SAY GOODBYE TO POLYSTYRENE FOAM FOOD AND BEVERAGE CONTAINERS

A Presentation to the N.Y.S. Association for Reduction, Reuse, and Recycling

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Cooperstown, NY

November 8, 2017
McDonald’s Trashing Its Foam Containers

By Paul Farhi
Washington Post Staff Writer

Fast-food giant McDonald’s Corp. said yesterday it would phase out its use of foam packaging, including the clamshell-like hamburger containers that have been criticized for clogging landfills and harming the Earth’s protective ozone layer.

Environmental advocates praised the decision, saying it would spur other users of polystyrene packaging to reduce or eliminate the material. With 8,400 outlets around the country, McDonald’s uses about 2 percent of all the polystyrene produced in the United States, according to the Polystyrene Packaging Council, an industry trade group.

The company has been under pressure from consumers, environmental groups and government agencies to limit its use of the foam material, which is primarily used to hold its Big Mac and Quarter Pounder hamburgers. Several cities and states have passed laws banning the sale of fast food in the plastic boxes.

By churning out 10 million of these boxes a day—more than $3.5 billion a year—McDonald’s has helped to make the packaging a symbol of a throwaway society.

The fast-food chain joins a long list of companies that have recently changed their practices as a result of pressure from environmentalists.

Last spring, Star-Kist Seafood Co. said it would stop buying tuna trapped by nets that kill dolphins. Star-Kist’s move was quickly followed by others. Procter & Gamble

See McDonald’s, A14, Col. 1
Determination
on the Recyclability of
Food-Service Foam

Pursuant to Local Law 142 of 2013

Submitted to:
Mayor Bill de Blasio
Council Speaker Melissa Mark-Viverito
Antonio Reynoso, Chair, Council Committee on Sanitation and
Solid Waste Management

By:
Commissioner Kathryn Garcia, NYC Department of Sanitation

May 12, 2017
14, 2018.

To make this determination, the Department has consulted with and requested information from the City’s metal, glass, and plastic recycling contractor Sims Municipal Recycling (“Sims”); manufacturers and purported recyclers of expanded polystyrene; plastics industry and recycling market experts; other municipalities and their recycling contractors; and other stakeholders with expertise on expanded polystyrene, as required by Local Law 142.

Key Findings:

For 30 years, attempts to recycle Food-Service Foam—both subsidized and non-subsidized attempts—have failed at each step of the recycling process. The municipalities and programs that DSNY researched tell a very clear story: Food-Service Foam is not capable of being recycled in an environmentally effective or an economically feasible manner.

The municipalities found that Food-Service Foam compacts in collection trucks, breaks into bits, and becomes covered in food residue, making it worthless when it arrives at the material recovery facility (“MRF”). It then blows throughout the MRF, is missed by manual sorters, mistakenly moves with the paper material and contaminates other valuable recycling streams, namely paper, which can be the most consistently valuable commodity in a recycling program. Food-Service Foam is too costly to clean and process compared to virgin material. If some is sorted successfully, the light-weight foam must be stored for months, waiting for enough material to economically ship.

If any Food-Service Foam makes it over these hurdles, the process grinds to a stop due to the struggle to find a buyer. With no buyer, municipalities get stuck with the material and ultimately send the remaining amount of Food-Service Foam that was not already landfilled after the compacting or sorting phases to a landfill.
3. Who is affected by this ordinance?
4. What types of containers are banned by the ordinance?
5. When did this ordinance go into effect?
6. Who is exempt?
7. How does a restaurant apply for an exemption?
8. What are the alternatives to EPS foam food service ware, and where can I purchase them?
9. Do alternative products cost more than EPS?
10. What is the City doing to enforce existing litter laws?
11. How will this ordinance be enforced?
12. What other options does the City have to deal with litter?
13. Why not just recycle foam food service ware?
   San José is nationally recognized for having one of the most innovative recycling programs. The City and its partner recycling companies have made several attempts to include EPS recycling in the City’s recycling program; however, there are no effective and efficient ways to recycle EPS. This is due to the low market value of the material and the high rate of food contamination, which makes it difficult to recycle.
14. Have other cities and counties banned EPS foam food service ware?
EXPANDED POLYSTYRENE FOAM FOOD WARE EXEMPTION REQUEST FORM

Use this form to apply for an exemption from the EPS Food Ware Ordinance.

I am applying for (check one):
- Financial Hardship Exemption
- Unique Packaging Exemption

City of San Jose, CAPITOL OF Silicon Valley
Environmental Services

Per City of San Jose Ordinance 29298, adopted on September 10, 2013, no food vendor located in the City of San Jose shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after January 1, 2015.

SECTION A: (To be filled out by all applicants)

Pursuant to the provisions of Chapter 9.30 of the San Jose Municipal Code, an exemption from the Expanded Polystyrene Foam Food Ware regulations is hereby requested. A request for exemption shall be reviewed on a case-by-case basis, and may be granted in whole or in part, with or without conditions, for a period of twelve (12) months.

