

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-118

Title: AN ACT CONCERNING THE USE OF CERTAIN POLYSTYRENE PRODUCTS.

Vote Date: 3/4/2022

Vote Action: Joint Favorable Substitute

PH Date: 2/25/2022

File No.: 66

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SPONSORS OF BILL:

Environment Committee

Co-Sponsors of Bill:

Rep. John K. Hampton, 16th Dist.

Rep. Christine Palm, 36th Dist.

Rep. David Michel, 146th Dist.

Rep. Michael A. Winkler, 56th Dist.

Rep. Geraldo C. Reyes, 75th Dist.

Rep. Josh Elliott, 88th Dist.

Rep. Stephanie Thomas, 143rd Dist.

Rep. Brandon Chafee, 33rd Dist.

Rep. Maria P. Horn, 64th Dist.

Rep. Lucy Dathan, 142nd Dist.

REASONS FOR BILL:

Currently many schools, caterers and restaurants use polystyrene containers and trays in their cafeterias and for take-out. Polystyrene is a toxic substance that creates hazardous waste. It is slow to degrade and when not properly recycled it is a danger to our marine and wildlife. By banning the use of polystyrene containers, it will help Connecticut with managing its solid waste management as well as save our marine and wildlife.

Proposed Substitute Language

Section 2: (2)(g) Lines 68 to 72 have been added.

RESPONSE FROM ADMINISTRATION/AGENCY:

Charlene Russell-Tucker, Commissioner Designate, Department of Education, State of Connecticut

There are supply shortages that may not allow schools to discontinue the use of trays made from expanded polystyrene by July 1, 2024. Schools in the state serve over 100 million meals. There are concerns regarding availability of polystyrene alternatives in the future. There is also the alternative of using reusable trays. Reports have shown that upwards of

90% are lost annually due to being thrown away or broken. This would result in additional costs for the state as along with costs for maintenance of reusable trays.

NATURE AND SOURCES OF SUPPORT:

Janet Bellamy, Ashford, CT

The styrene can leach from containers at higher temperatures and with certain foods. Polystyrene cannot be recycled. Polystyrene does not biodegrade. It will remain in the environment and in human and animals' bodies.

Amy Blaymore Paterson, Connecticut Land Conservation Council

We need to do everything we can to help protect our land. Polystyrene litter is bad for the environment and wildlife. Reducing the use will help keep our land and water clean while also protecting wildlife.

Lori Brown, Executive Director, Connecticut League of Conservation Voters

Polystyrene products are rarely biodegradable and can remain in the environment years after they are discarded by the consumer. The pollution usually falls disproportionately on low-income communities and communities of color. Polystyrene products pose serious threats to marine life, wildlife, and human health. Chemicals found in polystyrene have been identified as carcinogens by the Department of Health and Human Services. These chemicals should not be in our food, water or airways.

James Adams, New Haven, CT

Mr. Adams testified in strong support of the bill. Polystyrene also adds a significant burden to CT's current waste disposal problems. It is hard to dispose of polystyrene since it is extremely slow to degrade, cannot be recycled, and releases toxins.

Mr. Tom Adamski, Southbury, CT

Mr. Adamski testified in support of the bill. Polystyrene attracts and hold toxins that can harm marine life. Mr. Adamski suggested that the language "Recycling for plastics includes a fuel that is converted to a raw material that is used for the manufacture of new products," should not be included in the bill. This could lead to a demand of single use plastics.

Mrs. Myra Aronow, Haddam, CT

Mrs. Aronow testified in support of the bill. Polystyrene attracts and hold toxins that can harm marine life. Mrs. Aronow suggested that the language "Recycling for plastics includes a fuel that is converted to a raw material that is used for the manufacture of new products," should not be included in the bill. This could lead to a demand of single use plastics.

Hector Arzeno, Cos Cob, CT

Hector Arzeno testified in full support in SB 118.

Abe Baker-Butler, New Haven, CT

Abe Baker-Butler testified in strong support of SB 118. Students are put at risk from eating off polystyrene trays. They can also lead to significant irritation and health risks. Polystyrene has extremely harmful environmental impact and should not be used in our state.

Betty Ball, BYO Norwalk, and Jeanine Behr Getz, BYOCT

BYOCT strongly supports sb 118. BYOCT ordinances have banned non-essential polystyrene. BYOCT suggested language changes to strengthen SB 118.

