

ADDENDUM

T&E ITEM 2
October 12, 2020
Worksession

M E M O R A N D U M

October 8, 2020

TO: Transportation and Environment Committee

FROM: Amanda Mihill, Legislative Attorney

SUBJECT: Bill 33-20, Solid Waste (Trash) – Food Service Products Packaging Materials - Requirements¹

PURPOSE: Worksession – Committee to make recommendations on Bill

After the original staff report was distributed, Council staff received the following comments from DEP staff regarding the suggestion by some opposition testimony that Bill 33-20 should not be enacted, but additional recycling investments were warranted:

DEP Comments

We offer the following response to the American Chemistry Council/Mr. Terri's comments for the packet, and if this issue comes up during the session Monday, we're happy to add more to the discussion.

DEP's perspective and experience with respect to #6 polystyrene plastic is as follows:

- Polystyrene in its rigid and expanded foam forms are not and have never been recyclable in Montgomery County. The primary reason for this is that no markets exist in this region for this material. There are no polystyrene recycling facilities in our region, and the material's low density make it cost prohibitive to transport the materials long distances.
- DEP does not know of any other recycling centers in this region that are separating and baling #6 rigid polystyrene (PS) individually for sale or of any entities (anyone, including manufacturers or brokers) seeking to purchase #6 bales for processing. Further, we know

¹#FoodPackaging
Polystyrene, recycling, environment

that #6 rigid PS is not considered valuable/desirable in mixed #3 – #7 plastic bales.

There are several reasons for this:

- There are not large quantities of #6 rigid PS in the waste/recycling stream, so it would be difficult to gather/consolidate the amounts of the material needed to make recycling cost effective.
- The majority of #6 rigid PS materials that are in the waste/recycling stream are colored plastics (e.g., red Solo® cups), which are difficult to recycle into other products because of the added color.
- A lot of the #6 rigid PS are coming from products that are in direct contact with food; they cannot be recycled and remanufactured into other food contact products due to FDA regulations.
- There are not many non-food contact/grade uses for #6 rigid PS, so there is little to no demand for recycled feedstock.

(Source: Melissa Filiaggi, Maryland Environmental Service, who markets for sale our recyclables at our MRF)

- Existing Chapter 48 requirements (per County Council Bill 41-14) already requires food service businesses to use “compostable or recyclable food service ware” when using disposable food service items. “Recyclable” is defined in the regulations as recyclable in Montgomery County. As stated above, #6 rigid polystyrene is not, and has never been, recyclable in Montgomery County. Due to these requirements, food service businesses are already prohibited from using #6 rigid polystyrene food service ware. Bill 32-30 Bill 33-20 is simply a clarification and explicit restatement of the intent and existing requirements of Chapter 48 per Bill 41-14. Montgomery County food service businesses are already complying with this regulation, and therefore should not be adversely impacted by this new bill.
- Litter reduction and marine debris reduction are welcome potential additional benefits of this bill. However, the intent of 33-20 is to clarify that #6 rigid plastics are unacceptable in the effort to reduce the use of plastics that are not recyclable in Montgomery County and to replace these products with recyclable or compostable alternatives.