



MELISSA MINOR-BROWN
STATE REPRESENTATIVE
17th District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Health and Human Development, Chair
Administration, Vice Chair
Ethics, Vice Chair
Rules, Vice Chair
Veterans Affairs

House Health & Human Development Committee Meeting Minutes

4.26.23

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Acting Chair Harris called the meeting to order at 11:08 a.m.

Members present included Chair Minor-Brown, Vice Chair Harris, and Reps. Baumbach, Chukwuocha, Hilovsky, Johnson, Morrison, Neal, Parker Selby, Postles, Romer, Shupe, and Smith. For a list of guests present please see the attendance list below.

Acting Chair Harris introduced **SB 51 AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE USE OF SINGLE-SERVICE PLASTIC IMPLEMENTS AND POLYSTYRENE CONTAINERS IN FOOD ESTABLISHMENTS.**

Acting Chair Harris recognized Rep. Baumbach, the House sponsor of the bill, to present the legislation.

Rep. Baumbach stated that the purpose of the legislation is to place restrictions on the use of polystyrene food containers, plastic straws, and other single-use plastic food items in order to prevent them from ending up in landfills. He also stated that less than 4 percent of polystyrene food containers are properly disposed of and recycled in Delaware. Rep. Baumbach also noted that the use of polystyrene containers in a microwave can have negative health impacts on people.

Rep. Smith raised concerns that the exemptions listed in the bill could cause some inequities and would also contribute to further environmental harm.

Rep. Baumbach stated that the exemptions were included to address the concerns of stakeholders in the State. He also noted that the legislation has an effective date of July 1, 2025, therefore the General Assembly has time to pass additional legislation to remove or create additional exemptions before the legislation goes into effect.

Rep. Smith stated that he would likely introduce an amendment to remove the exemptions from the legislation.

Rep. Hilovsky noted that alternative food containers are typically more expensive than polystyrene containers which could have more significant impact on small businesses in Delaware. He also raised concerns that giving exemptions to nonprofit organizations but not to small businesses will create inequities.

Rep. Parker Selby stated that she supports the legislation because of complaints she has received from constituents about polystyrene waste that litters her district. She also stated that the General Assembly should look into the use of these products in elder care facilities due to the health effects these products can have on people. Rep. Parker Selby noted that this legislation would not have a significant negative impact on Delaware businesses as many restaurants in Delaware have already begun to transition to alternative food containers.

Chair Minor-Brown opened the floor for public comment.

Josh Young, American Chemistry Council & Chemical Industry Council of Delaware, stated that his organizations are opposed to the legislation. He also stated that these organizations have committed to ensuring that all plastic packaging in the United States is reused, recycled, or recovered by 2040 and that all new plastic packaging produced in the United States is recyclable or recoverable by 2030. Mr. Young also stated that this legislation would have very little impact on reducing litter in the State while also increasing costs for business owners and customers in the State.

Heath Curry, Dart Container Corporation & Solo Cup Operating Corporation, spoke in opposition to the legislation. Mr. Curry stated that these companies are global manufacturers and distributors of polystyrene and plastic food containers and that this legislation would have a significant negative impact on their business, especially on their distribution center located in New Castle, Delaware. He also stated that polystyrene food service products only make up about 1 percent of the total waste in the United States.

Tyler Micik, Delaware Chamber of Commerce, stated that the Delaware Chamber of Commerce is opposed to the legislation. Mr. Micik stated that many businesses throughout the State have already taken steps to use more environmentally friendly products. He also noted that this legislation would likely increase costs for businesses and customers if polystyrene products are banned in Delaware.

Lincoln Willis, Rehoboth-Dewey Chamber of Commerce, stated that more than 1300 members of the Rehoboth-Dewey Chamber of Commerce are opposed to the legislation.

Carrie Leishman, Delaware Restaurant Association, stated that many restaurants throughout the State have made the transition to environmentally friendly products because of their customer's desires. She also stated that this legislation would disproportionately affect small businesses in Delaware.