Vincent Brancato, Woodbury, CT

Polystyrene products are a plight in so many ways. They do not decompose and would be in our landfills, or oceans forever when disposed of – unless they are incinerated which would cost both energy and serve to pollute the air we breathe.

Alicea Charamut, Executive Director, Rivers Alliance of Connecticut

Talk to anyone who has participated in river clean up and they will tell you single-use polystyrene is a serious threat to our waters and aquatic environment. It easily breaks down into small pieces and is impossible to remove from riverbanks and shorelines, it then makes it to the ocean. School-aged children, teenagers and college students are more aware than older adults of the problem that polystyrene causes to the environment. Connecticut is experiencing a solid waste management crisis. Mandating a discontinuation of trays made from expanded polystyrene will aid in reducing waste.

Patrick M. Comins, Executive Director, The Connecticut Audubon Society

This bill will prohibit the use of certain single use polystyrene trays in schools. This makes sense since polystyrene has a long life in the waste chain. Non-biodegradable waste is an important global problem, and we see it on the shores of Long Island Sound. The Audubon Society supports any attempts to reduce environmental plastic and polystyrene waste.

Connecticut Hospital Association (CHA)

CHA supports the goals of this bill; however, they would like two modifications. During the recent pandemic hospitals and providers faced significant supply chain disruptions which made the availability of these products very limited, forcing providers to revert to use of alternative supplies. The bill should allow for flexibility if this occurs. We also would like definition of restaurant includes an exemption for the use of these products in patient care settings. At times the health conditions of a patient warrant the use of this type of product.

Elizabeth Dempsey, Conservation Coalition

The Conservation Coalition supports this bill addressing this toxic plastic that exposes Connecticut's citizens to health risks and plagues our municipal waste streams. We do feel that it as written does not have the same strength as HB6502 that was proposed last year. Polystyrene is a serious threat to our state given that educational venues and restaurants use polystyrene every day. Polystyrene has health risks and is deadly to our environment. WE support this bill with changes.

Julie DesChamps, ReThink Disposable, CT

Polystyrene trays and other food service containers may seem inexpensive options, they are not recommended as they are costly from a lifecycle perspective with hidden externalities that are linked to many human health, social justice and environmental concerns. Simply put, polystyrene food service ware has no place in our state. Banning polystyrene food ware is for the betterment of public health, environmental justice and the environment.

Dolco Packaging

Dolco Packaging supports this proposal with one technical modification. On line 45 we respectfully ask to replace the word "sealed with "packaged for shipment".

Susan Eastwood, Founder and Chair, Ashford Clean Energy Task Force

Susan Eastwood, the Founder and Chair of the Ashford Clean Energy Task Force, supports the bill while offering modifications. This important bill would significantly reduce plastics in the waste stream and in the environment. Reducing polystyrene in our waste stream would reduce waste, waste costs, and benefit public health. As written, the bill would cut down on use of polystyrene lunch trays and single use containers. Mrs. Eastwood asks that the bill be expanded to include all non-essential disposable materials made from expanded polystyrene and straws made from petroleum or bio-based plastics. Further, Mrs. Eastwood believes distribution or sale of polystyrene products should be prohibited for all owners or operators of a retail establishment or catering business, State of Connecticut Department or facility, or State sponsored event.

Pam Ferraro

Mrs. Ferraro supports the bill, stating that discontinuing the use of certain polystyrene trays in schools and certain polystyrene containers for food from restaurants is a no brainer.

Nathan Frohling, Director of External Affairs, Nature Conservancy

Mr. Frohling, the Director of External Affairs of The Nature Conservancy in Connecticut, supports the bill. The Nature Conservancy in Connecticut (TNC) has consulted with their partners and colleagues, thorough these conversations they understand the serious threat that polystyrene products pose to marine ecosystems, wildlife and human health and the importance of the bill.

Ann Gadwah, Outreach Organizer, Sierra Club Connecticut

Ms. Gadwah, the outreach organizer of the Sierra Club of Connecticut, supports the bill with recommendations to strengthen and allow for local efforts to further eliminate plastic waste in our communities. Expanded polystyrene (ESP) is not recyclable here in the state and does not break down in the natural environment. Rather it breaks into microplastics and pollutes our waterways, threatening marine life. Many municipalities have already banned ESP containers, including New York State, Groton, Norwalk, Stamford, and Westport. The Sierra Club of Connecticut would like to see the bill improved through inclusion of an expanded definition of polystyrene food service product, amending the statement in section 2 line 20 to July 2023, and ensure that any statewide ban does not preempt municipalities from passing their own stronger policies regarding EPS.

