February 5, 2025

To: The Honorable Ashley Carrick, Chair
Members, House State Affairs Committee

From: Lindsay Stovall
Director, State and Regulatory Affairs

RE: **HB 25 (Polystyrene Foodservice Ban) - OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose HB 25, legislation that would prohibit restaurants from serving prepared food in polystyrene foodservice containers and requires the use of biodegradable or compostable alternatives starting January 1, 2026.

ACC membership includes the leading suppliers and manufacturers of plastics foodservice packaging products, including polystyrene food and beverage containers. Though we support efforts to reduce plastic waste and increase the recycling and recovery of plastic packaging, we believe the Alaska Legislature should assess several important questions prior to moving forward with this policy. Key questions include:

- Will this legislation reduce waste or rather simply result in replacing one type of trash with another?
- Are there environmental impacts (e.g. energy use, water use, impacts on greenhouse gas emissions, trash generation, landfill waste, etc.) associated with the manufacture, distribution, use and disposal of likely alternative replacement products?
- Are likely replacement products recycled or composted within the State's existing recycling infrastructure and do viable, end use markets exist for these products?

Impacts on Trash Generation/Disposal/Litter

In addition to not considering important life-cycle environmental impacts, legislation that seeks to restrict the use of one type of packaging material (without any corresponding regulatory requirement on likely replacements) does not reduce the amount of waste or litter generated, but instead simply change the composition of the waste and litter stream.

Litter studies conducted following the enactment of similar bans have shown an increase in the litter of alternative materials that is greater than the decline in the banned material. For example, when the City of San Francisco placed restrictions on the use of certain plastic foodservice products, the City found that replacement products became more dominant in the litter stream[1]. For this reason, the California Water Board rejected the use of bans as a compliance mechanism for waterborne trash reduction[2].

Assessing Environmental/Economic Impacts of Likely Replacement 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 a product's entire lifecycle.

[1] https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/02-2012/Comments/Dart/Staff_Exhibits.pdf
[2] http://www.waterboards.ca.gov/water_issues/programs/trash_control/docs/trash_sr_040715.pdf

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Plastics can help reduce greenhouse gas emissions, require less fuel to transport, and help significantly reduce food waste. It is also important to note that compostable foodservice containers/products only "degrade" in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees for several days. In Anchorage, the Solid Waste Services' Curbside Compost Program and Community Compost drop-off sites do not accept foodservice containers or materials labeled "compostable" due to processing limitations.[3] **Without a commercial composting facility to process compostable foodservice ware, the alternative materials restaurants would be required to use under HB 25 will ultimately end up in landfills.**

Biodegradable containers/products 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. The Biodegradable Products Institute (BPI), a not-for-profit association of key individuals and groups from government, industry, and academia seeks to educate manufacturers, legislators and consumers about the importance of scientifically based standards for compostable materials which biodegrade in large composting facilities. Under their "Myths of Biodegradation", BPI states:

> **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[4].

Lastly, replacements products will likely result in higher operating costs for restaurants under HB 25, which in some cases do not perform well, especially for very hot and cold food and beverages.

Building a Sustainable and Effective Foodservice Ware Policy

ACC believes there is an opportunity to craft meaningful and impactful packaging and foodservice ware policy that considers the necessary role of packaging, including performance needs and assesses a multitude of attributes (e.g. recyclability, waste prevention, material efficiency, greenhouse gas emissions, collection and processing infrastructure, end markets, etc.) of all packaging materials. Combined, these considerations will help arrive at a policy solution that makes sense environmentally and provides the business community with practical and implementable compliance obligations.

A practical first step toward creating a more circular system for packaging, including foodservice ware packaging made from all materials is to clearly understand the current recycling and composting collection system, including the types and quantities of foodservice ware material in the waste stream, current recycling and composting rates for all foodservice ware materials, sorting and processing infrastructure, end markets for collected materials, and funding necessary to achieve higher recovery rates for foodservice ware material and packaging in general of all materials. **Simply banning polystyrene food service containers does not automatically mean those alternatives will be recycled or composted.**

For the above stated reasons, we respectfully oppose HB 25. Thank you in advance for considering our views. ACC remains committed to working on policy approaches that seek to increase the recycling and recovery of all packaging materials and reduce plastic waste in the environment. If you have any questions or comments, please do not hesitate to contact me at 916-448-2581 or via email at Lindsay_Stovall@americanchemistry.com.

[3] https://www.muni.org/Departments/SWS/Recycling/pages/communitycompost.aspx
[4] http://www.bpiworld.org/Default.aspx?pageId=190439

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