Dee Durham, Plastic Free Delaware, stated that more than 5000 of their members support the legislation to reduce the amount of single use plastics used in Delaware. She also stated that polystyrene is a petrochemical derived from petroleum, which has significant effects on the health of people and the environment.

Rep. Baumbach noted that the amount of polystyrene waste is measure by weight not by volume. He also stated that there is more than 8 million tons of polystyrene disposed of in Delaware each year.

Rep. Neal stated that they support the legislation but raised concerns about equity issues that it may cause such as restaurant charging additional fees for the use of environmentally friendly

products, like the fees that many grocery stores have begun to charge customers for paper bags after the State banned plastic bags.

Rep. Morrison noted that there is a significant lack of public awareness about the proper disposal of polystyrene products.

Rep. Baumbach asked the committee members to release the legislation as-is and stated that he would be willing to work with the committee members and other legislators to draft any amendments to make the bill more agreeable before it is brought to a vote on the floor of the House.

Rep. Smith stated that he would be willing to work with Rep. Baumbach to create an amendment to the legislation.

Chair Minor-Brown opened the floor for public comment.

Dustyn Thompson, Sierra Club Delaware, stated that the Sierra Club supports the legislation. They also stated that this legislation is long overdue as the use of polystyrene products has significant impacts on the health of people and the environment. They also stated that similar petrochemicals have already been banned in the 1980s due to their effects on people and the environment.

Shweta Arya, Delaware Interfaith Power & Light, spoke in support of the legislation. Ms. Arya stated that policy makers have a moral obligation to take action against climate change. She also stated that polystyrene products release toxic pollutants into the environment.

Charles Garlow, League of Women Voters of Delaware, spoke in support of the legislation. Mr. Garlow stated that single use plastics are a threat to human health as many of these products are ingested by fish and livestock which are also consumed by people.

Emily Bryant Alvarez, Surfrider Foundation Delaware Chapter, stated that her organization participates in beach clean ups throughout the State. She stated that in 2021 her organization recovered more than 1700 plastic straws and more than 3000 polystyrene food containers, cups, plates, and coolers. In 2022 they recovered more than 1000 plastic straws and more than 2000 polystyrene food products. She also stated that similar legislation has been passed in other states including Maryland, Virginia, New Jersey, and New York.

Robin Glazer, Delaware Nature Society, stated that the production of polystyrene products is dangerous to the environment and public health, especially in marginalized communities. She also stated that the chemicals used in these products have been linked to developmental issues in humans as well as blood, liver, and immune system disorders in addition to other health conditions. Ms. Glazer noted that marginalized communities are more vulnerable to these health conditions due to their proximity to landfills. She also stated that polystyrene products account for 40 percent of the litter found in streams and other waterways and that these products are often ingested by wildlife.

Rep. Parker Selby stated that she supports the legislation and would also be supportive of an amendment to remove the exemptions from the bill.

A motion was made by Rep. Smith and seconded by Rep. Baumbach to release SB 51 from the committee, motion carried. Yes=12 (Chair Minor-Brown, Vice Chair Harris, and Reps. Baumbach Chukwuocha, Hilovsky, Johnson, Morrison, Neal, Parker Selby, Postles, Romer, Shupe, and Smith); No=0; Absent=3 (Reps. Briggs King, Heffernan, and Hensley). The bill was released from committee with a F=7, M=2, U=0 vote.

Chair Minor-Brown stated that **SB 52 AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STERILE NEEDLE AND SYRINGE EXCHANGE PROGRAM** was removed from the committee agenda at the request of the bill sponsor.

A motion was made by Rep. Baumbach and seconded by Rep. Neal to adjourn the meeting.

Chair Minor-Brown adjourned the meeting at 11:53 a.m.

