

MARYLAND RETAILERS ASSOCIATION

The Voice of Retailing in Maryland



September 14, 2020

Bills 32-20 and 33-20 OPPOSE

Council President Katz and Honorable Members of the Montgomery County Delegation,

MRA would like to share our concerns with Bill 32-20 pertaining to a straw ban and granting authority of the County Executive to prohibit the use, distribution or sale of any product as well as Bill 33-20 banning all polystyrene products for sale and use.

Bill 32-20

STRAWS:

“48-62. Source reduction of specific materials - Straws.
39 (a) A food service business must post information that plastic
straws will no
40 longer be provided to a customer, **except where necessary to**
41 **accommodate a medical or disability-related need of that**
customer.
42 (b) Except as provided in subsection (c), a food service business
must not
43 provide a plastic straw to a customer. Straws provided to
customers must
44 be reusable or compostable. Reusable or compostable straws
include
45 straws made of paper, polylactic acid (PLA), bamboo, silicone, or
46 stainless steel.
47 (c) Upon request, a food service business must provide a plastic
straw to a
48 customer where it is necessary to accommodate a medical or
disability
49 **related need of that customer.”**

MRA’s members cannot be put in a position to verify the accommodation of a need as it would be a violation of the Americans with Disabilities Act and sets our members up for legal issues. The bill, should merely say upon request as the majority of the country and localities have



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enacted. Consumers would also still be able to easily purchase straws online creating a competitive disadvantage with brick and mortar.

GRANTING UNILATERAL AUTHORITY TO THE COUNTY EXECUTIVE:

MRA believes the democratic process by which the Council and then the County Executive vote on, sign into law, or veto legislation is a necessary process to vet issues impacting businesses and residents. Removing the Council and public hearing process is highly concerning and we are outright in opposition to such overreaching authority. Checks and balances as well as public discussion and hearings should be in place on such important topics.

Bill 33-20

No locality or state in the country has banned polystyrene beyond EPS. In addition to the bill not addressing the ability of residents to still go online to purchase these products, there is a demand for these items like Solo Cups and many polystyrene products are used in the country from products with medical uses to building construction. Although Montgomery County has not invested in polystyrene recycling infrastructure, other localities in the country have and are recycling polystyrene. It continues to have one of the highest yields in the market and unfortunately, consumers will move to another product that may not be recycled as well. All packaging leaves an environmental footprint regardless of the material type, however some leave more than others. For example, polystyrene foodservice packaging uses less energy and resources to manufacture than comparable paper-based products, leaving a lighter footprint.^[1] A polystyrene foam cup requires about 50% less energy to produce – and creates significantly fewer greenhouse gas emissions – than a similar coated paper-based cup with a corrugated sleeve.^[2]

It is also important to note that most compostable foodservice containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees.^[3] In fact, the Oregon Department of Environmental Quality has found that compostable foodservice ware often has a larger (life time) environmental footprint than non-compostable items.^[4] For example, compostable materials may require more fossil energy to make and release more greenhouse gases than their non-compostable counterparts.^[5]

Instead, we suggest the county should work with the State to look into advanced recycling technologies. Advanced recycling offers a promising solution for recycled content use in food-grade and other applications. Advanced recycling complements existing mechanical recycling



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and both types of processes are needed to meet ambitious recycling and waste reduction targets.

The benefits of advanced recycling include:

- Value to otherwise unused plastic waste. Today only limited types and suitably sorted plastics may be mechanically recycled. This means that a large quantity of plastic waste, the kind that is contaminated or mixed, is still being landfilled or exported. Advanced recycling enables recycling of contaminated and/or mixed plastic waste that cannot be recycled through mechanical recycling.
- Produces plastic with equivalent quality to that of virgin feedstock. With advanced recycling, post-use plastics are recycled back into the production of feedstocks, new chemicals and plastics with an equivalent quality to those produced from virgin feedstock. This recycled plastic can therefore be used in high-quality applications such as food contact and food packaging.
- Reduces the use of fossil feedstock to produce plastics, since chemically recycled plastics can be re-used as feedstock for new plastics.
- Reduction of carbon emissions. Advanced recycling can eliminate certain emissions associated with combustion and energy recovery^[6].

There are several examples of localities and companies utilizing advanced recycling. For one, companies like Oregon-based [Agilyx^{\[7\]}](#) are turning polystyrene – both rigid and foam packaging - back into its original styrene molecules that can then be used to make new packaging. Utah-based [Renewlogy^{\[8\]}](#) was recently awarded a new contract with the [City of Phoenix^{\[9\]}](#) to divert Number 3 – 7 plastics that previously would be exported to China. Phoenix Mayor Kate Gallego noted "During a time when cities are giving up on recycling, Phoenix is again leading the way in setting the gold standard for innovation and creativity."

Unfortunately, we were waitlisted for today's hearing, but welcome the opportunity to continue conversations with you all. Thank you for your time and consideration.



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