

The Maine Heritage Policy Center Testimony to Oppose LD 621

“An Act To Prohibit Extruded Polystyrene Food Service Containers”

Senator Carson, Representative Tucker, and distinguished members of the Committee on Environment and Natural Resources, my name is Adam Crepeau and I serve as the policy analyst for The Maine Heritage Policy Center. Thank you for the opportunity to provide testimony regarding LD 621, “An Act To Prohibit Extruded Polystyrene Food Service Containers.”

I am sure we can all agree that “going green” is a commendable act for one’s business if it is affordable and the decision is made by the business owner. However, government bans on materials used to conduct business can be problematic, especially for small establishments that might be running on a tight budget. Extruded polystyrene foam, otherwise known as Styrofoam, is widely used in the private sector due to how inexpensive it is and the diverse ways it can be used to keep food and beverage hot or cold.

If LD 621 passes, it would be a detriment to small businesses in the state. When a similar ban was introduced on extruded polystyrene food containers in New York, it was estimated that costs would increase 94 cents for every dollar spent on food service and drink containers because the alternatives were more expensive.¹ An increase such as this could significantly affect businesses with small profit margins in the state. Alternatively, the cost could be passed onto consumers at food establishments, affecting members of the community.

Proponents of this legislation will most likely claim that this is the right thing to do because it is eco-friendly, regardless of the cost to businesses and subsequently the consumers. However, this claim is inaccurate because the production of other alternatives can create just as much waste and additional air and water pollution due to the nature of their manufacturing.² Why would we support a ban on something if the alternative does not necessarily offer a solution?

Proponents might also claim a ban would reduce litter in the state and would therefore have a positive impact on the environment. According to the 2010 Northeast Litter Survey, extruded polystyrene foam constituted just over one percent of litter found on the side of the road in Maine.³ This reflects the insignificant impact styrofoam has on litter overall in the State of Maine. Even if litter in the form of Styrofoam was an issue in Maine, the alternatives being used by food establishments after the ban would likely become litter as well. This was apparent in a litter study conducted in San Francisco that showed “prohibiting the sale and use of polystyrene cups does not decrease overall litter but causes a shift in litter

¹<https://www.americanchemistry.com/Media/PressReleasesTranscripts/ACC-news-releases/NYC-Introduces-Polystyrene-Foam-Foodservice-Ban.html>

² <https://www.independent.org/news/article.asp?id=9387>

³ http://www.erplanning.com/uploads/2010_Northeast_Litter_Survey_-_Final_Report_-_Revised.pdf

to other materials.”⁴ Therefore, litter can be considered an issue born from society, not of the materials being used by food establishments.

LD 621 appears to be another bill that is impractical and unaligned with the realities we face in Maine. Not only would it hurt food establishments across the state but it would do little for protecting the environment. The Maine Heritage Policy Center urges the committee to vote “Ought Not to Pass” on this bill.

⁴https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/02-2012/Comments/Dart/Staff_Exhibits.pdf