Respectfully submitted by:

Justin Dougherty

List of Attendees:

- Josh Young, American Chemistry Council & Chemical Industry Council of Delaware,
- Heath Curry, Dart Container Corporation & Solo Cup Operating Corporation
- Tyler Micik, Delaware Chamber of Commerce
- Lincoln Willis, Rehoboth-Dewey Chamber of Commerce
- Dee Durham, Plastic Free Delaware
- Dustyn Thompson, Sierra Club Delaware
- Shweta Arya, Delaware Interfaith Power & Light
- Charles Garlow, League of Women Voters of Delaware
- Emily Bryant Alvarez, Surfrider Foundation Delaware Chapter
- Robin Glazer, Delaware Nature Society

Good Morning,

Please accept my testimony in support of SB 51 to Ban Expanded Polystyrene in Delaware

My name is Shweta Arya, I am speaking on behalf of Delaware Interfaith Power & Light, a faith based environmental nonprofit working in Delaware to address climate change and as a member of Plastic Free Delaware Coalition.

At Delaware IPL we believe it's our moral obligation to take a bold action on climate change. And one of the biggest causes of the climate crisis we are in, is caused by rampant emissions caused by burning of fossil fuels... as we transition our economy to clean energy... Fossil Fuel industry is banking its future on petrochemicals -the toxic precursor to plastics. Expanded Polystyrene Foam is also a product of petrochemicals, the whole lifecycle of producing EPF/ 'Styrofoam' that we so gladly use in our restaurants, schools and church cafeterias is full of toxins, it releases toxins in our air when they are dug up from the earth, they pollute our water and our air when they are produced in factories (mostly polluting overburdened communities) and when even when they are disposed in landfills harming our environment and wildlife, who ends up ingesting it.

And let's not forget the health hazards of using Styrofoams in our communities: I have two children and I know their cafeterias, like many schools in Delaware, serve hot food in Styrofoams daily. Polystyrene foam contains many harmful chemicals like cancer causing [styrene](#) and Benzene etc. Our children are literally ingesting these toxins every day!!! It's time to ban this toxic material from our communities.

Expanded Polystyrene Foam and other single use plastics are the 'lifeline' for the fossil fuel industry... We need to make our societies free from toxic fossil fuels based petrochemicals if we want a habitable and healthy future for our future generation. I urge all the elected leaders to do the right thing and show your support to Ban Expanded Polystyrene in Delaware.

Thank you,

Shweta Arya (she/her) ([why do I use Pronouns?](#))

Executive Director (Outgoing)

[Delaware Interfaith Power & Light](#)

A religious response to climate change.

Cell: 6142163744

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"If you are neutral in situations of injustice, you have chosen the side of the oppressor. " Desmond Tutu

Good morning,

My name is Robin Glazer and I am writing in support of SB51 for today's House Health and Human Development Committee meeting. I will also be calling in for a verbal testimony.

In support of passing SB51:

Polystyrene, often known as the brand Styrofoam and others, is known to be harmful to human health and the environment, so for many reasons, Delaware Nature Society joins Plastic Free Delaware and others in supporting a ban on polystyrene foam. Our reasons are as follows:

- Chemically costly
 - Manufacturing polystyrene foam is energy intensive, and it is the fifth largest cause of hazardous waste in the country. That includes solid and liquid waste.
 - Polystyrene is made with polluting petroleum—already a limited resource—and with hydrochlorofluorocarbons, which are even more damaging to the atmosphere than carbon dioxide.
- A Danger to Public Health and Marginalized Communities
 - The component chemicals, styrene, and benzene, are toxins that can be released on contact with hot food and when microwaved. Those toxins have been linked to developmental issues in humans, as well as disorders of the blood, liver, and immune system.
 - The National Research Council considers styrene likely to be a carcinogen, and folks who live and work in environments with high concentrations of styrene have higher instances of cancer, neurological issues, headaches, depression, fatigue, and more.
 - People who live in poverty are more likely to live near landfills, so are disproportionately affected, so there is a justice factor to consider.
- Environmental Pollutant
 - Polystyrene accounts for up to 40 percent of litter found in streams. Styrofoam floats, so it never leaves waterways. It never stops moving around the environment—including the human environment--and it causes problems everywhere it goes. Styrofoam litter in the environment is often eaten by wildlife, who mistake it for food and suffer the same health effects as humans.
 - Wildlife includes marine animals, who eat everything from microscopic bits on up, where, like mercury and other toxins, it climbs the food chain to the fish we eat most. Polystyrene is a huge part of the big ocean trash islands.
- Expensive and Challenging to Recycle
 - Polystyrene is so expensive and difficult to recycle, it is effectively not viable, and it takes more than 500 years to degrade. That means it takes up space in landfills, where it leaches the harmful chemicals into the soil and groundwater that we tap for our wells,

and it finds its way into surface supplies of our drinking water. Again, drinking contaminated water can cause problems of the liver, kidneys, or circulatory system.

