



**Testimony to the CGA Environment Committee
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Senators Cohen and Miner, Representative Demicco, distinguished vice chairs, ranking members and esteemed rank & file members of the CGA Environment Committee, thank you for the opportunity to present testimony today.

Citizens Campaign for the Environment (CCE) is a non-partisan, not-for-profit environmental organization with over 80,000 members in Connecticut and New York. CCE works to empower communities and advocate for solutions that protect our public health and shared environment. We are submitting testimony today in support of SB 99 and HB 5103:

SB 99- AAC THE USE AND DISTRIBUTION OF POLYSTYRENE PRODUCTS

CCE strongly supports legislation aimed at reducing polystyrene waste. Expanded polystyrene (EPS) foam is notoriously expensive to recycle; it takes up unnecessary space in the solid waste stream and threatens our health and environment. EPS is produced using *Styrene*- a chemical known to cause cancer in lab rats and considered a probable human carcinogen. Styrene can migrate from EPS packaging into food and beverages when exposed to heat or brought into contact with fatty or acidic foods¹. Our morning cup of coffee should contain milk and sugar, not carcinogenic styrene.

In addition to increasing public exposure to Styrene, expanded polystyrene (EPS) is a significant contributor to the plastic pollution crisis choking our marine environment. EPS packaging never fully breaks down; instead, it breaks up into tiny pieces which persist for hundreds of years or longer. The actual lifetime of EPS in the marine environment is unknown. Researchers have suggested that the composition of conventional petroleum-based plastics as durable polymers means they will break up into increasingly smaller pieces, but never fully disappear². These pieces are frequently mistaken for food and eaten by a wide range of marine species, including fish, sea turtles and aquatic birds.

Polystyrene also presents a problem for municipal recyclers. EPS foam products cannot be easily recycled, and frequently end up being disposed as municipal solid waste (MSW). There are currently no Connecticut municipalities offering residential recycling programs for Polystyrene waste. With cities and towns across Connecticut working to reduce MSW costs, EPS foam packaging has become an obvious choice for elimination from the waste stream.

¹ Agency for Toxic Substances & Disease Registry, U.S. Department of Health and Human Services: ToxFAQs for Styrene (September 2007). Available online at <http://www.atsdr.cdc.gov/tfacts53.pdf>

² Coastal Commission at 22; H. Kanehiro, T. Tokai, K. Matuda, "Marine litter composition and distribution on the seabed of Tokyo Bay," Fisheries Engineering 31 (1995): p.195-199.

Phasing out EPS foam school lunch trays, carryout containers, cups and other types of packaging at food service establishments would make Connecticut a trailblazer in eliminating polystyrene waste. The towns of Groton, Norwalk and Westport, CT have already passed local ordinances prohibiting the use of takeout containers made from EPS foam. The CT General Assembly should adopt this strategy on a statewide basis, just as it did for disposable plastic checkout bags in 2019.

States and municipalities across the U.S. are now poised to take action on this important issue. These include New York City, Washington, D.C., Nantucket, MA, Portland, ME, Freeport, ME, Portland, OR, Seattle, WA, Los Angeles Co., CA, and San Francisco, CA. Studies conducted in San Francisco over a three year period demonstrated a 41% drop in EPS litter as a direct result of the ban³. Recently, NYS Governor Andrew Cuomo announced a proposal to phase out EPS foam food containers, cups, lids, and loose polystyrene fill (aka “packaging peanuts”).

CCE supports SB 99, and urges the Environment committee to approve a bill that is complementary to the NYS ban and provides more comprehensive ban of harmful EPS food service containers. Specifically, we recommend the committee to amend the bill to:

- **Expand the (Section 1) EPS food tray ban at K-12 schools and universities to include EPS cups and other types of EPS food packaging containers;**
- **Expand (Section 2 (b) (1)) the EPS ban at restaurants and caterers to include all food service providers, which means “a person engaged in the primary or secondary business of selling or distributing prepared food or beverages for on-premise or off-premise consumption including but not limited to: (a) food service establishments, caterers, temporary food service establishments, mobile food service establishments, and pushcarts; (b) retail food stores (c) delicatessens; (d) grocery stores; (e) restaurants; (f) cafeterias; (g) coffee shops; (h) hospitals, adult care facilities, and nursing homes.**
- **Ban EPS loose fill, aka packaging peanuts.**