Lauren Gardner

Lauren Gardner, a graduate student from Simsbury attending UCONN, is in favor of the bill. Polystyrene, also known as Styrofoam, is viewed as a cost-effective material for food service. However, she believes the overall cost of managing its waste and its impact on our environment and our health far outweighs any benefit of the material's use. Polystyrene is not recycled in Connecticut and takes up excessive space in landfills. Mrs. Gardner believes that with readily available, sustainable alternatives, there is no need to continue the use of polystyrene.

Annie Hornish, Connecticut Senior State Director, Humane Society of the United States

Ms. Hornish, on behalf of the Connecticut-based supporters of The Humane Society of the United States, supports the bill. She notes that single use polystyrene containers are detrimental to wildlife and the environment. She also notes that plastic washes into our oceans and break down into microplastics, which are pervasive throughout our ocean ecosystem.

Mari Jackson, Sustainable Trumbull

Ms. Jackson, a member of the Town of Trumbull's Sustainable Team and the ReThink Disposable CT group, supports the bill. Due to the impending closing of one of the incinerators in the state, we have an opportunity to make changes for reducing waste. She encourages an amendment to the bill be included discontinuing the use of additional single-use items such as non-essential disposable trays, cups, bowls, lids, sleeves, utensils, plates and hinges or lidded containers made from polystyrene and straws made from petroleum or bio-based plastics.

Michelle Lipar

Mrs. Lipar testified in support of the bill. She notes the environmental harm of utilizing single use items. Also noted is the impact these items have on human health, noting a 2020 Report on Carcinogens by the US Department of Health and Human Services in which a component of polystyrene was listed as a likely human carcinogen. Mrs. Lipar hopes this year can see the passing of this bill, but that the legislature will continue to act to make environmental stewardship a norm rather than a political debate.

Bill Lucey, Long Island Soundkeeper, Save the Sound

The organization Save the Sound (STS) supports this bill. They expressed how frequent pollution can be found on the beaches and while frequent cleanups of the beach are done, more pollution soon follows. They explain how common polystyrene is found in pollution and how toxic its effects are on marine life, and by passing this bill, it can help to lessen some of those effects stated previously.

Katherine Owens, Professor, University of Hartford

The increase of plastic pollution has grown to an enormous amount, about 350 million tons per year. She believes something needs to be done to reform the systems that handle this waste and one way to start is by reducing polystyrene being used within schools and restaurants.

Jason Patlis, President & CEO, The Maritime Aquarium

They are in support of this bill, as it handles discontinuing products that can be harmful to a variety of marine life and the environment, while at the same time proposing better and cleaner alternatives to use. They go on to explain how plastics is used so much and how it will easily find itself in places that it should not be, such as the ocean. However, if this bill passes, they believe it is an encouraging first step to having a more positive impact on the environment.

Chris Phelps, State Director, Environment Connecticut

There is an increasing number of pollutants in the world every day and by doing so impact not just humanity but the wildlife as well. One of the most toxic forms of plastic pollution is through polystyrene foam (Styrofoam). It breaks apart and can be spread easily as trash, and by passing this bill, it can help greatly reduce that kind of pollution.

Halle L. Pierce

As polystyrene is not much of a recyclable and does not degrade, she believes this bill can help lessen the issues of overusing toxic foodservice packaging by using more paper and reusable containers these methods would be alternative usages by supporting this bill.

Dave Raunch

Mr. Raunch is in support of this bill because of the positive impact it can have on improving the environment and how these alternative methods can be less harmful to it.

Lawrence Tang, New Haven, CT

Abe Baker-Butler testified in strong support of SB 118. Students are put at risk from eating off polystyrene trays. They can also lead to significant irritation and health risks. Polystyrene has extremely harmful environmental impact and should not be used in our state. The manufacturing process also poses a dangerous threat to the city of New Haven due to its location in a low-lying flood zone.

Patricia Taylor, Director of the Plastics and Waste Reduction Project Environment and Human Health, Inc., North Haven, CT

The Plastics and Waste Reduction Project for Environment and Human Health, Inc testified in full support of SB 118. These products are very harmful and cannot be recycled. EHHI suggested language changed that would prohibit plastic straws and other products to be used with exceptions for specific customer requests. The bill must be effective by no later than July 1, 2023.

