



Of the Anacostia River

Committees: House Environment and Transportation; House Economic Matters

Testimony on: HB 538: Environment - Expanded Polystyrene Food Service Products – Prohibition. Lead Sponsor Delegate Lierman

Position: Support

Hearing Date: February 21, 2018

I submit this testimony in support of HB 538 “Environment - Expanded Polystyrene Food Service Products – Prohibition” on behalf of the Neighbors of the Northwest Branch of the Anacostia River. We are a 501(c)(3) nonprofit volunteer watershed organization with members in Montgomery and Prince Georges counties committed to restoring the health of the 19-mile long Northwest Branch of the Anacostia River. We want to see this urban treasure safely enjoyed by wildlife, our families, and generations to come.

Part of our work involves stream cleanups at various points along the Branch spring, fall, and mid-winter. As such, we are intimately acquainted with expanded polystyrene. Let me describe what foam means to us. Foam is not like bottles and cans which we can lift and bag for recycling. Foam fractures into little pieces buried in leaf litter and muck, virtually impossible to pick up. Given how well it floats, what we miss will likely continue on down to the Anacostia and eventually to the Bay, where it will litter the Ocean City beach or join the swirling trash gyre in the Atlantic. Along the way, it will trick wildlife into mistaking it for food and may become part of that fish on our plate. Research published in 2014 found that polystyrene debris on Hawaii’s beaches breaks down into the monomer styrene, which is a suspected human carcinogen (see <https://www.ncbi.nlm.nih.gov/pubmed/24553245>), not something you want to eat in your fish, nor do you want those other chemicals that hot foods leach from a foam cup or plate.

And expanded polystyrene, like diamonds, is basically forever—on a human life scale. Its salespeople tout it because its “lifespan...is potentially unlimited.” (see <http://buildblock.com/asked-answered-what-is-the-expected-lifetime-of-the-expanded-polystyrene-eps-foam/>.) Even if we could capture foam, recycling is not a viable option. The logical solution is to address it at the source, as many communities, including Washington, DC, and Montgomery and Prince Georges counties, have done. Surfrider Foundation lists 65

California county and municipal ordinances banning restaurant and food take-out use of EPS in California, 8 in Florida, 6 in Maine, 5 in Massachusetts, 1 in New Jersey, 3 in New York, 1 in Oregon, 1 in Texas, and 3 in Washington State (<http://www.surfrider.org/pages/polystyrene-ordinances>). See also <https://storyofstuff.org/blog/styrofoam-bans-are-sweeping-across-the-nation/>. Maryland has an opportunity to be a national leader by banning it *statewide* for anything touching food.

This ban is not radical: it will simply prohibit food service businesses and institutions from serving food in EPS foam cups, plates, and clamshells and prohibit retail sale of these products in Maryland. Businesses can use up existing stock and MDE will help them through outreach. The bill even includes a 1-year waiver if no affordable packaging is available, although that has not been a problem in our area.

A final consideration is that while we and the other creatures of the planet are suffering the health and environmental consequences of plastic *products* everywhere, their *production* is very harmful as well, from the escaping methane and toxic soup involved in fracking to the American communities disrupted by new and leaking pipelines carrying this fracked gas to plastic-making factories here and abroad. Already ships carry our fracked gas to Scotland to make plastic pellets--while Scotland has a moratorium on fracking because of its horrible effects. (See <http://www.bbc.com/news/uk-scotland-37474396>, "First US shale gas arrives at Ineos plant in Scotland," 28 September 2016.)

Maryland was wise to ban fracking. **We urge you to follow that wise decision with a favorable report on HB 538 to ban for food packaging a type of plastic that is so very harmful to life, both aquatic and terrestrial--a plastic that cannot be recycled into other forms and that does not biodegrade to safely rejoin the cycle of life.**



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