- Cost Effective Alternatives
 - Finally, there is no longer a good reason to continue using Polystyrene foam. It can easily be replaced by cardboard, biodegradable products, and a host of other more eco-friendly materials.
 - Our neighboring states have already banned styrofoam, making the market for alternatives readily available
 - Small businesses can create buying co-ops to lessen the burden of transitioning to styrofoam alternatives

For all these reasons, and more, Delaware should ban the use of Styrofoam and Styro food containers. Styrofoam is already banned in eight states, including New Jersey and Maryland, who share our Chesapeake Bay and Delaware River watersheds. We hope Delaware will choose to join them.

Sincerely,

Robin Glazer

(she, her)

Environmental Advocate, [Delaware Nature Society](#)

(w) 302.413.5056 | (c) 516.658.4607

Robin.Glazer@DelNature.org

[@DelawareNatureSociety](#) [@delnature](#)



DE State Lead, [Choose Clean Water Coalition](#)

DE State Lead, [Coalition for the Delaware River Watershed](#)



Here is written testimony on SB 51, banning certain plastic products

My name is Charles Garlow and I live in Rehoboth Beach, DE.

I am speaking on behalf of the LWV of DE. I serve as their chair of the Natural Resources and Environment portfolio.

Generally, the LWV supports environmentally beneficial laws and policies and specifically supports bans on litter and plastic pollution. Therefore, the LWV supports SB 51 and urges that your committee pass this bill.

Single use plastic products are designed to be thrown away, either in trash bins, where these plastic products end up in landfills, which we see as a further blight on the land, or they end up tossed on our streets, playgrounds, school yards, which too often means that they are washed into or blown into water bodies, like ponds and streams and ultimately end up in our oceans.

But the smallest pieces of plastic pollution do not stop there. Since these plastic containers often float, they are transported far across the oceans on our planet, often eaten by fish and other creatures of the sea.

These fish in turn are often caught by huge trawlers. The target fish, laden with plastic detritus, can be directly consumed by humans, or the by-catch is often ground up and fed to animals such as beef cattle. So, if you thought that eating hamburgers kept you safe from eating plastic containing fish, think again. Beef cattle eat plastics too.

So, single use plastics are a threat to human health. It is also a threat to sea creatures who eat what they think is floating food, or enters their bodies through their gills. Tiny particles of plastic end up everywhere.

If I am at a restaurant and order a beer or wine, do I need a straw? Obviously not, as that is not the custom in our society. Why do we have the custom of giving customers a straw, even if they don't want one, to accompany a glass of water? Or a soft drink? These beverages do not need a straw, so the only reason most of us use a straw is because of customary habits. We can just as easily change bad habits.

Just as we did not use seat belts before they were invented or were commonly sold with new cars, so we changed our habit of using a seat belt, when they were conveniently available and even mandated. Now, we put on our seat belt without even thinking about it. This good habit saves lives. So too with single use plastic trash. We can avoid it when we ban these products and we won't even give it a second thought.

But the sea turtles and other vulnerable sea creatures will give you a second thought and thank you for acting responsibly.

--

Charlie Garlow

Citizens' Climate Lobby, Lower DE

301-312-7703

More Solar, More Wind, More Jobs



Citizens' Climate Lobby
Citizens' Climate Education



A non-partisan non-profit organization.

