

# SENATE BILL REPORT

## SB 5779

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As of February 18, 2011

**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.

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

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

**Background:** In Seattle, expanded polystyrene carryout containers were banned on January 1, 2009, and as of July 1, 2010, businesses may use only 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 exemption until July 1, 2011, for single-use utensils, straws, small portion cups, and foil-faced paper used to wrap hot foods.

In other states, local ordinances have been enacted to ban or restrict the use of expanded polystyrene food containers. However, a bill introduced in California, AB 1358, Polystyrene Food Packaging Ban, failed to pass.

**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 prohibition on using expanded polystyrene food service products is a class I civil infraction and subject to a \$250 fine.

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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.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

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

**Staff Summary of Public Testimony:** 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 photo-degrades, 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 not as available. The costs will shift to the consumer. There are also customer safety and performance issues. These products are not ready yet. 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. Recyclable materials are not ready and not available in all areas. To find the materials and recycling facilities would be significantly more expensive. Requiring compostable, corn-based food trays for meat products could result in contamination issues. 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. We need to stop littering.

**Persons Testifying:** 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.