

# SENATE BILL REPORT

## SB 5779

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As of January 12, 2012

**Title:** An act relating to food service products.

**Brief Description:** Regarding the use of certain food service products.

**Sponsors:** Senator Chase.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 2/18/11, 2/21/11 [DP, DNP].  
Environment: 1/11/12.

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** Do pass.

Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Chase, Fraser and Ranker.

**Minority Report:** Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin, Holmquist Newbry and Morton.

**Staff:** Jan Odano (786-7486)

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### SENATE COMMITTEE ON ENVIRONMENT

**Staff:** Jan Odano (786-7486)

**Background:** In Seattle, expanded polystyrene carryout containers were banned on January 1, 2009. As of July 1, 2010, businesses may only use recyclable or compostable containers and utensils. The ban applies to all polystyrene foam products including take-out containers, soup bowls, and coffee cups. The objective of the ban is to reduce the cost of solid waste disposal and protect the environment. There is a temporary ban exemption until July 1, 2012, for single-use utensils, straws, small portion cups, and foil-faced paper used to wrap hot foods. The Seattle ordinance also requires businesses with customer dining area disposal stations for single-use packaging, to collect recyclable and compostable packaging in clearly labeled bins and send the materials to a recycling or composting facility for processing.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 2011 California considered a bill prohibiting the use of polystyrene foam food containers by January 2013. The bill failed but may be re-introduced this year. There are over 50 local government bans on polystyrene across the United States. The majority of banned polystyrene food ware ordinances require restaurants and businesses to use recycled plastic or compostable alternatives to reduce the amount of solid waste, litter, and beach debris.

**Summary of Bill:** Beginning January 1, 2012, food service businesses are prohibited from selling or providing food for consumption in expanded polystyrene food service products. However, prepackaged soups and other foods that food service businesses sell or otherwise provide to their customers in expanded polystyrene containers that have been filled and sealed prior to receipt by a food service business are exempt. Beginning July 1, 2012, food service businesses are prohibited from selling or providing food for consumption in or with disposable plastic food service ware. Acceptable alternatives must be compostable or recyclable.

Failure to comply with the prohibitions on food service products is a class I civil infraction and subject to a \$250 fine.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Environment, Water & Energy):**

Testimony From 2011 Regular Session.

PRO: This is a question of our hearts and minds for more recycling. We need to make better progress in addressing the use of plastics. We are not recycling enough. Styrofoam photodegrades, it is not recyclable. There is recyclable Styrofoam, but it is not compostable. We have a large and growing problem with non-biodegradable and non-recyclable products. Seattle's ban has made a big difference in the waste stream. People want options. We need to make sure that these better choices are available.

CON: These products are more expensive and recyclable materials are not ready and not available in all areas. Requiring compostable, corn-based food trays for meat products could result in contamination issues. The costs will shift to the consumer. There are also customer safety and performance issues. There is a lack of recycling and composting facilities. Without these facilities, the gains are marginal. Littering is the problem. It is illegal to dump anywhere in the state and in the waters of the state. We need to keep the litter programs funded. Many state fairs already use these products and provide recycling educational programs. The smaller fairs don't have access to recycling programs or facilities. To find the materials and recycling facilities would be significantly more expensive. There needs to be more time to implement these provisions. Curbside recycling and sorting is costly. There needs to be systems in place to support composting and recycling. This will hit restaurants and small businesses very hard. The problem is us, not the products.

Testimony From 2012 Regular Session.

PRO: There needs to come a time when recycling is valued and waste is deemed inefficient. Styrofoam is made with plastic materials. There are acceptable substitutes for food service containers and meat trays. There is a company in the state that makes these substitutes.

CON: A ban on these products would create an economic impact and cost people their jobs. Polystyrene food containers consume less energy, generate less greenhouse gases and create less waste than alternatives. There needs to be readily available commercial facilities for compostable materials. This is a costly mandate to food service providers. The bill fails to recognize environmental and health benefits of Styrofoam.

OTHER: The bill needs to identify the responsible agency for enforcement. There are issues with compostable materials and contamination by non-compostable materials. An education program is needed.

**Persons Testifying (Environment, Water & Energy):**

Persons Testifying From 2011 Regular Session.

PRO: Senator Chase, prime sponsor; Mo McBroom, Washington Environmental Council.

CON: Josh McDonald, WA Restaurant Assn.; Mark Greenberg, American Chemistry Council; Di Yuan Chen, Dart Container Corporation; Heather Hansen, WA State Fairs Assn.; Holly Chisa, NW Grocery Assn.; Carolyn Logue, WA Food Industry Assn.

Persons Testifying From 2012 Regular Session.

PRO: Senator Chase, prime sponsor.

CON: Tom McBride, Biyuan Chen, Dart Container; Holly Chisa, NW Grocery Association; Kim Hoff, WA Restaurant Assn; Mark Greenberg, American Chemistry Council.

OTHER: Other: Laurie Davies, Department of Ecology.