



**City of St. Paul City Council
Wednesday, October 4, 2017**

**Ordinance 17-29
Amending Chapter 236 of the Legislative Code regarding plastic packaging**

Introduction

My name is AnnMarie Treglia, Global Manager, Government Affairs and the Environment for Dart Container Corporation (Dart). Dart appreciates the opportunity to submit written testimony in opposition to the City Council adopting Ordinance 17-29 "Amending Chapter 236 of the Legislative Code regarding plastic packaging". Our testimony will focus on the scientific facts of the products that the city wishes to ban as well as those the city is attempting to promote such as compostables.

Dart is a leading manufacturer of foodservice containers. Our products include items made from paper, recycled content, compostables, polyethylene terephthalate (PET), polypropylene (PP) and both rigid and foamed polystyrene (PS). Dart is a US based company that has been in operation since 1960. In 2012, we acquired Solo Cup Corporation. Today, we have over 16,000 employees located at facilities throughout the United States, Canada, United Kingdom, Argentina, Mexico and Brazil.

As noted above, Dart produces a full range of foodservice items giving us expertise on how each product performs, why customers and consumers choose one material over another, and the facts regarding their recyclability and life cycles.

Economic Impact of banning polystyrene foam

Many so called "mom and pop" restaurants use foam since it is sanitary, safe and very effective as a foodservice container. In addition, it is less expensive when compared to alternative packaging. Forcing businesses to switch to other materials has negative consequences for both the business owners and consumers. Materials that can compete with foam in terms of performance are typically more expensive and not always easy to recycle. A ban would put business owners in a difficult position of how to deal with these new, increased costs. Some may choose to increase their prices, which can result in customers being unhappy and unable to continue to purchase items. Others may try to absorb the cost thus bringing down their own income. Perhaps they will hire fewer employees to make up the cost of being forced not to use foam. None of these scenarios is positive.

Compostable products

The ordinance promotes the use of compostable products. By definition, compostable means an item will biodegrade within a certain amount of time - typically 60-180 days under industrial composting conditions, including temperatures of 140 degrees, moisture and bacterial or enzymatic actions.

To properly dispose of compostable products, they need to be sent to a commercial/industrial composting facility that accepts foodservice containers. This is important since many residential composting facilities do not accept foodservice containers. If compostable products are tossed onto the street or sent to the landfill, they will not compost because they are not in the proper environment (they need heat, moisture, bacteria/enzymes). A downside of compostable products is most consumers do not understand how they work. Instead, they believe these items "magically disappear" and therefore feel less responsibility for properly disposing of them.

Compostable items also have limitations in hot food applications. Given the need for them to break down under industrial composting conditions, they typically cannot withstand high heat for prolonged periods without losing some, if not all, of their structural integrity. This is something to give thought to since the Minnesota Food Code; Food Managers Chapter 4626 contains the standards with which food establishments must comply in the handling, storing, preparation and service of food to the retail food consumer. The rules state that hot food must be served at 140 degree or higher which is also the temperature for composting.

Waste Collection in the City

The ordinance implies there is a lot of polystyrene foam in St. Paul's waste stream and that it is a burden to handle. However, no information has been provided explaining what is in St. Paul's waste stream. Typically, cities that do an analysis of their waste find that foam foodservice products comprise a very small portion of waste streams. In fact, all polystyrene plastic products typically represent around one percent of all products in municipal solid waste.

Litter, Recycling and Environmental Footprint

Litter in the environment is the direct result of human behavior. Some U.S. cities have mistakenly believed that a foam ban would solve their litter issue. Reality has proved this theory wrong. San Francisco did a litter audit before their foam ban was enacted and one after the foam ban had been in place. After the litter re-audit the City of San Francisco confirmed that eliminating all foam foodservice ware simply changed the type of litter found. Specifically all plastic-coated paper cups (hot, cold and other), increased to 2.41 percent of total litter in 2008 from 1.82 in 2007, while foam cups decreased to 0.78 percent from 1.13 percent during the same period. In addition, in Carmel, California, the City staff confirmed in a June 3, 2008 staff report that since the inception of its 1989 ordinance to ban foam foodservice ware, "...the problem of food packaging waste litter has not improved".

Styrene, Polystyrene and Health

Polystyrene is safe and sanitary. These attributes are what attract many hospitals, schools and restaurants to use foam containers. Nonetheless, many people mistakenly believe polystyrene is

something to be worried about. This is because many people believe styrene and polystyrene are the same thing. They are different and styrene is not the enemy it is made out to be.

Styrene is a liquid with a sweet aroma. Polystyrene is a solid, inert and has no smell of styrene. Around 70 years ago, humans figured out how to produce man-made styrene. Yet, styrene has been and continues to be naturally occurring and found in many of the foods and drinks we enjoy such as beef, beer, strawberries, nuts and cinnamon. Apart from exposure to styrene that naturally occurs in foods we eat, styrene is also a by-product of the combustion engine. Therefore, just by living in today's society the average human is inhaling styrene daily. Knowing the above facts, should one be alarmed when they hear claims that styrene is found in human tissue samples?

Returning to the safety of polystyrene, it is used in many of the things we encounter daily such as the protective cushion in bike helmets. Further, the FDA regulates any material that is used in food contact applications. If foam were a health hazard, the FDA would have banned the use of this material. The reality is foam has been approved for food contact applications for more than 50 years and there is not one documented case of anyone being harmed from its use. In addition, the fact Ordinance 17-29 is written to exempt hospitals and nursing home shows that the City Council understands PS foam is safe for foodservice ware.

Conclusion

We appreciate the City Council's time and consideration of these science based facts. We respectfully oppose Ordinance 17-29 and ask the Council to offer comprehensive recycling in lieu of any product ban. This would allow the residents and businesses of St. Paul to choose for themselves what to use versus having their choices restricted by local government mandates.