Working to build the political will for a livable world.

www.citizensclimatelobby.org

<https://www.youtube.com/watch?v=bd8SjXTMgco>

Funny video on climate action:

<https://vimeo.com/396601371>

Dear House Health & Human Development Committee,

I watched the recent Senate hearing on SB51 and found the testimony from Dart Container's spokesperson to contain some misleading statements.

Dart Container is a multi-billion dollar corporation that is the world's largest producer of expanded polystyrene cups, plates and take-out clamshells. They have been producing EPS foam cups since 1960, and are responsible for more of the EPS pollution in the world's oceans than any other single company. They are fighting against SB51 in Delaware and similar bills in other states.

A paid spokesperson from Dart Container, Kieth Curry, gave lengthy testimony before the Delaware Senate ahead of their vote on SB51. His testimony included several misleading statements:

- Mr. Curry stated that Dart Container recycles EPS foam products. Although that statement is somewhat true, he gave the impression that their used foam cups, plates and take-out containers are being recycled in Delaware. The truth is that those items are not being recycled. They are not accepted in curbside recycling in Delaware, and soiled food service products are not accepted at any of the DSWA recycling centers.

There are three DSWA facilities which accept EPS packing pieces like you might see in a box with a new TV, but no used EPS food service items are accepted. Dart Container picks up some of the EPS that is collected at the three DSWA locations and sells the material to other companies. **Dart Container does not use it to make new cups, plates or takeout containers, which are instead made from new toxic petrochemicals.** Dart's actions do not reduce the food service litter on our roadways, streams, rivers, bays and oceans, nor do they eliminate the harmful chemicals that are continuing to build up within our human bodies.

- Mr. Curry indicated that **jobs** at Dart's distribution center in Delaware will be lost if the bill is passed. This is a powerful threat, but it seems unlikely. Dart Container offers over 200 varieties of cups, plates and takeout containers that are **made from paper and molded fiber**, which are biodegradable and cause less harm to ocean environments. As restaurants transition away from EPS foam over the next two years, they will likely replace the toxic foam items with some of the safer alternatives that Dart offers. The Dart website currently includes a "Foam Alternatives Guide" because they know that EPS foam will continue to be replaced as the truth about its impacts becomes more widely known.

It seems clear that Dart Container has been aware for many years that their polystyrene products are a serious problem. That's why they have developed safer alternatives. But at the same time, they are fighting hard to continue to pollute the planet, all the while raking in billions, and taking no responsibility for the environmental destruction and health impacts they have caused.

....

A side note: Mr. Curry touted that Dart Container is a family-owned company based in Michigan. Dart is a private company that is family owned, but not by US citizens. It is owned by the notorious billionaires,

Kenneth B. Dart and his brother Robert C. Dart, who renounced their U.S. citizenship in 1994 and moved to the Cayman Islands in order to avoid paying US taxes. In 2003, the IRS took the brothers to court for \$19 million in back taxes. Since then they have dodged millions more. Kenneth Dart also has a "vulture fund" which has made large profits by buying, then calling in the debt of countries like Greece and Argentina, which has crashed their economies and hurt their citizens. He is also a major investor (over \$6.7 billion) in big tobacco, with the aim of increasing tobacco use in Asia.

Best regards,
Richard

Richard Trask
6 Forest Ridge
Newark, DE 19711
Cell: 302-559-0705

Sources:

["The U.S. cracks down on rich tax evaders"](#) Los Angeles Times, June 15, 2008

["Bet on Greek Bonds Paid Off for 'Vulture Fund'"](#) New York Times, May 15, 2012

["Secretive Billionaire Kenneth Dart Makes \\$6.7 Billion Bet on Tobacco Stocks"](#) Bloomberg, May 3, 2021

Please support SB51 for the health of our waters and land. Delaware can begin to heal itself, to clean up itself if we can eliminate these unnecessary polluting and dangerous plastics.

Thank you!

Nettie Green

157 E. Buckingham Drive

Rehoboth Beach, DE 19971

Sent from my iPhone

Dear House Health & Human Development Committee,

I'm writing today to request that you vote to support the bill to eliminate the use of expanded polystyrene foam for take-out food in Delaware.

