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DART CONTAINER CORPORATION
INDUSTRIAL ENVIRONMENTAL ASSOCIATION
THE DARDANELLE GROUP
PACTIV CORPORATION
SOCIETY OF THE PLASTICS INDUSTRY
CALIFORNIA FILM EXTRUDERS AND CONVERTERS ASSOCIATION**

March 28, 2011

The Honorable Joe Simitian, Chair
Senate Environmental Quality Committee
State Capitol
Sacramento, CA 95814

RE: SB 568 (Lowenthal) – OPPOSE
Set for hearing, April 4, 2011 – Senate Environmental Quality Committee

Dear Senator Simitian:

The following organizations and California employers urge a NO vote on SB 568 (Lowenthal), legislation that would ban all food vendors from using polystyrene foam food service containers. While the goal of this bill is laudable, we believe good environmental policy should be based on factual information, consider potential unintended environmental trade-offs and given the state of the economy, factor in any potential impact on California's employment base. SB 568 fails all of these tests.

FACTS ABOUT POLYSTYRENE FOOD SERVICE PRODUCTS

All packaging leaves an environmental footprint regardless of the material type. It takes energy and raw materials to produce, transport, and recover or dispose of any material. So it is important to measure all of these impacts throughout the entire lifecycle of a product. Consider the following:

- Polystyrene cups weigh anywhere from two to five times less than comparable paper packaging products which means fewer air emissions when transporting products.
- A polystyrene hot beverage cup requires about 50% LESS energy to produce than a similar plastic-coated paperboard cup with a corrugated cup sleeve.
- Studies conducted for Seattle Public Utilities (SPU) showed that banning polystyrene foam food take-out containers would dramatically increase environmental impacts by doubling the greenhouse gas emissions, energy use, and waste associated with the use of alternative products.

It does not make environmental sense to mandate the use of products that essentially result in higher greenhouse gas emissions, more trucks on the road, and more fuel being used.

FACTS ABOUT RECYCLING

Proponents contend that foam polystyrene isn't recyclable while replacement products are. This statement is just plain wrong. Recycling any package that is contaminated with food waste – whether it's plastic, paper, or foam – presents a recycling challenge. To suggest this issue is only associated with foam food service is disingenuous.

Nevertheless, due to the voluntary efforts of packaging manufacturers, many communities are now accepting polystyrene foam containers in curbside and/or drop off recycling programs. Foam recycling in California has made great strides over the last three years. **In fact, More than forty California cities now have access to curbside recycling for protective foam packaging as well as clean foam food service foam.**

In addition to diverting waste from local landfills, these programs have benefited local business. In just a few short years a company in Chino, CA that uses recycled foam to make premium picture frames has grown from a three person operation to more than thirty employees and has processed up to 500,000 lbs of used foam in one month.

You may be interested in knowing that both the City of Los Angeles and the City of Long Beach accept clean polystyrene foam containers (a little residual food contamination is OK). However, potential replacement products under SB 568 would not be recyclable?

SB 568 MEANS HIGHER UNEMPLOYMENT, LESS TAX REVENUE FOR CALIFORNIA

A study conducted by Keybridge Research on the economic impact of a ban on polystyrene containers in California revealed the following:

- Reduced demand for PS foam foodservice products in California and resulting plant closures are estimated to result in losses of more than \$1 billion in output, \$222 million in earnings, and 4,800 jobs
- The operations of the six PS foam manufacturing facilities in California contributed to at least \$6 million to the state in tax revenues.

With the over 12% unemployment, is the California Legislature seriously considering passing a bill that would put more people out of work?

WHAT ABOUT LITTER?

The city of San Francisco banned polystyrene containers but according to a 2008 litter audit conducted for the city, paper cup litter increased after the ban was enacted. Bans result in litter substitution, not elimination.

FACTS ABOUT DEGRADABLE CONTAINERS & MARINE DEBRIS

Is "bio based" or "degradable containers" the answer? These containers only "degrade" in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees for several days. Consumer access to these facilities is very limited and these containers do not

degrade if littered alongside the road, deposited into a trash can, nor will they degrade if they make their way into a storm drain or other water body.

DE-BUNKING RHETORIC ABOUT “DANGERS OF POLYSTYRENE FOAM”

All packaging contains substances that can migrate in very tiny amounts to foods or beverages. Polystyrene food containers have been approved by the United State Food and Drug Administration (USFDA) for over 50 years and manufacturing facilities must comply with rigorous state and federal OSHA requirements.

Our respective organizations are interested in discussing a reasonable policy approach to the issue of food container litter and disposal, provided such a policy takes into account unintended environmental impacts, cost impacts on business, and avoids putting more manufacturing jobs at risk. For the above listed reasons, we urge a NO vote on SB 568.

If you have any questions or comments, please contact either Tim Shestek at 916-448-2581 or Randy Pollack at 916-202-5830. Thank you in advance for considering this information.

Sincerely,



Tim Shestek
American Chemistry Council



Mike Rogge
California Manufacturers & Technology Association



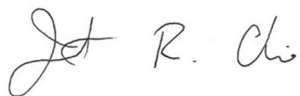
Jane Adams
Society of the Plastics Industry



Matt Sutton
California Restaurant Association



Robert Callahan
California Chamber of Commerce



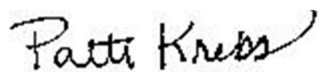
Jonathan Choi
Dart Container Corporation



Mark Spencer
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California Film Extruders and Converters Association



Patti Krebs
Industrial Environmental Association

cc: The Honorable Alan Lowenthal
Members, Senate Environmental Quality Cmte.