

# Support an Expanded Polystyrene Phase Out

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

## Expanded Polystyrene (EPS) Prohibition

- With this prohibition 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.
- Outreach is conducted by the health department and enforcement occurs through existing inspections with the health department.
- 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>i</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.

### NOT RECYCLABLE

EPS foam is not accepted in any curbside recycling programs throughout the state because it is not economically viable to recycle it, and it is nearly impossible to rid the foam of grease from food.



## Why Support an EPS Foam Phase Out?

- People and wildlife that come in contact with this litter can be exposed to increased health risks.
- A statewide EPS foam ban will create consistency and uniformity across the state to level the playing field for businesses and effectively tackle EPS foam litter.
- Occupational exposure to styrene monomers increases risk of lymphoma, leukemia, and other forms of cancer.<sup>ii</sup>
- Recycling programs don't on their own reduce litter or address the public health risks of styrene.<sup>iii</sup>
- 115 jurisdictions in 11 states have passed a foam ban, including Montgomery County, Prince George's County, the city of Gaithersburg, the City of Rockville, the city of Takoma Park, and Baltimore City.<sup>iv</sup>



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## How has an EPS foam ban 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.
- By September 2018, the compliance rate in Montgomery County is 90%.
- By September 2018, the compliance rate in Prince George's County is 92%.

## 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, and storage containers
- 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>v</sup>
- Recycling programs don't on their own reduce litter or address the public health risks of styrene.<sup>vi</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>vii</sup>
- By enacting a law, we can address environmental and public health risks due to exposure to styrene.<sup>viii</sup>
- Much of the litter problem stems from to-go packaging; public space recycling is not sufficiently available to capture this material.<sup>ix</sup>

<sup>i</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>ii</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>iii</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>iv</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>v</sup> Garcia, K. (2017). Op. ed.

<sup>vi</sup> Ibid.

<sup>vii</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>viii</sup> Ibid.

<sup>ix</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.