Foam cups and take-out clamshells are not accepted in curbside recycling. They are not biodegradable nor compostable, but break down into smaller and smaller pieces which make their way into our food and water supplies, building up toxins in every living creature on earth, year after year.

Although some types of EPS foam are accepted at three DSWA facilities, used cups, plates and take-out containers are not accepted unless they are completely clean and dry. And black foam plates like the ones made by Dart Corporation are not recyclable even if pristine. Virtually all of the used EPS foam food service items in Delaware wind up in our landfills, waterways, ocean, or on our roadsides.

I'm sure that you are already aware that EPS is made from toxic petrochemicals including styrene and benzene. EPS is the worst of the food-contact single use plastics, especially when used for hot liquids like coffee and soup. (Please also take care yourself to avoid exposure to carcinogens.)

Most restaurants have already switched to paper-based alternatives, and the nasty foam containers are already banned in several other states including Maryland, Virginia, New Jersey, NYC and D.C. because they're so harmful to our health and our environment.

Safer, cost effective, and more sustainable alternatives are available. It's time to get polystyrene foam take-out containers out of Delaware once and for all! Please add your support to SB51.

Best regards,

Richard

Richard Trask

6 Forest Ridge

Newark, DE 19711

Cell: 302-559-0705

April 24, 2023

House Committee on Health and Human Development
411 Legislative Avenue
Dover, DE 19901

SUBJECT: SB 51 – An act relating to the use of single-service plastic implements and polystyrene containers in food establishments- **OPPOSE**

Dear Chair Minor-Brown, Vice Chair Harris, and Honorable Members of the Committee:

I am writing to respectfully express our concerns with provisions found within SB 51. The Plastics Industry Association (PLASTICS) is the only trade association that represents the entire supply chain of manufacturers of plastic products and packaging. We are firmly committed to manufacturing products that meet the environmental, social, and business needs of consumers, and while we understand and can appreciate the desire of the Legislature to reduce the overall environmental footprint of Delaware's food service establishments, we believe the approach of issuing a blanket purchase ban of single-service plastic items and polystyrene products will be counterproductive to Delaware's sustainability goals.

Shifting to alternative materials will have several negative consequences and SB 51 will drastically increase costs for owners of such establishments and subsequently, consumers, by the needed use of more expensive products and materials.

- As an example of what an impact this could have on the covered establishments under this legislation, a recent study from the Independent Fiscal Office in Pennsylvania noted the price differentials for alternatives of products purchased by the state. Traditional clamshells used for quick takeaway food would increase from 6.9 cents to 20.1 cents (193%), trays 4.4 cents to 12.7 cents (185%), plates from 2 cents to 5.3 cents (161%), and bowls from 1.2 cents to 2.4 cents (100%)ⁱ.
- An analysis for a foam ban in Washington State estimated costs for the Department of Corrections (DOC) would significantly increase by switching from the \$0.11 Styrofoam trays to a \$0.49 compostable tray. This could lead to a \$40,000 a week increase just for trays. The analysis also estimated that switching from plastic to compostable cutlery would increase costs. If all DOC facilities were forced to go into a movement lockdown due to a statewide medical emergency, such as COVID-19, it is estimated that switching to a compostable spoon would increase costs by \$34,000 per month during the lockdownⁱⁱ.

SB 51 will increase carbon emissions by mandating such establishments use products with a higher carbon footprint.

- These entities will be forced to switch from lightweight, efficient plastics to bulky, heavier materials. Alternative materials, such as paper or metal, are more resource-intensive to produce and contribute more carbon emissions throughout their lifecycle.

SB 51 bans plastic single-use items even though many plastic products are reusable, compostable, or recyclable and plastic foodservice products are typically more recyclable than their alternatives.

