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BANNING POLYSTYRENE FOOD CONTAINERS IS BAD PUBLIC POLICY AND BAD FOR STRUGGLING BUSINESSES

By Dennis Hart

TRENTON - (September 23, 2020) – Businesses in New Jersey are struggling to stay afloat during the COVID-19 pandemic and take-out food containers have never been more important to businesses trying to manage their costs, while adhering to safety protocols. It is for these reasons, that I cannot understand why the New Jersey Legislature would take up this issue during this emergency and ban the one type of food container that is better for the environment, more cost effective and preserves the quality and safety of its food contents over and above the alternative products. In addition, A1978/S864 will ban all products within supermarkets that have any degree of polystyrene packaging, including some of your favorite items that you will have to shop for out of state or on-line to purchase.

The New Jersey Food Council estimates that up to 30% of items within a supermarket could be impacted by this legislation. I have heard from an egg producer that indicated that his company cannot afford to purchase new packaging equipment to package eggs just for New Jersey, so they will no longer sell their eggs in the Garden State. A1978/S864 is so far reaching that it will ban food trays for items like ground beef, chicken, and vegetables. New Jersey supermarkets that purchase prepackaged products, will now have to unwrap them and put the food on a different type of tray that complies with this legislation. This legislation will create more unwanted waste, since the polystyrene tray will have to be thrown out along with the wrapping and increase the chances of food contamination since it will require more food handling.

In testimony before the Committees considering this bill, I have provided documents detailing the following and no one provided any information to counter these reports:

1. Polystyrene is better for the environment and better in combating global warming and climate change than the alternative food containers. The production of polystyrene takes less resources, less energy, less water and has lower transportation impacts. There is a misunderstanding that the alternative products are easily compostable or biodegradable. For the most part they are not.
2. Polystyrene is recyclable. There are products in stores now, such as crown molding and picture frames, which are made using recycled polystyrene. In fact, there is a company in New Jersey making these products supplied by successful polystyrene recycling programs in places like the Sussex County MUA and Middletown Township. Not only are they successfully recycling polystyrene they are saving money by reducing disposal costs and landfill space. While these programs and others currently are accepting polystyrene packing materials to be recycled, the technology and equipment now exists to easily implement programs to recycle used polystyrene food containers.
3. According to a study conducted by MB Public Affairs, replacing polystyrene food containers will cost New Jersey public schools over \$4 million per year at a time when school budgets are being cut. The fiscal note in the legislation also notes the costs to state institutions, due to the replacement of polystyrene with a much more costly alternative.

4. The additional costs of alternative products will put even more fiscal stress on our restaurants and food trucks. If food banks and soup kitchens must spend more on the food containers that will mean less money available to purchase food.

For all of these reasons, I am asking that A1978/S864 be amended to charge the Plastics Commission created in the bill with analyzing all of these issues and report back to the Legislature in 18 months with recommendations on how the state should proceed and not ban any products unless recommended by the Plastics Commission.

Given the implementation dates in the legislation there is time to better inform the Legislature on this issue.

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About the author: Dennis Hart is the executive director of the Chemistry Council of New Jersey. His career spans more than thirty-five years with most of it spent at the New Jersey Department of Environmental Protection, where he started as an enforcement case manager in the Division of Water Resources, rising to the rank of assistant commissioner of Environmental Regulation, and later administrator of the New Jersey Water Supply Program. The Chemistry Council of New Jersey (CCNJ), founded in 1955, is the trade and advocacy organization representing the interests of more than 50 New Jersey manufacturers and 45 firms in the business of chemistry. Our membership consists of large and small companies that are part of New Jersey's chemical, pharmaceutical, consumer packaged goods, petroleum, flavor & fragrances and precious metals industries. The New Jersey business of chemistry employs more than 44,000 workers and contributes \$25B to New Jersey's economy. CCNJ companies are also important in our fight to mitigate and prevent the spread of COVID-19, including the manufacturing of PPE, chlorine products, sanitizers, wipes and sprays, and research and production of therapeutics and vaccines. The CCNJ is committed to a better quality of life through science.