Ms. Nancy Urban, West Hartford, CT

Ms. Urban testified in support of the bill. Polystyrene attracts and hold toxins that can harm marine life. Ms. Urban suggested that the language “Recycling for plastics includes a fuel that is converted to a raw material that is used for the manufacture of new products,” should not be included in the bill. This could lead to a demand of single use plastics.

Mrs. Susan VanDerzee, Cromwell, CT

Mrs. VanDerzee testified in support of the bill. Polystyrene attracts and hold toxins that can harm marine life. Mrs. VanDerzee suggested that the language “Recycling for plastics includes a fuel that is converted to a raw material that is used for the manufacture of new products,” should not be included in the bill. This could lead to a demand of single use plastics.

Jamila Viandier, Stafford Springs, CT

Jamila Viandier strongly supports SB 118 and believes it would help eliminate environmental hazards.

Svetlana Wasserman, Greenwich, CT

Svetlana Wasserman supports SB 118. Styrene is harmful and puts students who get free and reduced meals at risk. Polystyrene is not recycled in CT. The state should follow the lead of municipalities that have banned polystyrene.

Ms. Susan Yolen, New Haven, CT

Ms. Yolen testified in support of the bill. Polystyrene attracts and hold toxins that can harm marine life. Ms. Yolen suggested that the language "Recycling for plastics includes a fuel that is converted to a raw material that is used for the manufacture of new products," should not be included in the bill. This could lead to a demand of single use plastics.

Ms. Alison Zyla, Clinton, CT

Ms. Zyla testified in support of the bill. Polystyrene attracts and hold toxins that can harm marine life. Ms. Zyla suggested that the language "Recycling for plastics includes a fuel that is converted to a raw material that is used for the manufacture of new products," should not be included in the bill. This could lead to a demand of single use plastics.

Susan Durant, Wallingford, CT

With all the types of plastic pollution, evidence shows polystyrene has the worst effect on marine life. Polystyrene attracts toxins, which are released when the foam is broken up or ingested by marine life. It is a common pollutant found on Connecticut beaches. There are alternatives that are available, many businesses and institutions have stopped using polystyrene. However, this bill should be approved without the wording, "Recycling for plastics includes a fuel that is converted to a raw material that is used for the manufacture of new products," which could create a market demand for single-use plastics.

The following people also submitted testimony in favor of the bill, noting the same reasoning as Susan Durant:

Alyssa Benoit, South Windsor, CT

Hugh Birdsall, Clinton, CT

Diana Blair, Essex, CT

Kimberly Birge-Liberman, N. Haven, CT

Mx. James Clark, North Haven, CT

Jillian Dunham, Sharon, CT

Beverly Dunn, Woodbury, CT

Kenny Foscue, North Haven, CT

Carmela Garofalo, Bloomfield, CT

Kathleen Hayes, Guilford, CT

Joan Hedquist Glastonbury, CT

Scott Hermo, Waterford, CT

Tony Gorman, Bolton, CT

Shari Guarino, Southington, CT

JP, Madison, CT

Jeffery Kiernan, Milford, CT

Laurie Klein, Hamden, CT

Sivaram Kommana, Milford, CT

Alice Kosowsky, Hamden, CT

BJ Lambert, East Haven, CT

Norman LaFleur, East Lyme, CT

David Mann, Bloomfield, CT

Martin Valerie, Madison, CT

Judith Nugent, New Haven, CT

Sandra Olsen, Haddam, CT

Carole Osborn, Winstead, CT

Edward Pawlak, West Hartford, CT

Charles Polnitsky, Woodbury, CT

Robert Pomroy, Ivoryton, CT

Richard Sandella, Guilford, CT

Mary Sanders, Hartford, CT

John Sargent, Quaker Hill, CT

Randi Saslow, Hamden, CT

Edith Schade, Mystic, CT

Mark Sheehan, Rocky Hill, CT

The following people submitted testimony in support of the bill, noting polystyrenes toxicity, burden to the CT waste disposal system, and the fact that it has been banned in other states such as Colorado, Maine, and Maryland:

Logan George

Josh Guo

Theo Haaks

Talia Kolodnik

Conrad Lee

Isabella Morales

Jose Sacrameto

Brook Smith

Ryan Smith

Richard Stanley

Julia Sulkowski

Tione Hoeckner, Yale Dems

Sophie Kane

Aparajita Kaphle, Yale Dems

NATURE AND SOURCES OF OPPOSITION:

Connecticut Association of Boards of Education, Inc.