- Our industry has invested in a demonstration project that estimated 50,000 tons per year of additional recyclable material could be recovered through the utilization of additional mechanical sorting equipment, including 800 tons of polystyreneⁱⁱⁱ— there is no reason that a similar technology

could not be implemented in Delaware. The true solution comes from investment in recycling infrastructure and building end markets for the recyclable material. Further, the COVID-19 crisis highlighted the importance of sanitary and cost-effective food service packaging - two attributes that polystyrene foam food service containers exhibit exceedingly well. Further, the shock absorption properties of polystyrene are unsurpassed. There is a reason polystyrene is the popular choice to meet consumer demands; the material can do things other materials cannot.

There is an incredible amount of work and resources pouring into efforts to increase recycling in our country. We cannot fix recycling overnight, but it is important that laws passed do not derail the meaningful work already being done. Banning products that provide so many benefits is counter-productive and will increase costs to consumers and restaurant owners. We would be happy to work with this committee and other stakeholders to advance reforms that can bring lasting solutions to our shared goals of sustainability.

If I can answer any questions or provide the committee with further information, please do not hesitate to contact me at dfortunato@plasticsindustry.org.

Sincerely,

Danielle Fortunato
Regional Director, State Government Affairs
Plastics Industry Association

ⁱ <http://www.ifo.state.pa.us/releases/381/Economic-Impact-from-Regulation-of-Single-Use-Plastics/>

ⁱⁱ [Fiscal Note Package 63081 \(wa.gov\)](#)

ⁱⁱⁱ https://www.plasticsindustry.org/sites/default/files/FINAL%20Report_Pacific%20Northwest%20Secondary%20Sorting%20Demonstration%20Project.pdf

Testimony on: SB51**Date:** April 26, 2023**Position:** Support

Oceana is the largest international advocacy organization dedicated solely to ocean conservation. Our organization supports SB51. The bill prohibits some food establishments from providing consumers with plastic coffee stirrers, cocktail picks, and sandwich picks or with expanded polystyrene foam food or beverage containers. SB51 also prohibits food establishments from providing single-use plastic straws, unless requested by a customer.

Polystyrene foam food and drinkware and other single-use plastic products negatively impact our environment and natural resources, and the economies that depend on them. Reducing the use of polystyrene foam and other plastic products is an essential step to eliminate the flow of plastic into our oceans and communities.

Plastic pollution is a growing threat to the world's oceans, as well as our food, health, and climate. Each year, an estimated 33 billion pounds of plastic enter the marine environment.¹ This is roughly equivalent to dumping two garbage trucks full of plastic into the oceans every minute. Because of its brittle texture, expanded polystyrene easily breaks up into tiny pieces that quickly disperse into the environment and can be mistaken for food by animals.

Polystyrene foam also presents serious impacts to human health. In 2018, the World Health Organization reclassified styrene -- the major building block of polystyrene -- from a "possible carcinogen" to a "probable carcinogen."² Research has found that styrene can leach out of polystyrene containers at all temperatures, especially when heated.³ Styrene and other toxic chemicals found in polystyrene have been identified in foods that are packaged in it as well as in human blood and urine.⁴

In a national poll recently released by Oceana, we found that an overwhelming majority of Americans are concerned with plastic pollution in our oceans, environment, wildlife and even our own bodies. We also found widespread support for policies to reduce single-use plastics. Key findings included:

- 8 in 10 American voters, including 91% of Democratic voters and 76% of Republican voters, are concerned about single-use plastic products.

¹ Forrest A, Giacomazzi L, Dunlop S, et al. (2019) Eliminating Plastic Pollution: How a Voluntary Contribution From Industry Will Drive the Circular Plastics Economy. *Frontiers in Marine Science* 6: 627.

² Aarhus University. (2018, May 30). After 40 years in limbo: Styrene is probably carcinogenic. *ScienceDaily*.

³ Amirshaghghi Z, Djomeh ZE and Oromiehie A (2011) Studies of Migration of Styrene Monomer from Polystyrene Packaging into the Food Simulant. 8: 7.

