



New York State Joint Legislative Budget Hearing on the Environment

January 27, 2020

Article VII- Transportation, Economic Development and Environmental Conservation (TED) Part PP EXPANDED POLYSTYRENE FOAM CONTAINER AND POLYSTYRENE LOOSE FILL PACKAGING BAN – Oppose

The American Chemistry Council's (ACC) Plastics Foodservice Packaging Group (PFP) respectfully opposes the Executive Budget Proposal Article VII, TED, Part PP. Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Ban, which would prohibit the sale and use of polystyrene foam foodservice containers and loose fill packaging.

Before New York passes this legislation, lawmakers should carefully consider the proposal's impact on both the environment and economy. Specifically, ACC urges the Governor and Legislature to (1) consider the effects a polystyrene ban would have on New York State jobs, schools, families and the public finances and (2) analyze the impacts of alternatives to polystyrene foam, including increases in energy use and greenhouse gas emissions.

Economic Impact of a Polystyrene Ban on New York State Manufacturers

New York State is home to several polystyrene manufacturing companies and is one of the largest manufacturers of polystyrene in the country. These manufacturers employ almost 2,000 people at 10 sites in West Seneca, Middletown, Plattsburgh, Canandaigua, Cohoes, Bloomfield, Albany, Buffalo, Rochester and Syracuse. Three polystyrene foodservice sites alone pay \$2.3 million in State taxes and contribute \$47.5 million in payroll. A polystyrene ban could result in lost jobs in these communities and could diminish economic activity throughout the supply chain (suppliers, truckers, support services, etc.).

Fiscal Impacts on New York State, Taxpayers and Consumers

Alternatives to polystyrene typically cost 2-4 times more than polystyrene products. A ban will result in increased costs to state and local governments, public and private schools, as well as consumers. A 2011 Fiscal Impact Report found that a similar ban proposal could cost New York State and municipalities \$50 million; with schools to bear \$25 million of that cost.¹

SOLUTION: Sustainable Funding for Recycling Infrastructure

Most foodservice packaging is not recycled or composted with New York State's existing infrastructure. Instead of a ban on polystyrene, New York State should consider solutions that: (1) finance infrastructure investment that diverts foodservice packaging from landfilling; (2) support domestic end-use markets for recovered foodservice packaging; and (3) reduce foodservice litter. A foodservice packaging fee paid by foodservice packaging manufacturers could fund these solutions as well as finance statewide recycling and composting infrastructure and increase consumer education.

Polystyrene vs. Alternatives

ACC and its members are committed to manufacturing safe and sustainable products with as little impact on the environment as possible. Our members strongly support efforts to reduce litter and marine debris as well as minimize solid waste. This proposal however falsely assumes that (1) alternatives to polystyrene products are environmentally preferable and (2) alternatives will be recycled or composted. This is not the case.

Alternative Litter Will Increase

ACC supports efforts to reduce litter and marine debris. However, this proposal will not achieve those goals. Litter studies conducted after localities adopted bans found an increase in the alternative material litter and a decrease in the banned material. Importantly, the total amount of litter did not change – the only thing that changed was the type of material littered. This was a primary reason why the California Water Board rejected the use of bans to reduce waterborne litter.²

¹ MB Public Affairs Fiscal Impact of NYS 2011 A 2097 and S 431.

² http://www.waterboards.ca.gov/water_issues/programs/trash_control/docs/trash_sr_040715.pdf



Alternatives Are Likely to Increase Environmental Impacts

This legislation could increase greenhouse gas emissions, energy use, and waste. All packaging leaves an environmental footprint regardless of the material type. Polystyrene foodservice packaging uses less energy and resources to manufacture than comparable paper-based products. For example, a polystyrene foam cup requires about 50 percent less energy to produce – and creates significantly less greenhouse gas emissions than a similar plastic-coated, paper-based cup with its corrugated sleeve.³ Paper alternatives are generally not collected in community recycling programs. Forcing consumers to use alternatives is likely to increase environmental impacts.

Compostable Foodservice Packaging Does Not Reduce Litter and Composting Infrastructure is Lacking

Most compostable foodservice packaging only “degrades” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees. These composting facilities and collection programs are not readily available in New York State. In all likelihood, alternative products will be landfilled or become litter.

