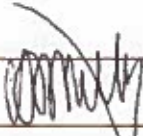



FROM	NAME & TITLE	LISA MCNEILLY, DIVISION CHIEF 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING, Sustainability 417 EAST FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #17-0117/Food Service Facilities – Polystyrene Foam Products		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

February 2, 2018

The Department of Planning (Office of Sustainability) is in receipt of City Council Bill #17-0117, which would prohibit food service facilities from using disposable food service ware made from polystyrene foam; define certain terms; impose certain penalties; provide for a special effective date; and generally relating to the use of polystyrene foam products for food service purposes.

The intent of this bill addresses the following goals of the Baltimore Sustainability Plan as approved by City Council on March 2, 2009:

- Cleanliness Goal 1: Eliminate litter throughout the City
- Pollution Prevention Goal 4: Reduce risks from hazardous materials
- Resource Conservation Goal 3: Minimize the production of waste, especially:
 - Strategy F: Develop and implement local legislation related to waste minimization
- Resource Conservation Goal 4: Maximize reuse and recycling of materials

Polystyrene foam is manufactured using styrene, which is “reasonably anticipated to be a carcinogen” and a public health hazard, especially in low-income communities in Baltimore City impacted by the waste-to-energy incinerator. A 2006 paper concluded that “foam cups should not be used for hot drinks” because toxic chemicals such as styrene are released more readily under heat and leaches into food through foam containers.¹ Styrene has also been deemed to be “reasonably anticipated to be a human carcinogen” by the National Institute of Health’s National Toxicology Program, in part due to its long-term absorption in the body.

Because much of Baltimore’s trash is incinerated, styrene often makes its way into the air as a pollutant, increasing levels of styrene and exposure to Baltimore residents. One study

¹ http://www.jesc.ac.cn/jesc_cn/ch/reader/create_pdf.aspx?file_no=2007190408

identified the health risks associated with inhaling styrene, especially in relation to children with bodies that are still developing.²

This bill would reduce polystyrene foam pollution found in local waterways, roads, and storm drain systems, since the foam never fully degrades and breaks into tiny pieces. The Jones Falls Water Wheel has collected over 390,000 polystyrene containers since May 2014. Once in the water, polystyrene absorbs ten times more fertilizers, pesticides, and other petrochemicals than other plastics. It is ingested by fish and picked up by people, exposing them to these toxic chemicals. This bill would reduce these impacts in Baltimore. Montgomery and Prince George's Counties and Washington, D.C. have already enacted policies to ban polystyrene.

Since 2010, the Office of Sustainability has supported youth environmental leadership efforts at Baltimore City Public Schools. Students have consistently identified polystyrene foam trays in their lunchrooms as a major environmental issue of concern. In 2017, students from Baltimore Polytechnic Institute founded Baltimore Beyond Plastic, an organization that drives Baltimore youth advocacy efforts to phase out polystyrene foam from Baltimore and Maryland. These students were awarded the national Brower Youth Award for their efforts. In January 2018, the Baltimore City Board of School Commissioners voted to eliminate polystyrene foam trays.

During the 2017 state legislative session, an expanded polystyrene prohibition bill was introduced into committee, but was not passed. The bill was sponsored by Senator Kagan of Montgomery County and Delegate Lierman of Baltimore City. That bill contained several provisions that differ the current City Council Bill, some of which address cost concerns. For example, for local businesses where the bill might present undue economic hardship, we recommend including language that would allow waivers or a phase-in period. We also recommend publishing a list of vendors offering affordable recyclable or compostable food service ware products. The list could be reviewed and updated annually for at least 5 years. The bill also currently specifies criminal penalties, and the Office would not support these penalties for violators.

The Office of Sustainability supports City Council Bill #17-0117/Food Service Facilities – Polystyrene Foam Products and encourages consideration of the above revisions.

If you have any questions, please contact me at 410-396-8360.

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
Mr. Thomas J. Stosur, Department of Planning
Ms. Natawna Austin, Council Services

² <https://www.atsdr.cdc.gov/toxprofiles/tp53-c6.pdf>