⁴ Capella KM, Roland K, Geldner N, et al. (2019) Ethylbenzene and styrene exposure in the United States based on urinary mandelic acid and phenylglyoxylic acid: NHANES 2005–2006 and 2011–2012. *Environmental Research* 171: 101–110. doi: 10.1016/j.envres.2019.01.018

- 73% of voters believe elected officials should support single-use plastic reduction policies.
- 77% of voters agree that businesses should offer plastic-free options.⁵

Colorado, Hawaii, Maine, Maryland, New Jersey, New York, Vermont, Virginia, Washington and the District of Columbia have all passed policies to reduce the distribution and use of expanded polystyrene foam. It is possible to do the same here in Delaware, and we must do it swiftly, for the sake of our communities, our health, and our waterways.

Thank you again for your time and consideration.

Sincerely,

Anna Weshner-Dunning
Mid-Atlantic Field Representative, Oceana

⁵ Oceana National Polling Data Results [Americans are Sick of Single-Use Plastic Pollution, Poll Finds - Oceana USA](#)



DART CONTAINER CORPORATION

www.dartcontainer.com

500 Hogsback Road • Mason, Michigan 48854 • (800) 248-5960

April 26, 2023

Re: SB 51 AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE USE OF SINGLE-SERVICE PLASTIC IMPLEMENTS AND POLYSTYRENE CONTAINERS IN FOOD ESTABLISHMENTS.

Delaware State Senate:

Dart Container Corporation would like to express their opposition to Senate Bill No. 51 an act to ban polystyrene and other single use plastic items throughout the state of Delaware.

Dart Container Corporation is a global manufacturer of foodservice packaging material including polystyrene, paper, plastic and compostable products. In 2020, we opened a distribution center in New Castle that employs over 70 full time workers. We have valued our professional relationship with the state for the past few years but were very disappointed in the misinformation that was in the Senate Bill 51. If passed, this bill will greatly affect our operations within the state.

It has stated that polystyrene is a significant portion of the waste stream but does not give a percentage. After looking into waste audits from other states, polystyrene foodservice contributes less than 1% of the waste stream. This does not represent a significant portion.

Also, it was stated that foodservice polystyrene products that have touched food is unable to be recycled. We have had over a 10-year relationship with the state of Delaware collecting and recycling both our foodservice packaging, our competitors and shaped molding packaging. Two locations at Milford and New Castle run by the Delaware Solid Waste authority allows residents to drop off polystyrene #6 that Dart picks up and recycles at our Leola, PA facility free of charge. This material is turned into everyday items like picture frames, crown molding and office equipment. To state that it cannot be recycled after residents have been doing so for 10 years throughout the state is misleading the public.

Please see it advertised on your own state's website:

<https://dswa.com/facility/newark-recycling-center/>

The bill also states that there are alternatives that can be recycled and composted. As Dart does manufacture other items, we want to make sure all of our products are captured instead of being landfilled. But this statement can be misleading to the public. The state of Delaware does not have any commercial compost facilities that will take foodservice packaging. Having a restaurant owner that is struggling due to the many regulations on their facility, switch to an alternative that is more expensive to only find out that it will be landfilled is deceptive. We hope this will change in the future but right now without the necessary outlets for compostable foodservice packaging, having restaurants switch to these items are not feasible at this time.

Dart sets the Industry Standard of Excellence by safely and efficiently providing high-quality food and beverage packaging solutions and exceptionally reliable service to each and every one of our customers.

Lastly, it states that foam polystyrene is hazardous to human health, but you exempt health care facilities from this regulation. If it were truly a health hazard, these places would be the first to get rid of the material. Not be exempt and continue the use. Stating it is a health hazard is just causing undo alarm to the residents in Delaware.

For these reasons, we are in opposition of Senate Bill 51. We encourage the Legislation to alternatively look at ways to recycle or compost products throughout the state. Dart has been and continues to be actively engaged in recycling, composting and educating the public on the environmental attributes of all products on the market. We work with several trade organizations throughout the US to increase access to plastics recycling and also composting. We look forward to working with the state on these initiatives.

Please take a look at our sustainability efforts which includes volunteer activities at all our plant locations including litter clean up in an around the state of Delaware.

<https://www.dartcontainer.com/sustainability>

Thank you,

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