

Testimony on behalf of the County Executive Marc Elrich on Bill 33-20 - Solid Waste (Trash) - Food Service Products Packaging Materials – Requirements

September 15, 2020

Good afternoon. My name is Adam Ortiz, Director of the Montgomery County Department of Environmental Protection.

Bill 33-20 is a clarification of the requirements of the County's existing ban on the use and sale of expanded polystyrene (commonly referred to as Styrofoam®) food service ware, which further stated that only recyclable or compostable food service ware be used or sold instead. This in fact means that all #6 plastic rigid polystyrene food service ware items were banned from use or sale because these items are not recyclable in Montgomery County.

#6 plastic rigid polystyrene food service ware items can look like or mimic items that are made from recyclable plastics such as #1 PET, #2 HDPE, and #5 polypropylene plastic which are recyclable in the County. In fact, many of the #6 plastics also have the familiar recycling arrows imprinted on them which is misleading. It's understandable that this brings about a level of confusion on the part of food service businesses, including restaurants, coffee shops, cafeterias, grocery stores, and food trucks, as well as consumers.

Consumers often end up wanting to do the right thing, and put their cups, lids, clamshell containers, bakery domes and more into their recycling bins when they're done using them. This is great and correct if the items are made from a recyclable plastic. Unfortunately, when these items are made from #6 polystyrene plastic, it is detrimental and harms all of our recycling efforts. Because the #6 plastic is not recyclable in Montgomery County and often looks and feels like one of the types of plastics that are acceptable, it is a contaminant in our recycling program that must be separated and removed from the good recyclable items and material. This contamination needs to be separated from the good recyclable materials and processed as waste and disposed. All of this comes at a cost – the good intentions and efforts of residents that sadly don't result in boosting recycling; costs for the County to collect and transport materials that are not recyclable; costs for the County to separate and remove the contaminants from the other good recyclable materials to preserve the quality of our recyclables and potential revenues; and costs for disposal of non-recyclable materials as trash.

There are numerous high-quality recyclable and compostable alternatives available, many of which are comparably priced and cost competitive with #6 polystyrene plastic counterparts. Recyclable and compostable alternatives are already successfully in use by food service businesses in the County, so this will clarify the existing requirements and ensure that all food service businesses are in compliance. The primary benefit of replacing non-recyclable #6 plastics with recyclable alternatives is reducing waste and increasing recycling in the County. In addition, we research and provide resource information about recyclable and compostable alternatives on our website to further assist any food service businesses having difficulties in looking for these alternative options.

For all of these reasons, especially to clear up any confusion, we propose Bill 33-20 to explicitly ban the use and sale of #6 plastic rigid polystyrene food service items and ask for your support of this bill.