[Table]

- Name of Individual Applying for Exemption (Last name, First name, Middle initial)
- Name of Food Vendor Business
- Telephone
- Business Location Address
- Mailing Address (Line 1)
- Mailing Address (Line 2)

Provide a description of all expanded polystyrene foam food ware packaging that you want to continue using after January 1, 2015. Complete the table below, using one row per item. For each item, attach a copy of the vendor’s catalog or web page showing the product, product description, and stock number as listed in columns A-C. If you have more than five items, please add an additional page to use the form, Supplemental Expanded Polystyrene Foam Food Ware Packaging Chart.

<table>
<thead>
<tr>
<th>A. Manufacturer’s Name (for example, Dart or Genpak)</th>
<th>B. Manufacturer’s Product Stock Number (for example, RHT7 or SN2120)</th>
<th>C. Description (for example, 5 oz bowl or large, 3 compartment container)</th>
<th>D. I have attached a copy of the vendor catalog page or web page, which shows the product, description, and stock number</th>
<th>E. Cost per quantity (for example, $9.95 for 500)</th>
<th>F. Quantity of item remaining in my stock</th>
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Signature
Date

Please complete the next section to apply for a Financial Hardship Exemption

SECTION B: (To be filled out if you are applying for a UNIQUE PACKAGING EXEMPTION)

Exemption for Unique Packaging
The Director of Environmental Services may exempt a food vendor from the provisions in Section 9.10.3110 prohibiting the use of polystyrene foam disposable food service ware on a case-by-case basis for unique packaging. For purposes of this Section, a food vendor must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware to qualify for a “unique packaging hardship.”

I hereby declare that the food prepared by my business requires the specific unique packaging identified in Section A above, and that there is no reasonably feasible packaging alternative available. I further declare under penalty of perjury that all of the statements made by me in this application are true. I understand that the City may audit records at any time for the year prior to this application or any other previous year where a Unique Packaging Exemption was granted. I agree to maintain adequate records to support the statements made by me in this application. I further understand that if I fail to produce the requested documents, my exemption may be void and I may be liable for violation of San Jose Municipal Code Section 9.10.3110.

Signature
Date

Please complete the next section to apply for a Financial Hardship Exemption

SECTION C: (To be filled out if you are applying for a FINANCIAL HARDSHIP EXEMPTION)

Financial Hardship Exemption
The Director of Environmental Services may exempt a food vendor from the provisions of Section 9.10.3110 prohibiting the use of polystyrene foam disposable food service ware on a case-by-case basis for financial hardship. For purposes of this Section, “financial hardship” means a food vendor has a gross income under $300,000 on their annual tax filing for the most recent tax year and with respect to each specific and necessary polystyrene foam disposable food ware, there is not a feasible alternative that would cost the same or less than the polystyrene foam disposable food ware.

If you are the sole proprietor of your restaurant, filing a single Schedule C with the IRS, enter the amount from your most recent IRS Tax Return Schedule C, Line 7 (Gross Income) _______ from Tax Year: _______. Attach a copy of Schedule C. If multiple Schedule C forms are filed on behalf of your restaurant, please contact us.

I hereby declare that (1) the gross income from my food business for the last complete tax year was below $300,000, and (2) there are no packaging alternatives that are equal to or lower in cost than the expanded polystyrene foam food ware that I am currently using, as identified in Section A above. I declare under penalty of perjury that all statements made by me in this Application are true. I understand that the City may audit my tax records at any time for the tax year previous to this application or any other previous year where a Financial Hardship Exemption was granted. I agree to maintain adequate records to support all information submitted as part of this application and to provide this information to representatives of the City on demand. I further understand that if I fail to produce the requested documents, my exemption may be void and I may be liable for violation of San Jose Municipal Code Section 9.10.3110.

Signature
Date
More than 100 communities have banned polystyrene foam food and beverage containers.

- San Francisco
- Seattle
- Portland (OR)
- Minneapolis
- Miami Beach
- Washington D.C.
- Portland (ME)
- Albany County (NY)
- Ulster County (NY)
Which of America's large cities has a successful program to recycle dirty polystyrene foam?

Los Angeles - No
Chicago - No
Houston - No
Philadelphia - No
Phoenix - No
San Antonio - No
San Diego - ?
Dallas - No
San Jose - No
Indianapolis - No
Jacksonville - No
San Francisco - No
Austin - No
Columbus - No
Fort Worth - No
Louisville - No
Jefferson
Charlotte - No
Detroit - No
El Paso - No
Memphis - No
Nashville - No
Baltimore - No
Boston - No
Seattle - No
Wash. D.C. - No
Denver - No
Milwaukee - No
Portland - No
Las Vegas - No
Think Globally,
Act Locally