

November 22, 2013

**Re: Support ban on EPS food service packaging (Int. No. 1060-2013)
Oppose EPS recycling designation & pilot program (Int. No. 380, et al.)**

Dear New York City Council Member,

We, the undersigned organizations, strongly support Int. No. 1060-2013, which would ban food service packaging made of expanded polystyrene (“EPS” aka Styrofoam™). Moreover, we oppose Int. No. 380 and the other related industry EPS “recycling” bills. The recycling pilot is supported mainly by EPS manufacturers, most notably Dart, and chemical company lobbyist groups that are desperate to preserve a market for their product by delaying a vote on a ban.

As part of the EPS recycling pilot, Dart has reportedly suggested the idea of paying for all EPS collected by the city for next five years. This may sound nice at first glance, but Dart is just “recycling” the same delay tactics that have failed elsewhere – food service EPS has not been successfully recycled curbside by *any* municipality. Dart references successful programs in Los Angeles, but that is just smoke and mirrors. According to a report by the Los Angeles County Department of Public Works, of the 32 communities in Los Angeles County that collect EPS curbside 8 had discontinued the programs, 15 were sending the collected material to landfill, and only 7 communities were actually sending the material to a recycling facility – but even then food containers were not being separated and recycled at all.¹

EPS poses a human health concern. Styrene, a monomer that has been shown by several studies to migrate from EPS to food is “reasonably anticipated to be a human carcinogen” according to U.S. Department of Health and Human Services.² Styrene exposure increases the risk of certain cancers, especially in workers in EPS manufacturing factories. Alternatives to polystyrene food packaging include plastic resins that have viable recycling markets (PET, HDPE), paper packaging made from recycled paper, and reusable containers. Recyclable alternatives to EPS exist at comparable price points. Supporting the safer alternatives creates more green jobs and will help prevent occupational exposure to styrene.

For all of the foregoing reasons, nationwide there are now over 100 municipal EPS food service ordinances. In an effort to save taxpayers money, and protect the environment, cities have sought source reduction of a toxic, polluting material for which there are sustainable, cost-effective alternatives. Don’t leave New York City behind. Don’t settle for dubious recycling that has previously failed elsewhere. Don’t mislead the public with designations that are unsupported by reality. Your support of a strong EPS ordinance banning EPS food service will make a difference.

For your convenience we have prepared the attached fact sheet regarding the legislation. Thank you for your time and attention.

Sincerely,

¹ County of Los Angeles Public Works, “Expanded Polystyrene Food Containers in Los Angeles County - PART TWO: Feasibility of Implementing a Restriction of Expanded Polystyrene Food Containers at County Unincorporated Area Retailers,” Nov. 2011 at p. 31, available at <http://file.lacounty.gov/bos/supdocs/57043.pdf>.

² U.S. Department of Health and Human Services Public Health Service National Toxicology Program, “Report on Carcinogens,” Twelfth Edition, 2011 at p. 383, available at <http://ntp.niehs.nih.gov/ntp/roc/twelfth/roc12.pdf>



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