

# Support a Polystyrene Phase Out

Expanded Polystyrene Foam is One of the Most Common Forms of Litter Across Maryland

## Expanded Polystyrene (EPS) Prohibition

- Starting January 2019, food service businesses and institutions will no longer be able to serve food in polystyrene foam packaging (cups, plates, clamshells). The bill also prohibits the retail sale of these products in the state.
- This bill includes provisions allowing businesses to use up existing stock (a grace period in enforcement), and to apply for a one-year exemption if no affordable alternative packaging is available.
- Outreach is conducted by MDE and enforcement occurs through existing inspections by local health departments.
- As we work to ensure our communities are healthy and clean, eliminating foam puts us one step closer to more fishable and swimmable water in Maryland

### POLLUTION RISK

Foam is washed or blown into our storm drains and rivers where it breaks up into tiny pieces absorbing 10 times more pesticides, fertilizers, and chemicals than other kinds of plastic increasing toxin exposure to our marine life.<sup>ii</sup>

### COST COMPARABLE

Manufacturers and distributors already provide sustainable alternatives at comparable costs. A wholesale shift would drive innovation and provide retailers access to affordable options.

### PUBLIC HEALTH RISK

Styrene, a known carcinogen, leaches into hot liquids, such as coffee, which is then consumed by humans.<sup>i</sup>



## Why Support a Polystyrene Phase Out?

- People and wildlife that come in contact with this litter will be exposed to increased health risks.
- Occupational exposure to styrene monomers increases risk of lymphoma, leukemia, and other forms of cancer.<sup>iii</sup>
- Recycling programs don't on their own reduce litter or address the public health risks of styrene.<sup>iv</sup>
- 114 jurisdictions in 11 states have passed a foam ban, including Montgomery County, Prince George's County, the city of Gaithersburg, the City of Rockville, and the city of Takoma Park.<sup>v</sup>



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## How has a Polystyrene law worked in other jurisdictions?

- Maryland and D.C. metro area laws cover 2.5 million people and approximately 15,000 regulated businesses.
- By August 2017 approximately 88% of D.C. area businesses were compliant with the law.

## Who will be affected by the proposed bill?

- Full and limited-service restaurants including smaller cafes and coffee shops
- Fast casual food service including fast food restaurants, food carts, and food trucks
- Food retailers including supermarkets, grocery stores, and convenience stores
- Retailers and wholesalers selling disposable dishware, storage containers, and packing materials
- Institutions including schools, universities, and non-profit organizations

## What other products can I use?

- There are environmentally friendly alternatives available such as reusable trays, plates, bowls, cups, paper products, and others made from recycled content which are recyclable and/or compostable.
- Non-foam food service products are readily available from various vendors at comparable prices.
- Most companies that manufacture foam products already manufacture paper products as well.

## What does the bill not apply to?

- Food and beverages filled and sealed in foam containers prior to receipt by the food service business.
- Foam packaging for raw, uncooked/butchered meat, fish, poultry or seafood for off-premises consumption.

## Why can't we just recycle foam?

- Most recycling facilities only accept "shape foam" which is the foam used to package products like electronics, limiting consumer accessibility to recycling food packaging foam.<sup>vi</sup>
- Recycling programs don't on their own reduce litter or address the public health risks of styrene.<sup>vii</sup>
- A littered paper container has no persistent environmental impact as it completely biodegrades, usually not making it to local waterways after passing through stormwater systems.<sup>viii</sup>
- By enacting a law, we can address environmental and public health risks due to exposure to styrene.<sup>ix</sup>
- Much of the litter problem stems from to-go packaging; public space recycling is not sufficiently available to capture this material.<sup>x</sup>

Passing the Expanded Polystyrene Prohibition Act of 2018 will prevent litter in our neighborhoods, pollution in our local waters, and mitigate public health risks due to toxins found in foam.

<sup>i</sup> NTP (National Toxicology Program). 2016. Report on Carcinogens, Fourteenth Edition.; Research Triangle Park, NC: U.S. Department of Health and Human Services, Public Health Service. <http://ntp.niehs.nih.gov/go/roc14/> ([EndNote XML](#))

<sup>ii</sup> Van, A., Rochman, C. M., Flores, E. M., Hill, K. L., Vargas, E., Vargas, S. A., & Hoh, E. (2012). Persistent organic pollutants in plastic marine debris found on beaches in San Diego, California. *Chemosphere*, 86(3), 258-263.

<sup>iii</sup> Huff, J., & Infante, P. F. (2011). Styrene exposure and risk of cancer. *Mutagenesis*, 26(5), 583-584. <http://doi.org/10.1093/mutage/ger033>

<sup>iv</sup> Garcia, K. (2017). *Determination on the Recyclability of Food-Service Foam* (pp. 1-44) (United States, NYC Department of Sanitation). New York, NY: NYC Department of Sanitation.

<sup>v</sup> Ryan, K., Laurore, C. L., Frost, A., Pham, C., Wright, D., & Tuss, T. (2014, July 15). MAP: Which Cities Have Banned Plastic Foam? Retrieved from <https://groundswell.org/map-which-cities-have-banned-plastic-foam/>

<sup>vi</sup> Garcia, K. (2017). Op. ed.

<sup>vii</sup> Ibid.

<sup>viii</sup> Heverly, S., Lu, J., Middleton, A., & Ghai, S. (2017). *Recommendations for Reducing or Banning Foam Food Service Containers: An Analysis of Economic and Environmental Impacts of Polystyrene Policies* (Issue brief). Center for Sustainable Energy.

<sup>ix</sup> Ibid.

<sup>x</sup> Garcia, K. (2017). *Determination on the Recyclability of Food-Service Foam* (pp. 1-44) (United States, NYC Department of Sanitation). New York, NY: NYC Department of Sanitation.