The additional expense to utilize paper over Styrofoam is a large expense. Some districts no longer use heavy plastic trays as machinery to wash them have broken down and are too expensive to fix. The cost of being mandated to make this change would affect the cost of meals and would impact families who are struggling to paydown school lunch debt.

Christine Cassidy, Recycling Manager, Dart Container Corporation

Dart Container is a global manufacturer of foodservice packaging material, including polystyrene, paper, plastic, and compostable products. Dart is actively engaged in recycling, composting, and educating the public on the environment, they are also active members in several organizations to help prevent their products from not being properly disposed of. If this becomes a mandate in the state, restaurants would be forced to switch to a more expensive alternative. In these times, we need to investigate more comprehensive recycling and composting to capture all material which could create more jobs within the state.

Connecticut Association of School Business Officials

CASBO recognizes the importance of dealing with the environment and the use of polystyrene products, however higher costs, supply chain issues and uncertainty regarding the continued Federal funding for school lunch programs still exist, which makes the need for flexibility around this subject extremely important. We also understand that recycling programs for these products are under review and may provide opportunities to deal with this issue. We encourage the Environment Committee explore fully all the opportunities available for recycling. Such steps allow schools to have flexibility and time needed to transition to other products in a sustainable manner.

Scott Dolch, President and CEO, Connecticut Restaurant Association

Over the past two years, our industry has been devastated by the impact of the pandemic with over 600 restaurants closing in Connecticut and many are struggling to stay afloat. Many restaurants have made the transition to other more environmentally friendly to-go containers on their own and others are struggling to find an alternative. While we appreciate the intent of the proposal, we know that this language would have a significant financial burden aimed directly at the restaurant industry where so many are trying to remain open.

Danielle Fortunato, Director of State Government Affairs, Plastics Industry Association

Danielle Fortunato, the Director of State Government Affairs for the Plastics Industry Association (PLASTICS), opposes the bill. PLASTICS is the only trade association that represents the entire supply chain of manufacturers of all plastic products and packaging. They are committed to manufacturing products that meet the environmental, social, and business needs of consumers. PLASTICS believes that as written, the legislation wrongly targets the use of expanded polystyrene items in schools and restaurants. Alternative products cost more for small businesses, have adverse environmental impacts as more resources are used and more carbon is emitted, and there is a lacking infrastructure for popular alternatives like compostable. They provide an explanation of the potential fiscal impact, referring to a study out of Pennsylvania. PLASTICS believes that the true solution comes from investment in recycling infrastructure and building end markets for recyclable material. PLASTICS is happy to work with the committee to advance reforms that can bring lasting

Steven Lake, Plant Manager, Americas Styrenics

Mr. Lake, on behalf of Americas Styrenics (AmSty), opposes the bill. AmSty believes the best path forward is recycling rather than plastics prohibition. They believe that polystyrene packaging enables restaurants to serve customers safely and affordably, in a time when businesses are strained in every way. He also notes that all polystyrene products are infinitely recyclable, so they do not need to be landfilled.

Kate Murphy, President & Food Service Director, School Nutrition Association of Connecticut

They are in opposition of the bill due to reusable trays and other forms of trays other than Styrofoam are not always an option. Some schools would not be able to house an acceptable amount for students due to lack of utility resources or space. solutions to shared goals of sustainability.

Carol Patterson, Vice President, Government Relations, Food Service Packaging Institute

This organization believes that if this bill were to pass, the restriction on polystyrene containers will limit the number of options schools and restaurants have for foodservice packaging and could also potentially increase the amount of costs establishments must make to purchase said packaging. With that increased cost, it could also prolong the amount of time it would take for that establishment to recover. They go on to explain how they believe polystyrene's pollution impact is could be less then estimated as well as stating the recycling potential of the material. They are opposed to the restrictions of polystyrene and would rather expand the infrastructure to improve the recovery of foodservice packaging.

Adam Peer, Senior Director, American Chemistry Council

They are against the bill because potentially the prohibition of polystyrene could lead to environmental impact, increase cost to the state, and little impact and contribution to litter reduction, and an increase in landfills as well.

Ashley Zane, Government Affairs Associate, CBIA

The food and beverage industry should be able to work to eliminate the use of polystyrene products on their own. This will ease cost pressures and allows businesses time to research which alternative products that meet needs. Supply chain pressures are an issue that with make it difficult to replace products.

Reported by: Bonnie Gray, Luke Tressy, & Grace Carlos Date: 4/5/22