscal impacts on the state because it would mandate the use of alternatives, (2) alternatives to polystyrene products will not result in the use of more environmentally friendly products as all packaging leaves an environmental footprint regardless of material type, (3) biodegradable containers only biodegrade in a controlled composting environment, (4) polystyrene food service products are safe, low cost, and effective packaging products that have been approved by the US Food and Drug Administration, and (5) AAC supports polystyrene foam recycling programs such as the Foam Recycling Coalition.

**American Chemistry Council's Plastics Foodservice Packaging Group (AAC/PFPG):**

This bill fails to recognize that litter and improper waste management are independent of material type and is unlikely to be effective in addressing litter. Litter studies on material bans have shown greater increases in the litter of alternative materials, than in the decline of a banned material. AAC/PFPG recommends that a full life cycle analysis of the environmental impacts of alternatives needs to be conducted before considering a ban on polystyrene foam. A full environmental study will reveal the truth behind many myths. An examples include (1) polystyrene foam cups requires 50% less energy to produce, effectively creating fewer greenhouse gas emissions, than similar coated paper products, and (2) most compostable foodservice containers only degrade in a controlled composting environment.

**Connecticut Restaurant Association:** The Connecticut Restaurant Association believes business owners can make their own choices that are best for the business and customers. Many restaurants have switched to environmentally friendly products based upon their choice, not all restaurants have made the choice to move to these products for various reasons, they should make the choice for themselves not forced to change by the legislature.

**Reported by: Steve Smith / Ussawin R. Bumpen    Date: 04/17/2019**