HB 5103- AN ACT REQUIRING AN EVALUATION OF THE STATE’S ENVIRONMENTAL JUSTICE LAW

CCE appreciates this Committee’s efforts to advance common-sense protections for vulnerable communities against undue environmental harm. It is well documented that Environmental Justice (EJ) communities are disproportionately impacted by climate change, sea level rise, toxic air and water pollution and other threats to public health and safety. They are more likely to find themselves home to large, polluting facilities without the means to object or organize community members in favor of stipulations. This practice is sometimes referred to as *environmental racism*, and CCE applauds the CT General Assembly for taking steps to end this unjust practice in our state.

EJ communities are frequently linked to higher rates of asthma, cancers and other serious health issues than the rest of the population. According to the CT Dept. of Public Health (DPH), the cities of Hartford, Waterbury, New Haven and Bridgeport have the highest rates of asthma-related ER visits in the state⁴. In fact, residents from Connecticut’s five largest cities (Bridgeport, Hartford, New Haven, Stamford, and Waterbury) account for 18% of Connecticut’s total population, yet they accounted for 44% of all acute asthma care charges in 2018⁵.

³ Nguyen, Linda D, San Jose State University. An Assessment of Policies on Polystyrene Food Ware Bans. (October 2012). Available at:

https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1265&context=etd_projects

⁴ “Emergency Department Visits per Census Tract,” CT DPH website, Asthma Surveillance Maps. (2018).

Available online at https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/hems/asthma/pdf/Rates_Tract_ED1418.pdf?la=en

⁵ “Asthma in Connecticut Statistics,” CT DPH Asthma Program. (2018). Available at

<https://portal.ct.gov/dph/Health-Education-Management--Surveillance/Asthma/Asthma-Program#50324>

Public Act 08-94 established an important step towards addressing this problem by creating a mechanism that ensures future construction of dirty power plants, waste incinerators, and sewage plants (collectively referred to as “affecting facilities”) do not unfairly target EJ communities due to a lack of resources or representation. It required developers to offer meaningful opportunities for public participation, and to engage in community environmental benefit agreements to help mitigate potential health impacts that could arise from opening such facilities.

Connecticut’s existing EJ law was written in the spirit of equity and transparency, and yet it has failed to provide real, meaningful protections for the public in some of Connecticut’s most underserved communities. In 2018, F&G LLC expanded waste hauling operations in the City of Waterbury from 100 tons/day to over 700 tons/day. This plan created a significant increase in truck traffic through Waterbury’s south end—a historically low-income, Spanish-speaking community. F&G failed to comply with environmental justice regulations, requiring them to post notice of public meetings in English and Spanish under PA 08-94. Community members objected, but were overruled despite not receiving fair notice of the proceedings as prescribed under the law.

While PA 08-94 created a useful framework for promoting public participation during the siting of polluting facilities, it did not explicitly require those measures as a prerequisite. HB 5103 would make it mandatory for developers to notify community stakeholders, conduct public meetings and inform the public about potential health and environmental impacts *before* being getting approval from DEEP/CT Siting Council. HB 5103 clarifies that any permit application that does not meet the necessary public notice requirements would be considered incomplete and ineligible for approval.

HB 5103 is needed to clarify that communities must be given substantive and meaningful opportunities for public engagement and accurate, timely notice about potential adverse impacts. Furthermore, community members have a right to pursue legal action in the event they are not afforded those opportunities. These state-stipulated protections have become increasingly important, especially as the Federal government abdicates its responsibilities in protecting the public from toxic pollution.

The public has a right to meaningful opportunities for public participation in the siting of polluting facilities, regardless of the socioeconomic status of affected community members. We believe this is especially true for vulnerable populations, such as those in designated EJ communities. **CCE strongly supports HB 5103 as a way to require mandatory public involvement and increase transparency in the siting of polluting facilities in Connecticut EJ communities.**

Thank you for the opportunity to submit testimony on these important issues. We appreciate your consideration and look forward to working with the committee on these initiatives moving forward.