The Oregon Department of Environmental Quality found compostable foodservice packaging will have a greater environmental footprint than non-compostable items.⁴ For example, using compostable materials requires more fossil energy and releases more greenhouse gas than non-compostable counterparts.

So-called “biodegradable” foodservice packaging will not degrade if it escapes into the environment or is landfilled. According to the Biodegradable Products Institute’s (BPI)⁵ “Myths of Biodegradation”:

Myth: Biodegradable products are the preferred environmental solution because waste simply biodegrades in the landfill.

Reality: Nothing biodegrades in a landfill because nothing is supposed to.⁶

ACC Is Leading Efforts to Control Litter, Recycle Materials, Reduce Waste and Conserve Resources

ACC and its members have a long history of investing in and supporting recycling. Through its Flexible Film Recycling Group (FFRG), ACC supports the implementation of **Wrap Recycling Action Program (WRAP)**. This initiative aims to increase opportunities for residents and businesses to recycle flexible plastic film including consumer and commercial product wrap; bags for groceries, produce and bread; and other common items like food storage bags and shipping pillows. Recycled film can be used to manufacture products such as durable outdoor lumber for decks and fences, and new packaging materials.

ACC also sponsors projects in the Northeast including **Save the Bay Narragansett Clean Up Day**, **Green Up Day in Vermont**, and **Northeast Recycling Council (NERC)** conferences. ACC also is a Founding Partner of **The Recycling Partnership**, a national recycling nonprofit dedicated to improving curbside recycling, and **Keep America Beautiful’s “I Want to Be Recycled”** campaign to increase consumer awareness and participation in recycling.

Plastic Makers Are Working to Reduce Marine Litter

ACC and its members take seriously the issue of litter and marine debris. To that end, ACC is working domestically and internationally with government officials, retailers, anti-litter groups and consumers to develop solutions to prevent litter and marine debris.

In January 2019, global companies in the plastics value chain, from manufacture to disposal, including many ACC members, announced the creation of the Alliance to End Plastic Waste. This non-profit organization is committing \$1.5 billion over five years to end plastic waste and will focus on providing solutions to the largest sources of plastic in our ocean. Initially that work will be largely focused on so-called “high leakage” countries -- where waste collection and management has not kept pace with growing populations and growing economies. A study in Science Magazine estimates that almost 60 percent of plastic waste going into our oceans comes from just five countries, primarily in Southeast Asia. Although the United States accounts for less

³ https://www.plasticfoodservicefacts.com/wp-content/uploads/2017/12/Peer_Reviewed_Foodservice_LCA_Study-2011.pdf

⁴ See <https://www.oregon.gov/deq/FilterDocs/compostable.pdf>

⁵ BPI is a not-for-profit association of key individuals and groups from government, industry, and academia, that seeks to educate manufacturers, legislators and consumers about the importance of scientifically-based standards for compostable materials which biodegrade in large composting facilities.

⁶ See <http://www.bpiworld.org/Default.aspx?pageId=190439>



than 1 percent of this plastic waste, ACC and its members have committed to reusing, recycling or recovering all plastic packaging by 2040 and making all plastic packaging reusable, recyclable or recoverable by 2030.

Improved Recycling and Recovery is the Answer-- Not Bans

ACC supports a variety of tools to reduce landfill disposal, marine debris and litter. An emerging set of technologies allows governments and businesses to convert non-recycled plastics into energy, fuels, and feed stocks, or raw materials for new manufacturing. For example, polystyrene foam can be converted back to raw materials for new polystyrene products. This technology is growing rapidly in the US.

SUMMARY

ACC opposes a polystyrene ban and instead encourages the Governor and Legislature to consider solutions that: (1) finance infrastructure investment that diverts foodservice packaging from landfilling; (2) support domestic end-use markets for recovered foodservice packaging; and (3) reduce foodservice litter. ACC strongly supports a foodservice packaging fee paid by foodservice packaging manufacturers could fund these solutions as well as finance statewide recycling and composting infrastructure and increase consumer education.

For more information please contact Margaret Gorman at 518.432.7835 or Margaret_Gorman@americanchemistry.com.



